

Introduction

The following pages will attempt to give an overall view of the current human rights situation by highlighting the different legislations and measures.

The first part of this report will give an overview of the historical evolution of the Libyan regime and of its principal institutions. The second part will **focus on** cases of human rights violations in Libya.

When considering the situation in Libya it is important to mention that there has been a slight improvement of the situation since 2001, this was manifested mainly in releasing hundreds of political prisoners and prisoners of conscience and the disbandment of the "people's court". In the mean time **HRS** continues to have grave concerns about the level of human rights violations in the country. Violations are ongoing and follow a more or less a consistent pattern of: torture, incommunicado detentions, in some cases trial and conviction by the extra-judicial "special tribunals" which are appointed by the general attorney.

1. Historical evolution and Structure of the Libyan Regime

On 1st September 1969, a group of young army officers led by Col. Muammar Abu Minyar al-Qaddafi took power in Libya after a military coup. The constitution was suspended and a temporary constitution "*Constitutional Declaration*" was adopted by the military junta on 11th December 1969, but a formal constitution was never adopted. On 2nd March 1977 a new government system was adopted, based on the ideals of al- Qaddafi as stipulated in a series of three small booklets known as the Green Book.

During the more than 37 years of al- Qaddafi's rule, the Libyan system of government has undergone a number of radical changes of its political structure. At first, the country was ruled by the Revolutionary Command Council (RCC).which was set up with Qaddafi as its head and the Free Officers responsible for the coup as its members. Nevertheless, during the first few years various traditional government institutions like the Ministerial Council and its affiliated bodies continued to exist under this Council.

In 1971, inspired by the Arab Socialist Union created by President Nasser in Egypt in the fifties, the Arab Socialist Union was established. In 1973, al- Qaddafi announced the formation of the People's Committees and the beginning of the People's Revolution and the Cultural Revolution. The Arab Socialist Union was abolished when the General Popular Congress (GPC) established on 2nd March 1977.

With the launching of the Cultural Revolution in 1973 all laws were suspended and an "Administrative Revolution" declared. As in other countries the Cultural Revolution implied the adoption of numerous restrictions imposed on freedom of speech, elimination of private publications, forcing many intellectuals to leave the country and allowed the regime to eventually dominate intellectual life by exerting complete control over the various mass media and publishing institutions. By 1976, the regime had managed to bring under its control the last centers of opposition situated at the universities after several violent confrontations between the security forces and the students of Tripoli University (later renamed al- Fateh

University) and Benghazi University (renamed Garyounis). The repression of the regime of the students' rights was sparked by the clashes of summer 1975 when students refused to attend the summer military training, and worsened by the regime's attempt to install its own supporters on the steering committee of the National Students Union by canceling the results of the elections in the universities and colleges. The complete suppression of the students was completed on 7th April 1977 with the public executions of 3 Libyan citizens and an Egyptian expatriate in Benghazi, the first public executions since the days of the Italian occupation. Some students continued to show resentment to the regime, and that is why the campaign of terror in the universities and colleges continued until 1983 with the regular executions in the universities of Benghazi and Tripoli

In 1977 the GPC adopted the "Declaration of the People's Authority" and proclaimed the "Socialist Peoples Libyan Arab *Jamahiriyah*". From March 1977 pre-existing structures were abolished and substituted by the structures and institutions of the "Authority of the People". According to the regime's official line the people were to exercise power through the Popular Congresses, the People's Committees and the Trade Unions.

As a result of the declaration of the Establishment of the Authority of the People, the Revolutionary Command Council was dissolved and the Ministerial Council abolished. The General Popular Congress appointed al- Qaddafi as its Secretary General and the rest of the members of the Revolutionary Command Council as members of the General Secretariat of the General Popular Congress. The Ministerial Council was renamed the General People's Committee and the word "Minister" (*wazeer*) was substituted with the word "Secretary" (*ameen*). Thus, after this change the hierarchical structure of the Libyan regime took the following format:

Legislative Branch

General Popular Congress
The Municipal Popular Congress
The Municipal Branch Popular Congress
The Foundation Popular Congress

Executive Branch

The General People's Committee
The Municipal People's Committee
The Municipal Branch People's Committee
The Locality People's Committee

A further change took place in 1992, whereby the two middle layers of the political hierarchy (the Municipalities and their branches) were abolished and popular congresses and people's committees established instead, with the same structure and the powers of the General Popular Congress and the General People's Committee, but at the local level. The number of the new Foundation Popular Congresses exceeded 1500. At this stage, the new hierarchical structure of the Libyan regime was as follows:

Legislative Branch

General Popular Congress
The Foundation Popular Congress

Executive Branch

The General People's Committee
The People's Committee of the Foundation Popular Congress

In 1978, al- Qaddafi declared that he would renounce power to devote himself exclusively to revolutionary work. In March 1979, al- Qaddafi did indeed resign from the Secretariat of the Popular Congress, announcing the separation between the Authority and Revolution. Thereafter the only official position occupied by al- Qaddafi was that of the Chief Commander of the Armed Forces. In fact, however, al- Qaddafi continued to yield enormous political power.

Al- Qaddafi's official disengagement from power was immediately followed by the creation of Revolutionary Committees, constituted by groups of youths influenced by al- Qaddafi's ideas and the Green Book. The Committees have henceforth played a key role in the political life of Libya representing al- Qaddafi's most effective means of exercising control in the country, rendering his renunciation of power merely a political ploy.

Theoretically, today, mechanisms for promulgating laws, decision making and establishing policies still require that the General Popular Congress set the agenda of the Foundation Popular Congresses. The Popular Congresses are still held twice a year to discuss various matters, and to adopt decisions concerning these matters the final drafts of these decisions are then to be approved during the General Popular Congress which in turn should implement these through the General people's Committee and the People's Committees of the Foundation Popular Congresses.

In practice, however, the agendas of the General Popular Congress and those of the Foundation Popular Congresses are essentially shaped by the directives and views of al- Qaddafi who usually makes a statement on the radio or TV prior to the sessions of the Popular Congresses communicating his directives. These directives are considered as binding and must be followed in accordance with the **resolution of the General Popular Congress of 1990**¹.

Thus, since the late seventies, two parallel political structures have existed in Libya. On the one hand the "official" authority of the people consisting of the popular congresses and the people's committees and its affiliated institutions, responsible for the administrative affairs of the country has continued to function. **On the other hand**, there exists the more recent authority of the revolution represented by the Revolutionary Committees which in fact exert almost complete control over the people's committees. Today the real power in the country is exercised by the Revolutionary Committees and despite repeated claims that al- Qaddafi has renounced most political power, his grip on the political life and his role in decision making has not diminished. In fact, Qaddafi remains at the head of the political hierarchy in Libya and continues to control political power in the country.

¹ On 9th March 1990, the people's general congress ("Libyan parliament") published a document known as "document of the revolutionary constitutional legitimacy". This document, after a short introduction, states that the directives of the leader of the revolution are mandatory and must be executed. This document basically means that the highest executive authority is al- Qaddafi, and that he gets this "constitutional legitimacy" because he led the coup of 1969.

1.1 Amnesties and the Release of Political prisoners

The authorities have always maintained that there are no political prisoners in Libya. Nevertheless, in apparent contradiction to this assertion, the government has regularly either granted amnesties to, or released scores of political prisoners, many of whom have spent years, in one case over 30 years in detention², and in many instances without even being charged. On these occasions, it is standard practice for the security forces to force detainees, prior to their release, to sign a document pledging not to participate in any political or group activities.

In 1988, for a short interval of few months, the situation saw an improvement after the amnesty of March 1988, which came after a phase (1977 to 1987) which witnessed some of the worst cases of human rights abuses. On the 3rd March 1988, around 420 political prisoners and prisoners of conscious were released, but soon by the end of the year, a wave of mass arrests was launched targeting hundreds of citizens, mainly youths with Islamic tendencies. And since then the country lived under a cloud of fear and the rampage of the security apparatus and the paramilitary groups, which lasted throughout the nineties and the worst of human rights violations occurred in the mid nineties.

In March of 1995 around 300 political prisoners, who had been arrested in the mass arrests which took place in 1988 and 1989 were released.³ All those released had never been charged nor brought before a court. Most had been briefly questioned and after a month or so been taken to Abu Salim prison where they were kept for over six years. Scores of other prisoner from the same group were released in 2000 having spent approximately 10 years in prison without being charged or tried.

Another group released in the period of August/September 2000 had been arrested during the mass arrests of May 1984. These include: Dr. Abdelmonem Ibhairy Al-Awjeli, Mr. Mohamed Ali El-Kabier, Mr. Ehlail Abdelwakiel El Biejo, Mr. Bashier Mohamed Baeio, Mr. Saleh Mansour El-Allagi, Mr. Abdelhamied Ammar, and Mr. Jumma Fadhel El-Jazwi.

In August of 2001 it was announced that dozens of prisoners, all political, would be released. A list of 107 released prisoners was published including 20 men who had been in detention since the mass arrests of 1984. Several other prisoners were released in September⁴.

² Mr Ahmed AlZoubir Al Sanussi has spent 30 years almost 17 years in solitary confinement; a court in Benghazi has ruled in his favour in a case against the government, it ordered the Government to pay him 3 Million Libyan Dinnars in compensation for the unlawful detention.

³ Released prisoners include the four brother Idris Abu Sedra, Taher Abu Sedra, Khair-Allah Abu Sedra and Saleh Abu Sedra. A fifth brother, Mohammed Hasan Abu Sedra was also arrested in January of 1989 has not been released. He has been neither charged with a crime nor tried and the last report recounted that he had been held in incommunicado at undisclosed place.

⁴ On Monday 27 August 2001 The Libyan authority released prisoners who have spent more than Eighteen years inside Abu Salim Prisoners among them who was the release of Mr Ahmed AlZoubir Al Sanussi who has been since 1970 in prison almost seventeen years of the time he spent was in a solitary confinement

2.1 International Law Subscribed by Libya

The Libyan Arab Jamahiriya has ratified most of the principal United Nations Human Rights treaties including: the United Nations Covenant on Economic Social and Cultural Rights,⁵ the United Nations Covenant on Civil and Political Rights, as well as the Optional Protocol,⁶ the International Convention on the Elimination of all Forms of Racial Discrimination⁷, the Convention on the Elimination of All Forms of Discrimination against Women⁸, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,⁹ and the Convention on the Rights of the Child.¹⁰

Within the African system Libya is party to the African Convention on Human and Peoples' Rights.

Libya has presented a number of reports to the various Committees charged with supervising the implementation of these treaties as well as the African Commission. Nevertheless, these reports, as has been remarked by several of these Committees, have been characterized by a lack of information on crucial issues.

2.2 Legislation contrary to Libya's international obligations

Since the abolition of the 1951 constitution in 1969, Libya has been the only Arab state which has no constitution written or otherwise which would define the nature of its political system, regulate the relationship between its branches of government, outline the rights and duties of its citizens and provide some sort of legal protection of these rights. The Libyan authorities had issued a constitutional declaration in 1969 after the September 1st military coup, these declarations were meant to be temporary, but no permanent constitution was adopted. The

⁵ International Covenant on Economic, Social and Cultural Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200 A (XXI) of 16 December 1966, entry into force 3 January 1976, *op. cit.*, p. 8-19, Libyan accession on 15 May 1970.

⁶ International Covenant on Civil and Political Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200 A (XXI) of 16 December 1966, entry into force 23 March 1976, *op. cit.*, p. 20-45, Libyan accession on 15 May 1970; Optional Protocol to the International Covenant on Civil and Political Rights, adopted and opened for signature, ratification and accession by General Assembly Resolution 2200 A (XXI) of 16 December 1966, entry into force 23 March 1976, , *op. cit.*, pp. 41-45, Libyan accession on 16 May 1989.

⁷ International Convention on the Elimination of All Forms of Racial Discrimination, adopted by General Assembly resolution 2106 A (XX) of 21 December 1965, entry into force 4 January 1969, *op. cit.*, pp. 66-79, Libyan accession on 3 July 1968.

⁸ International Convention on the Elimination of All Forms of Discrimination against Women, adopted by General Assembly resolution 34/180 of 18 December 1979, entry into force 3 September 1981, *op. cit.*, pp. 150-166, Libyan accession on 16 May 1989.

⁹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Adopted by UN General Assembly resolution 39/46 of 10 December 1984, entry into force on 26 June 1987, Libyan accession on 16 May 1989.

¹⁰ Convention on the Rights of the Child, adopted by General Assembly resolution 44/25 of 20 November 1989, entry into force 2 September 1990, *op. cit.*, pp. 174-200, Libyan accession on 15 April 1993.

declaration of the People's Authority, 2nd March 1977, while it cited the Constitutional Declarations of 11th December 1969, it did not specifically declare them annulled. The constitutional situation in Libya is very vague, and this led to contradictory legislations.

In 1988 the Major Green Document of Human Rights in the Age of the Masses was enacted. This document contains a number of the rights present in the UN **Universal Declaration of Human Rights**. However, references to certain themes such as political organization, and independence of the judiciary are only allowed to in a manner that remains vague.

3.0 The right of life

Libya has adopted numerous laws in clear contravention to its international obligation including legislation authorizing the application of the death penalty to purely political offences and the collective punishment of family, tribe, or village etc of persons committed for certain crimes.

Libya retains the death penalty for a number of crimes, including purely political offences. Article 3 of Law 71 and Article 206 of the Penal Code stipulated that execution is the punishment for those who call "for the establishment of any grouping, organization or association proscribed by law", support or belonging to such an organization.

In addition other legislation regarding certain legislation prescribing the death penalty, in 1998 the Human Rights Committee stated:

"The Committee is particularly concerned about the excessively vague wording of article 4 of the Promotion of Freedom Act, which stipulates that the death penalty may be imposed "on a person whose life endangers or corrupts society" and similar wording in the Great Green Document, thus leading to the imposition in the State party of the death penalty for offences which cannot be characterized as the most serious, including political and economic offences, in violation of article 6, par. 2., of the Covenant. Furthermore, the Committee deplores that retribution is legally accepted as a ground for the imposition of death penalty. In its next report, the State party is asked to furnish information on the number of executions which have taken place in the last ten years, the type of offence for which the death penalty has been imposed, and the manner in which the execution has been carried out. The Committee recommends that urgent steps be taken to reduce the number and type of crimes entailing capital punishment and to repeal all provisions incompatible with article 6 of the Covenant."

4.0 Torture

Torture is routine in Libya and the security services reportedly systematically torture prisoners. Victims of torture include not only political opponents but also foreign workers in particular persons from sub-Saharan Africa for discriminatory reasons.

The definition of torture present in the Penal Code is not in conformity with what is established by article 1 of the UN Convention Against Torture to which Libya is party. The crime described only covers public officials and not persons acting with the support or acquiescence as is established by the Convention. In addition, the sanction of a fine “not exceeding 150 Libyan Dinnars ” (1 dinar corresponds to approximately 80 cents of a US dollar) clearly does not comply with the Convention’s requirement that the crime of torture be “punishable by appropriate penalties which take into account their grave nature” (article 4 of the Convention).

Methods reported include beating the victim with a club, electric shocks, burning with cigarettes, applying corkscrews, breaking fingers, attacks by dogs, suspending from a pole, suffocation with a plastic bag, denying medical treatment following torture.

1) Were you tortured or beaten? What were the methods of torture used?

Responding to the question above posed by the HRS Questionnaire to ex-prisoners living outside Libya on the Cases of Arbitrary Detention and Detention Centers in Libya, many of those who were asked said "yes" and provided the descriptions of the kinds of torture used against them as following:

Moral Means of Torture

- Preventing talking in heard voice.
- Cutting electricity especially at night.
- Delaying provision of meals.
- Knocking on the doors very hard upon entering so as to increase fear and terror in the hearts of prisoners.
- Summoning prisoners late into the night for interrogation or torture.
- Threatening of rape or killing and sometimes putting the hangman's rope around neck.
- Claiming the confession of the prisoners against each other aiming at implanting hatred between them.
- Using lies, reprehensions and insults during interrogation.
- Preventing families and relatives from visiting prisoners.
- Preventing the entrance of drugs, clothes and cleaners.
- Denying prisoners the right to legal appearance before courts and examination of cases.

Physical Means

- Collective Beating by Guards: A group of executioners stand in a 45 meter-corridor and the prisoner is brought between them. The first guard beats him with a stick; the second with hand; the third with a whip, the fourth with iron stick and so on until the prisoner loses consciousness.
- Prisoners who do not confess immediately are hanged and undergo electric shocks while hanged.
- Putting out cigarettes in several parts of the body.
- Threatening of harming special part of the human body.
- Kicking ears and face.
- Using "Bouka" or the fried chicken method: tying hands with legs then a stick is put under the knee while the head is directed downward so that all body weight is carried by the cuffed hands and blood goes down to the brain. No body can bear this painful position which leads to death in some cases.

One ex-prisoner explained to HRS the way he was tortured as follows

"I was arrested and transferred to the interrogation bureau in the so-called Atheism Combat Agency located in the 7th November street "the ex-power building". At 10:30 am, my friend, I, and a third person were brought out for interrogation. Such third person was arrested two months before us and was physically and psychologically tortured till he was forced to mention some of the names of Islamist-oriented persons whom he knew. In the beginning, they let the said person in for sometime then they brought him back and took my friend. I was driven away so that I can not hear what was happening. One hour later, they came to take me. Before the door, I found my friend in an extremely bad condition while he was wearing his clothes after being stripped from them upon interrogation, rather upon torture. They told me 'if you didn't speak, the same will happen to you'. My friend was taken away and I was taken into the room. It was a very small room that one loses consciousness upon entrance and there were two interrogators.....

After two questions, it seemed they were not happy with my answers. I was stripped of my upper clothes and was asked to take off one of the two pants I was wearing. My hands were tied with my legs and a thick stick was passed between my hands and legs in a certain way. Then they lifted and hung me between a chair and a table (this way is known as fried chicken or bouka) as one becomes like chicken being fried!! It was a very painful position and pain was centered in my hands. The handcuffs were about to penetrate my bones as all my weight was centered on my wrists. Beating is another story. They started beating too hard on my face, back and hips with a gas hosepipe while I was screaming as loud as I can. However, they showed no mercy. They kept stroking me as I was hung for a period of time, then they stroke me all over my body, including my head, after bringing me down. I couldn't control such beatings. Then they hung and beaten me, and after a while they brought me down and beaten me and so on. They used to ask me during such process, 'do you know so and so? How come you do not know him? You are a liar? We will kill you! You are an atheist!'

Meanwhile, they kept repeating some rude insults and other bad names inappropriate to be mentioned here. After threatening me that this torture will be repeated again and that I have to think twice before the next time if I want to live, they asked the jailer to take me back to the cell. Nearly blindfolded, I was brought back again to the cell at noon. Having reached the cell, I lied on the ground extremely tired and frightened. I began to vomit while my friend consoled me saying that they will not beat me again and he kept crying for me as he experienced more torture than I did and knows well the brutality of torture.

For the first time in my life, I wished to die before the start of the next interrogation session. In the first session, I was wildly tortured after being asked only two questions. I wondered: what would happen in the second and third sessions?

At the afternoon, guards came again and took me blindfolded to be interrogated. In the room, one of the interrogators asked me whether some stuff belong to me. "Yes", I said, hence, I was taken to another room where I found four persons waiting for me. The chief interrogator asked me about one of my stuffs which was found in my home and how I got it. "I got it from the mosque", I replied only to be slapped in the face for several times till I felt dizzy. The question was repeated and my answer was the same. Thus, I was tortured again the same way like the first interrogation session – the chicken – till I told them I took it from someone (I mentioned a name). When they heard this, I was brought back to the cell in a bad physical and psychological state. Then they come back to take me again but this time they placed me behind a door and ordered me not to move. They left me standing for a long time and turned on a cassette tape of one of Al-Gaddafi's speeches in which he was vigorously threatening Islamists saying "we will cut their necks and uproot them". This was meant to be a psychological war and it succeeded as I was too frightened. Finally, they brought me back to my cell at night after Evening Prayers."

Another ex- prisoner narrated his tragedy to LHRS as following:

"After we were wildly tortured in the Military Police Prison in Bu Hedema District in Benghazi, an order was issued to transfer us to Abu Salem Prison in Tripoli just when we were told "you are released and you will go back to your families". We were over the moon. To our surprise, they told us "first you will go to Tripoli to finish the procedures of filling in forms!"

We all felt that they were deceiving us. This became more obvious when the handcuffed youth were taken to a bus. The journey to Tripoli took 15 hours during which we were not offered any food or drink or even slept."

Then he resumes his narration regarding the collective reception at Abu Salem Prison:

"When we arrived at the citadel of the prison, a group of guards and soldiers headed by the prison's official received us. They made us stand in one row beside the wall then they started beating us using iron bars, sticks and whips in addition to their dictionary of impolite words.

Torture continued till we were badly injured and unable to stand, not to mention walk. We were hurled into one partition starting from room no. 2 till room no. 8. These rooms had nothing except blood and little insects which made sleeping a mission impossible. In fact, we slept on the ground without any covers.

At morning, we were released for the purposes of filling in forms and documents and they kept beating, whipping and insulting us. Then they gave each one of us a blanket. A week later, they brought us our bags which represented a great help for us in that terrible prison. We were ordered to have our hairs cut and beards shaved so each group helped the other one doing so. During this process we were beaten till our heads and faces bled. After that they took photos of us, and then torture started again. After some days, we were interrogated again by five interrogators or rather tormentors. No one of us dared to raise his head; else he would pay a heavy price. Beating with whips and sticks accompanied every question. This was the case with all young men who was brought from Benghazi."

2) On 9 February 1999 over 70 health professionals from Bulgaria (23 persons), Egypt, Hungary, the Philippines, and Poland were arrested in Benghazi Libya, following an investigation into an HIV virus epidemic in the al-Fateh Paediatric Hospital in which 393 children were reportedly infected, 57 subsequently died. The majority of those arrested were released the next day with the exception of five Bulgarian female nurses; Christiana, Vulcheva, Nasssya Nenova, Valenitina Siropulo, Valya Cherveniyashka, Snejana Dimitrova, nine Libyans and one Palestinian. The husband of one of the nurses, Dr. Zdavko Georgiev, was later also arrested.

The prisoners were charged with undermining and attacking the security of the Libyan Sate by intentionally spreading the HIV virus through contaminated blood. Charges against the Bulgarians included, in addition to intentional killing with a lethal substance causing an epidemic etc., crimes related to the violation of norms of Islam such as extramarital sexual activity and production and possession of alcohol. The Palestinian defendant was also charged with exchanging money in the black market. The Libyans were charged with several counts of negligence and abuse of authority.

All of the defendants have complained of torture during initial stages of the investigations notable of having been submitted to: electro shocks, beatings with an electrical wire, being kept naked and crucified for lengthy periods of time, being beaten on the soles of the feet, being drugged, the use of fire and ice cold showers and being bitten by dogs. Some reported severe consequences following their being subjected to such treatment.

5.0 The Justice system

The initiative by the Libyan UN Delegation in Geneva to benefit from the technical and consultative program developed by the Office of the United Nations High Commissioner for Human Rights in the fields: human rights training and developing for judges, preparation of periodical reports monitoring implementation progress of human rights conventions and treaties, sway of justice, establishment of national human rights organizations, and education on human rights practices. Some steps on this initiative have been accomplished, definition of processes, parties involved, etc. The realization of this initiative will certainly improve the situation of human rights practices in Libya, and HRS sees it as an encouraging sign of

progress and calls on the parties involved, specifically the office of the Libyan delegation in Geneva and the Ministry of Justice in Tripoli, to utilize these programs.

Today, the court system in Libya is comprised of four levels: Supreme Court "*mahkama 'ulia*", Appeals Courts "*mahakem isteanaf*", Lower Courts "*mahakem ibtedaeia*", and District Courts "*mahakem juzeia*". The appeals courts are located in major cities, whereas the lower and district courts are located in cities and towns. For example, the Appeals Court of Benghazi hears appeals against cases from the lower and district courts of North Benghazi, South Benghazi, Ajdabiya and Al Marj.

Primary courts are the courts of first instance located in larger areas corresponding to former governorates. These courts are comprised of a panel of three judges with the competence to hear civil criminal and commercial cases and apply *shar'iyya* to persons or religious matters. Courts of first instance may hear appeals from summary courts and have original jurisdiction over matters in which amount of more that 100 dinars are involved. There are three courts of appeals which are located at Tripoli, Benghazi and Sabha. These are also comprised of a three judge panel these courts hear appeals from court of first instance and have original jurisdiction over felonies and high crime.

The Supreme Court is located in Tripoli and is comprised of five chambers: civil, criminal, administrative, constitutional and Sharia. Each chamber is comprised of a three or five judges panel and decisions are made by majority rule. It is the final appellate body for cases from the lower courts and constitutional control.

Members of the Supreme Court are appointed by the General People's Congress according to the Congress's Law no. 6 of 1982. The General Popular Committee of Justice administratively supervises the judicial system. In 1999, the Ministry of Justice and the Ministry of Home Security were merged into one ministry called: the Secretary of the General Popular Committee of Justice and Public Security. This system, however, does not cover the public and political issues that are all referred to the special Courts. The two ministries are now separated.

Trials held by extra-judicial institutions

Human Rights Organizations have welcomed the repeal of the **extra-judicial court known as** The People's Court. The People's court was widely criticized for lack of objectivity, impartiality and integrity. Repeatedly the court has been replaced with so called Special's court which the function of the people Court in trying political opponents.

Several forms of special courts still exist, some military some civil. The People's " of political opponents. Special "Purification" and "Volcano" Committees have been used to detain and "try" businessmen, shopkeepers etc. suspected of funding Islamic groups, trading in foreign goods and corruption.

6. Places and conditions of detention

Although prisons in Libya are officially referred to as “reformation institutions” they are in no way differ from “punitive” or ‘retributory’ institutions. Prisons in Libya do not meet the minimum standards for the treatment of prisoners. Sanitary and general conditions are very poor, in addition to overcrowding which contributes to the spread of contagious and skin diseases. In addition, prisoners often suffer from depression due to denial of their basic rights like right to be visited by family and the right to medical treatment.

Libyan government holds hundreds of political prisoners. Some prisoners who have been acquitted in trials or have served their time remained in detention¹¹, It is common practice for the **People’s Prosecution Office** to abuse its detention “rights” by keeping detainees in incommunicado detention for increasingly longer periods. . Many prisoners are kept for many years, in some cases for over a decade in detention without charge a trial. Frequently prisoners are kept in secret detention centers. Uncertainty and lack of confidence in the judicial system contribute to the state of despair experienced by many prisoners. Lack of sanitation and medical treatment has at times led to deaths in custody. In the event of a death in custody family members are sometimes not even notified

Prisons in Libya are called "reformation institutions" and according to Prisons' Law no. 47 for the year 1975, Chapter One, Article One, "prisons are places for reformation and education aiming at reforming the behaviour of the persons sentenced to imprisonment and rehabilitating them for being good members in society".

However, prisons are more punitive institutions than reformation institutions which do not respond to the U.N. Standard Minimum Rules for the Treatment of Prisoners¹², which the first UN Congress on Prevention of Crime and Treatment of Offenders in Geneva in 1955 recommended for approval and were approved by the ECSC by two decisions in 1957 and 1977. Such rules have tried to set a vision for treatment of prisoners regarding the places of detention, hygiene and provision of food sufficient to maintain the health of prisoners, proper medical care and appropriate places where prisoners can exercise sports and train. According to the visits of some monitoring organizations allowed by the Prisons' Administration Department and the statements of prisons' officials, the poor conditions of health and general utilities are crystal clear. In addition to the over-crowdedness of cells and the spread of

¹¹ Judge Wanis ALSharf EL 'Abani was sentenced to thirteen years by a Military' Court on 1993, He should have been released in 2003 but he is still been detained in Abu Saleem ' Prison. His family has filed a case in effort to release him, the case is still open.

Mohammed Abu Sedera, a medical Laboratory technician was arrested on January 1989 he was never charged, on 2005 Special' Court has ordered his release, he left Abusaleem ' prison instead of releasing him internal Security Office detained in undisclosed place nobody has heard of him since.

Outspoken Dissident Fathi Eljahmi, 62, who was sentenced for five years in 2002. Then detained again, after he gave an interview to TV station, Al-Hurrah criticizing the Libyan Regime. Since then his being detained in undisclosed place and there is a grave concern on his medical Health as he suffer from Chronic diseases

¹² - " The Standard Minimum Rules for the Treatment of Prisoners ", held in Geneva in 1955, recommended to be approved and were approved by the Socioeconomic Council in its decisions 663 c (d-24) in 31st July 1957 and 2076 (d-62) in 13 May 1977.

infectious and dermatitis, the main characteristics of these prisons are the deteriorating psychological state of prisoners and rejection of their basic needs such as visits and medical care.

Noteworthy, a delegation from the London-based International Centre for Prison Studies ICPS¹³, visited Libya from 11-25 October 2003. The program of the visit included meetings with the Secretary of the People's Committees for Justice and Public Security, some of the secretariat officials, security officers in the people's congresses, prison officials and prisoners. The ICPS published an outline of the Libyan prisons. However, the outline did not include the political detention centres such as the Abu Saleem Prison, the affected department in Ain Zara Prison, and the of Internal Security Agency's centres and Military Police.

Realising the problem Libya has embarked with ICPS in a Project called Human Rights and the Management of the Libyan prisons, the aim is to raise awareness amongst officials and managers of prisons. To create capacity within the prison systems to develop and deliver training workshops on the „ human rights approach to the management of prisons” The Project continued to 2006

The table below is an outline of the criminal prisons in Libya:

Country	Libya
Affiliation	The People's General Committee of Justice and Public Security
Prison Administration	The General Administration of Judicial Police
Address	Al-Fallah, Tripoli, Libya
Phone	+218214804532
Fax	+218214804490
E-mail address	Almiezan@almiezan.net
Prison Administration Official	Belkasem Karkoom
The total number of prisoners including pre-trial detainees / remand prisoners)	13217 - according to statistics of Feb 2007
Prison population rate (per 100,000 of National population	217 per 100000 person based on an estimated national population of 6.1 million at Feb 2007
Pre –trail detainees / remand prisoners (percentage of prison population)	49.9% (18.2.2007)
The Percentage of female prisoners	3.1% according to the statistics of 18

13 - The International Centre for Prison Studies (ICPS), <http://www.prisonstudies.org->

	Feb 2007
The number of juvenile prisoners	(Under the supervision of Social Security ministry)
Foreigner prisoners (percentage of prison population)	35.0% according to the statistics of 18 Feb 2007
The number of establishments/ institutions	37 according to the statistics of 2007
Official capacity of prison system	9000 according to the statistics of 18 Feb 2007
Occupancy level (based on official capacity)	146.9%
Recent prison population trend (year, prison population total, prison population rate)	2004 9,763 (173)

Political Detention Centres and Prisons

Detainees' rights are explicitly violated since the very beginning of detention by security bodies. The arrest operation is executed without a juridical writ. This is called arbitrary detention. The result of such flagrant violation is that the detainee is isolated from the outside world in some internal security centre or some centre of the revolutionary committees subject to no judicial supervision whatsoever. Committee against Torture stated in its report that torture cases usually take place in the early hours of detention after which the prisoner is isolated from the outside world.

According to ex-prisoners who were once imprisoned in Libya, prisoners experience two phases:

A) The primary phase in which the prisoner is sent to a detention centre or a security centre so that confessions can be extracted and fabricated accusations can be proved in ways that show the creativity of interrogators who seek promotions or a financial rewards.

B) The second and final phase in which prisoners are destined to permanent life in Abu Saleem Prison, the only trusted place by the Libyan Regime for imprisoning prisoners of conscience and political prisoners, isolating them from the outside world into a world where they are bound to slow death.

Therefore, it is important to state that the Internal Security Agency centres and the Revolutionary Committees' shelters mentioned below are just examples. For in each place in Libya, there are more than one of these centres and shelters. Many persons have been detained by the Revolutionary Committees for long periods of time in such detention:

Among these centres are the following:

- Bo Hadi Detention Centre, Tripoli.
- Al-Ghayran Detention Centre (Mazra'et Al-Enab)
- Al Hadaba Al khadra' Detention Centre, Tripoli.
- A Detention Centre under the Radio Building, Tripoli.
- The Main Centre Tripoli, Al Jamahiriya Street off Abu Hareeda Street next to Al-Qods Masjid, Tripoli
- The Revolutionary Shelter in Al-Andlus District, Tripoli.
- The Revolutionary Shelter Centre in Abu Seleem area.
- Al-Tarabya Al A'kaedeya Detention Center, Tripoli.
- The Communication Office with the Revolutionary Committees – Al Seidi st, Tripoli.
- A Centre in Seidi Al-Masry area – next to Tripoli University.
- A Centre in Mizran st, Tripoli City.
- The Headquarters of the Internal Security Agency “General Administration” Al Jamahiriya Street – next to Al Jamahiriya Market, Tripoli.
- The headquarters of the Military Intelligence Agency, two facades – the main façade overlooks El-Zawya Street and the other El Seidi Street.
- The headquarters of Atheism and Mental Effects Combat Department - the 7th November St, Tripoli (the Ex-power Building) opposite to the Central Hospital in Tripoli from the direction of Seidi El Sayed St.
- The 7th April Camp Detention Centre– west of Benghazi –near Qaryonis University
- The headquarters of Atheism and Mental Effects Combat, El Uroba branch, in El Mehishi district, Benghazi – the branch of the Al-Alwan Factory for photography, Benghazi
- A Security Centre affiliated to the headquarters of Atheism and Mental Effects Combat, El Serti People's Committee, Benghazi, near the Hospital of the Handicapped, Benghazi
- The ex-centre of Internal Security Agency near the Civil Court in Benghazi, overlooking the corniche opposite to Benghazi Sea Port

- The Internal Security Centre, the Internal Security Agency, near to Al-Funduq Al-Baladi, the ex-buildings of the Man Made River Department, Benghazi
 - The Revolutionary Committee's Shelter in El Keesh area, Benghazi
 - The Revolutionary Committee's Shelter in El Sabri area, Benghazi
 - The Revolutionary Committee's Shelter in Seidi Hussein area, Benghazi
 - The Revolutionary Committee's Shelter in El Baraka area, Benghazi
 - The Ex-Police Centre, Darna
 - The International Security Centre- Corniche – Darna
 - The Military Police Centre – Darna
 - The Revolutionary Committee's Shelter in different districts, Darna
 - The Internal Security Agency branch in Ajdabia City
The Revolutionary Committee's Shelter in Nalot city –
 - Al Qara Detention Centre, near Sabha
 - The Revolutionary Committee's Shelter in Sert city
 - The Revolutionary Committee's Shelter in Bani Waleed area
- Abu Saleem Central Prison in Abu Saleem area, Tripoli
- Abu Saleem Military Prison in Abu Saleem area, Tripoli
- Al-Jadida Prison, Tripoli, a civil prison of which a part is used for political cases
- Ain Zara Prison in Tripoli, originally a civil prison Ain Zara Road
- Al-Kwaifyah Central Prison in Benghazi, a civil prison of which a part is used for political cases. A partition was inaugurated in August 1995 and a month later a huge partition was constructed as detention centre for political prisoners. Prisoners are transferred to Tripoli through this partition which is known as the Police partition or Juveniles' Partition.

1. Atheism and Mental Effects Combat Agency Centre:

The Atheism and Mental Effects Combat Agency centre is located in the 7th November Street, Tripoli (the Ex-power Building) opposite to the Central Hospital in Tripoli from

the direction of Seidi Al-Sayed St. The centre is an underground detention centre consisting of a number of small separate cells of 1x2 m area each, a bathroom included. No air or sunlight can enter such cell. The place is used for preliminary interrogations during which very cruel torture operations are conducted to extract confessions from detainees (see "Methods of Torture" – the detainee was tortured in the Atheism and Mental Effects Combat Agency centre). Currently, the centre is supervised by a number of military officials known for their loyalty to Colonel Al-Tohamy Khaled such as Salah Al-Meshry. Among the detainees is Abdel Hakim Al Rowemy, the Abu Saleem's Prison ex-commander who introduced many reforms of great benefit to prisoners, after being accused of carelessness in Al-Gaddadfa Group Case, the group that tried to assassinate Colonel Al-Gaddafi and was executed in 2004. Another inmate of such prison is Al-Sayed Muhammad Abu Sedra, one of the oldest prisoners of conscience, who was detained in 1989. Instead of being set free after a special court proved he is not guilty in 2005, he is still detained in incommunicado.

Military Police Prison:

Military Police Prison is located at ABuhdemah District, in Benghazi. It is considered one of the most important and strongest prisons. Colonel Ragab Buzied Sultan Al Gaddafi is one of the prison's known commanders.

Description of the Prison:

The prison is divided into three general partitions. Partition no. 5 includes a large number of solitary confinement cells up to 24 each of 180cm x 90cm area.

Partition no. 4 consists of four rooms of 3m x 2.5m area each. The room was designed to contain seven prisoners but actually it is overloaded with just the double of this number. There is another partition containing 7 rooms each of 3m x 2.5m area. Another building is attached to the prison to encompass big rooms dedicated for the officers and soldiers of Military Forces. Partitions no. 2 and 3 are used for criminal cases, whereas partition no. 1 is used for officer cases. There are no bathrooms or toilets in any of the partitions. The number of bathrooms existing outside partitions is four. Prisoners are not allowed to use such bathrooms except in fixed times, thus prisoners resort to urinate in glasses or bottles and empty them after going to bathrooms and so on. To conclude, 140 prisoners use only four toilets.

Ain Zara Prison

Ain Zara Prison is located in the area of Ain Zara, Tripoli City, at the entrance of Ain Zara coming from the direction of El-Fernaj area, off Nasser University Road, after the service station, to the left, then to the right to find the prison in the front.

The prison is divided into four partitions, one of which is used for collective detention. The number of detainees in its rooms is about 20. In June 1998, the new prison was inaugurated, as an attachment to the old one, and was transformed into interrogation bureaus.

Abu Saleem Prison

Abu Saleem Prison is the main prison of political detainees and prisoners of conscience in Libya. Often it represents the end of the political prisoners as they are imprisoned for the rest of their lives. The number of prisoners at the present time, the official sources say that it contains from 300 to 400 t prisoners. After the release of 131 prisoners in 2005.

The Geographical Location of the Prison:

Abu-Saleem Prison is located in Al-Masaken Al-Sha'abia suburb of Abu Saleem area, in Tripoli. The prison is named after the area. Originally a military police camp known as the 28th of September Camp, the prison encompasses the headquarters of the Police and Military Prisons' Department. It occupies about 30 acres surrounded by a 7 meter-high fence supplied with barbed-wire and watchtowers. A space of about 20 meters separates watchtowers.

The Description of the Prison

The Abu Saleem prison has been built in 1984 to replace the old prison, the Black Horse Prison. The prisoners of the old prison, which was built by the Italians during the occupation era, were transported to the Abu Saleem Prison, along with those who were arrested in May 1984 Events known as Bab Al-Azyaya Events.

Abu Saleem Prison is composed of two identical prisons, namely, the Central Prison, and the Military Prison. Originally, the Military Prison was dedicated to military prisoners only, however, due to the increase of the number of prisoners and detainees; it is used now for the purposes of imprisoning political detainees and prisoners of conscience.

7. Freedom of expression and Freedom to form association

Legislation prohibits the formation of associations or political parties outside the existing political system. Critics of the current system, who wish to voice their political dissent through peaceful means outside the official structures, are heavily sanctioned and even face the death penalty¹⁴

On 11th December 1969, the Revolutionary Command Council (RCC, the then supreme authority) passed a decision to protect the political system of government established by the military regime. In essence it prohibits all forms of political opposition including peaceful activities. Article 1 prescribes the death penalty for armed insurrection against the State, while Article 2 lists four categories of non-armed activities hostile to the State and punishable, as a rule, by imprisonment from 3 to 15 years. This decision has frequently been used to detain and imprison hundreds of political prisoners and prisoners of conscience.

Law No 71 of 1972 also known as the Prohibition of Party Politics Act was officially published on 3rd July 1972. This law defines party activities in a way, which encompasses almost any form of group activity based on a political ideology opposed to the principles of the revolution of 1st September 1969. Under that law such activities are considered as

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treason. The law prescribes the death penalty is prescribe for all of those involved in the activities described and make provisions for disbanding any political group of this kind. Like the RCC Decision of 11 December 1969, this law has been frequently been used to imprison political prisoners and prisoners of conscience.

In 1975 the Libyan authorities amended Part One of Book Two of the Penal Code of 28 November 1953 in order to combat mounting political opposition. The amendments made by Law 80 of 1975 introduced harsh punishments, particularly the death penalty, for offences against the security of the state. Harsher sentences were also introduced for illegal political activities similar to those already banned under the RCC decision of 11 December 1969 and Law No. 71 of 1972. These activities include dissemination of information hostile to the authorities, illegal organizations, and formation and membership of international associations.

Act N° 5 of 1988 which created the People's Court an exceptional tribunal established to try political offences undermining the authority of the judiciary. The act authorizes the People's Prosecutor to investigate political offences, does not require that detention be authorized by a judicial authority and does not guarantee the right of all detainees to contact their family members, lawyers and doctors.

On 9th March 1990, the people's general congress ("Libyan parliament") published a document known as "document of the revolutionary constitutional legitimacy". This document, after a short introduction, states that the directives of the leader of the revolution are mandatory and must be executed. This document basically means that the highest executive authority is Al-Qaddafi, and that he gets this "constitutional legitimacy" because he led the coup of 1969.

Act N° 20 of 1991 also known and the Promotion of Freedom Act, provides for the application of the death penalty to person considered to pose a threat to society or lead to its disintegration and stipulates that citizens have a right to exercise authority and self-determination solely through the People's congresses and committees

Act N° 10 of 1994 known as the Purification from Nepotism, Bribery, Atheism and Narcotic Drugs stipulates severe sanctions, including amputation of a hand for: persons who engage in large-scale economic activities without authorization and persons convicted of corruption or embezzlement of public or private funds.

Act N° 15 of July 1996 also provides for severe sanctions including amputation of a hand or a leg for persons who illegally hold foreign currencies or circulate dollars outside the framework of the central Bank.

On 9th March 1997, the people's general congress introduced a new law named the "Covenant of Honor" or "Code of Honour which provides for collective punishment to be inflicted on the relatives of person having committed certain crimes, normally opponents of the regime. Said punishment may include depriving the town, village or local, tribal or family council of essential services such water, electricity gas, telephone, food supplies

and being banned participating in local councils, receiving State Social services and interruption of all development works.

Despite The UN Human rights Committee has in 1998 stressed its deep concern and the law violates several article of the Covenant. it recommended that the application of this law be suspended without delay and that steps be taken to repeal it. We see no sign or mention of any action towards repealing this law.¹⁵

“The Committee expresses its deep concern about the numerous restrictions, in law and in practice, on the right to freedom of expression, and in particular on the right to express opposition to or criticism of the Government, of the established political, social and economic system and of the cultural values prevailing in the Libyan Arab Jamahiriya. The Committee urges the State party to undertake a truly critical analysis of restrictions to articles 18, 19, 21, 22 and 25 and their effect in practice, with a view to fulfilling its obligations under those articles. More specifically, the Committee stresses that article 25 provides for genuine elections with secret ballot and that the State party must comply with this requirement. It recommends that the application of provisions of the Publication Act (1972) which are incompatible with article 19, of the Covenant, should be immediately suspended and that steps should be taken for its revision”.¹⁶

8. Disappearances and Deaths in Custody.

defined in the preamble of the Declaration on the Protection of All Persons from Enforced or Involuntary Disappearance, adopted by the General Assembly in its resolution 47/133 of 18 December 1992, enforced disappearances occur when persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law.”¹⁷

The Libyan authorities have arrested and arbitrarily detained thousands of its citizens on last three decades for long and variant periods of time. The fate of hundreds of political and conscience prisoners is still unknown. **HRS** believes that many of them may have lost their lives, Families have in vain to tried to know whereabouts of its family member but for most of them without success, for those lucky ones, they were orally informed by security agents of

¹⁵ Most effected town by this law is Ben walid south of Tripoli where a number of its citizen military officer made a failed coup in October 1993. The Family of those officers have suffered greatly on the hand of Revolutionary Committee , Internal Security , houses were demolished , Graves being open , families were ordered to leave their houses and never return , children were order to leave schools – for further information see AI MDE 19/002/2004 Libya Time to make human rights reality

¹⁶

¹⁷ <http://www.ohchr.org/english/issues/disappear/>

the death of their relatives without issuing death certificate or disclosing any details of the death circumstances and worse without delivering the body.

In the past several abductions, sometimes outside of the country, were reported followed by possible executions. The most high profile cases were those of

1- Mansour Kikhiya, a well known oppositions leader and human rights activist who was reportedly abducted in Egypt while attending a conference in 1993. It has been alleged that he was transferred to Libya where he was executed in 1994.

2- No progress has also been made in old cases of disappearances such as that of Iman Moussa al Sadr, a well known Lebanon based Iranian Shi'a cleric who disappeared during a visit to Libya in 1978. In 2001 relatives have allegedly filed a complaint in a Lebanese court against Libyan authorities.¹⁸

3- Amro Khalifa EL Nami - Intellectual and University Lecturer was imprisoned in 1981, He was last seen in 1986 in Abusaleem prison . He has endured a very severe method of Torture.

4- Sheik Mohammed Abdelsalaam AL Bushti, critic of regime was detained in 21 November 1980, It is believed he was tortured, and may have died under torture

The Case of Abu Saleem Massacre

Wilful murder is considered one of the crimes defined by Article 7 of the Statute of the International Criminal Court¹⁹ as crimes against humanity if it is committed in the form of a wide scale or systematic attack against any group of civilians. There are similar definitions of that notion in the Statute of the International Criminal Courts of Ex-Yugoslavia and that of Rwanda²⁰ besides, the Statute of the International Criminal Court considers also the forced disappearance of any person a crime against humanity. Forced disappearance of persons, as defined in the Statute of the International Criminal Court, includes arresting or detaining any person by the state and its refusal to provide any information about their destiny or even their places. What makes a crime be included in those committed against humanity is its wide scale and systematic nature. The international law, which is based on custom, calls for the universality of the jurisdiction of the crimes committed against humanity. It is worth mentioning that neither has Libya defined the crimes against humanity nor it included them in the provisions of its national legislations

Hundreds of political prisoners and detainees in Abu Saleem Prison in Tripoli were reportedly killed during a two days of protest which reportedly started on 28th June 1996. The protest was said to have been caused by the appalling conditions in the prison. Political prisoners had

¹⁸ See Amnesty International, Annual Report 2002 at <http://web.amnesty.org/web/ar2002.nsf/mde/libya!Open>

¹⁹ - Rome's Statute the International Criminal Court

²⁰ The International Criminal Court of Rwanda.

[http://www.un.org/law/icc/statute/arabic/rome_statute\(a\).pdf](http://www.un.org/law/icc/statute/arabic/rome_statute(a).pdf)
<http://69.94.11.53/default.htm>

allegedly complained on a number of occasions to the prison authorities about lack of medical care, inadequate hygiene, overcrowded cells and poor diet. Some prisoners were said to be suffering from various diseases, including skin diseases, and had not been treated.

Two guards were allegedly taken hostage by the prisoners, one of who was later released and other was allegedly killed. An agreement was reached after the prisoners were promised that their demands would be met and all prisoners returned to their cells. Nevertheless it is reported that during the night 28th June 1996 special security forces stormed the prison and deliberately shot at the prisoners leading to scores of deaths estimated by some to figure in the hundreds. On 2001 the Libyan Authority has notified some of the relatives of the prisoners death, although the violence of June 1996 was not referred to, allowing the family to accept their condolences for their loved ones. However, the bodies of those killed were not returned to their families for burial –

The Libyan Leadership have admitted to Amnesty international that such events took place , in the same time, The Government said it had opened an investigation into the incident, and the authority wih conducting the investigation is Security forces !!!

Example the Victims and Missing Persons in the Abu Saleem Massacre:

1- Gamal Tawfik Massoud Al-Warfaly

Al-Warfaly was born in 1965 in Benghazi. He was a married man who had 3 daughters (Asma'a, Somaya and Lubna) and two sons (Tawfik and Omar). Al- Warfaly was the son-in-law of late historian and writer Ali Al-Sahely. In 1979, he obtained his Bachelor of Science from Chemistry Department, Gar-Younes University before conducting his postgraduate studies in Canada where he obtained MA and later PhD between 1986 and 1990. Having returned to Libya, he joined the teaching staff of Gar Younes University. Meanwhile, he assumed many jobs and positions including the following:

Board of director's member and founder of Al-Fatih Center for Brilliant Students.

Permanent Secretary General of the Water Conference.

A member of the Committee of Laboratory Evaluation in Libya.

Assistant of the Executive Department and Administration of the Artificial River Project.

Founder of the Center of Chemical Quality.

Arrested on Monday June 19, 1995, at 5 pm, from his father's home in Bin Isa Street, he was charged with being a member of a under ground organization arrested following the escalation of the 1995 Events. The chemistry professor was known for his decency and passion for science. Indeed, he was one of the distinguished figures in Gar-Younes University.

2- Ahmed Abdel Kader Al-Tholathy²¹:

²¹ - <http://www.akhbar-libya.com>
Qamaty

Al-Ikhaty website- Libya News- from an article by Mr. Jomma'a Al-

Ahmed Al Tholthy was born in 1955 in Benghazi, to a well known family in Darnah, Libya. Studying at Ali Warith Secondary School in Tripoli, Al-Tholathy became active in the Student Union which he presided later on.

In 1975, he traveled to Britain for study and was one of the founders of the Student Union in Britain parallel to the Jamahiriya Student Union. Only few months after his return to Libya, he was arrested. Neither was Al-Tholathy accused of a specific charge before a court nor was he given a sentence. His whereabouts were unknown since his meeting with Amnesty International during its first visit to Libya in 1988 following the General Amnesty.

In jail, Al-Tholathy defended his own opinion in converting Libya into a country enjoying free press and political pluralism. As a result, he was subjected to singular and collective punishment many times!! According to some ex-prisoners of conscience who witnessed the last days in the Central Prison before the massacre, Al Tholathy was a member of the group that addressed Colonel Gaddafi calling for radical changes in the Libyan policy.

3- Mustafa Ali Al-Jehani:

Mustafa El Jahani, aged 68 years with a BA in Arabic Literature, was arrested at his home on 19 June 1995 at around 8 p.m., by two plain clothes security agents. The men told him they were taking him to security headquarters to answer routine questions “which should not take more than five minutes. His family has not seen him or hear from him since although a former detainee testified of having met Mr. El-Jahani in Abu-Salim Prison. His family was notified of his death though no details of his death were given and the his body was not returned for burial.

4- Ibrahim Khalifa Al-Elwany -

HRS and OMCT have filed his case to Human rights Committee and waiting for the HRC decision

Born in 1970, Al-Elwany obtained his License of Arts from Omar Al-Mokhtar University in Al-Baydaa. He was arrested on the age of 25. On July 25, 1995, at 3 am, he was among those arrested by the Security Agency, Al-Baydaa branch, where he was detained for some days. Then he was transferred to Benghazi then Tripoli, and finally was settled at Abu Saleem Central Prison.

Al-Elwany's family never knew the charge posed against him or his whereabouts except at a later time. An ex-prisoner said he saw him in Abu Saleem Prison. Early in 2002, the Libyan authorities began informing some families of relatives who died in prisons. Al-Elwany was one of the dead.

5- Ali Abdel Rahman Natfah

Natfah used to live in Sidi Hussien district, in particular in Sa'adoon district or what was known as Al-Emarat. Then he moved to Al-Majoory, Benghazi. Born in 1967,. In 1995, he was arrested in summer 1995 during massdetention campaign

He worked in the center of rehabilitation of handicaped till his arrest in 1995 Summer Events. His family was never officially notified of his death and was never allowed to visit him. The authorities have never disclosed any information about him till this moment.

6- Khaled Ali Khalifa Al-Azraq

Born in 1968 in Al-Sina'ey Al-Deribi district, Tripoli, Al-Azraq worked as an employee in the Libyan News Agency. He was suffering from asthma. In 4 August 1995, the Internal Security Service arrested him and since that time nothing was ever heard of him and his family received no notifications from the Libyan authorities.

7- Abu Bakr Abdel Ghany Al-Hassy:

HRS and OMCT have filed his case to Human rights Committee and waiting for the HRC decision

Al-Hassy was born in 1967 in Al-Baydaa to one of the prominent old families there. He worked for some time in trade and succeeded in that field and became the main breadwinner of his family. Concerned with the problems and cases of his society, he was always asked for advice and help in spite of his young age. In the early 1990s, security services began bothering him and ordered him not to leave Al-Baydaa without prior permission. Later on, they ordered him to come every week to the Internal Security Service center where they used to keep him for hours or even days without reason. After the escalation of 1995 Events, Al-Hassy was arrested and transported to Tripoli in August 1995, but was never back this time. He was detained in Abu Saleem Prison and was reportedly classified under Group A or B in the Central prison. The attempts of his family to know his destiny were all in vain.

Human Rights Practices in Libya, concerns and Requirements for Remedy

1. **The Libyan Penal Code:** there are many articles in the Libyan Penal Code which are incompatible with international human rights standards, notably Law 71 of 1972 which has been used very frequently to incriminate all forms of collective political work, articles 206, 207, 208 & 178 (Appendix I). Even the draft version of the revised Libyan Penal Code shows no signs of improvement, in fact the same concerns continue to linger (Appendix II). Until the Laws in Libya are revised to comply with the International Human Rights Conventions which Libya has acceded to, in particular the ICCPR, CAT and ..., human rights violations will continue.

2. The Libyan government has frequently resorted to using **extra-judicial courts**, in the seventies and eighties it was the ad hoc revolutionary tribunals, in the nineties it was the "People's court", and now it is the "special tribunals". These extra-judicial tribunals lacked the very basic requirements for fair, just and independent trials very often held behind closed doors and headed by political zealots. The abolition of the "people's court" and its organs was a positive step, but straight away it was negated by the law 6/2006 passed by the People's General Congress (Libyan parliament). By article 19 of this law special tribunals can be set up to hear special cases, the designation of which is decided by the General Attorney. Put quite simply, the Libyan regime submitted to the demands of Libyan human rights organizations in exile and International human rights organizations, notably Amnesty International, and abolished the people's court only to recreate it under a new name. **HRS** demands the abolition of these tribunals, all trials to be held before the standard Libyan courts (District, Lower and Appeals courts) and guaranteeing its independence from any influence. **HRS** also demands that all detainees who were sentenced by any of these extrajudicial tribunals, be it revolutionary, people's court or special tribunals, should be granted the rights to be retried before the standard courts or released immediately. It serves justice nothing if these detainees continue to languish in prisons serving terms passed by tribunals that failed almost every internationally acceptable standard of fair trials.
3. The **civil society** in Libya is stifled, the formation of civil society organisations is almost impossible in Libya. The laws governing the setup of civil organisations have evolved throughout the years since 1970; when law 111/1970 stated in the absence of approval from the competent authorities after two months from submitting the application to setup an organisation "the organisation is deemed legal and founders can declare their organisation". Law 19/2001 left the waiting period for approval open, and then came law 73/2002 which stated in article 3 that "if the waiting period (60 days) passed without approval or refusal from the competent authorities, the application is deemed refused". This law, and other laws in the penal code which prohibit any collective political organisation and incriminate any contact with International organisations, is the explanation why in Libya there is only one active human rights organisation, the Human Rights Society which is a subsidiary of the Gaddafi Development Foundation headed by Saif El Islam Muammar Al Gaddafi. **HRS** demands the revision of this Law, and all laws that stifle civil society, to comply with international practices, and the setup of an independent board to take responsibility of the applications to set up organisations.

On disappearance and the Death on Custody

1. Conduct an independent investigation by an independent judicial committee, provided that no security bodies will interfere in the investigation for being an accused party and directly responsible for the conditions that led to that horrible event and for the event itself.
2. Interrogating the administration of Abu Saleem Prison at the date of the event since it was affiliated to the Military Police at that time²².
3. Interrogating previous investigation committees which were affiliated to the Internal Security Service, the Military Police and other security services, including the Revolutionary Committees' Communication Bureau.

In order to clarify the following:

- The conditions of detention in Abu Salem Prison that led to that horrific event.
- The events of June 28-29, 1996.
- The names of victims who died in June 28-29, 1996.
- The predators responsible and bringing them before justice.
- Notifying the relatives of detainees of the latter's destiny and providing them with all appropriate financial and moral compensation.

Human Rights Solidarity

27. June 2007

²² The prison's affiliation was then transferred to the Internal Security Service in 2002.

Appendix I excerpt from "Libya: Time to make human rights a reality", AI Index: MDE 19/002/2004, page 18

The following laws, which severely restrict the rights to freedom of expression and association, have been used to repress those suspected of being opposed to or critical of the current political system.

- **Law 71 of 1972** bans any form of group activity based on a political ideology opposed to the principles of al-Fateh Revolution of 1 September 1969. Article 3 of Law 71 provides for the death penalty for forming, joining or supporting groups prohibited by law.
- **Article 206 of the Penal Code (Law 48 of 1956)** provides for the death penalty for those who call "for the establishment of any grouping, organization or association proscribed by law", and even for those who belong to or support such an organization.
- **Article 208**, which bans forming or joining an international association, states that "The punishment is imprisonment for whoever sets up, establishes, organizes or directs international non-political organizations, associations or bodies, or a branch thereof, without government authorization, or where such authorization is based on false or insufficient information."
- **Article 178** prescribes life imprisonment for the dissemination of information considered to "tarnish [the country's] reputation or undermine confidence in it abroad."
- **Article 207** states that "The punishment is execution for whoever spreads within the country, by whatever means, theories or principles aiming to change the basic principles of the Constitution or the fundamental structures of the social system or to overthrow the state's political, social or economic structures or destroy any of the fundamental structures of the social system using violence, terrorism or any other unlawful means."

Appendix II excerpt from "Libya: Time to make human rights a reality", AI Index: MDE 19/002/2004, page 19

The draft Penal Code contains specific provisions providing harsh punishments, including capital punishment, for undertaking peaceful social or political activities:

- **Article 152** imposes imprisonment on any Libyan national, who while abroad publishes news or rumours constituting lies or exaggeration or creates disturbances about the internal situation in Libya in a way that harms its reputation or shakes the confidence in it or carries out an activity that in any way harms the interests of the country.
- **Article 164** imposes imprisonment on anyone who seeks to undermine the reputation of the goals of the Revolution or defames its Leader, as well as anyone who insults public authorities or the Libyan people.
- **Article 167** imposes imprisonment on anyone who spreads rumours against the governing system or who demonstrates in protest against the governing system. Terms used in this section of the law include "spreading rumours" and "insult".
- **Article 173** imposes the death penalty on anyone who calls for the establishment of any association or party which is against the Revolution in purpose and means, or which aims to harm its public authorities, or anyone who establishes, joins, administers or funds such an association or party.
- **Article 174** imposes imprisonment of no less than 10 years on anyone who promotes in the country, in any way, principles or theories that aim at changing the governing system.
- **Article 175** imposes imprisonment on anyone (except for the husband, children or grandchildren) with knowledge of the crimes in Articles 173-174.
- **Article 176** imposes imprisonment on anyone who establishes, organizes, or administers an international organization in Libya, without permission from the relevant authorities or with permission based on falsified information. It also imposes imprisonment on any Libyan national resident in Libya who joins or participates in any way, without prior permission, in any such organization.