



Libya

Follow up of the Human Rights Committee Recommendations

Alkarama for Human Rights, 30 October 2008

When considering the fourth periodic report of Libya (CCPR/C/LBY/4) at its 2487th and 2488th meetings, on 17 and 18 October 2007, the Human Rights Committee had requested, in its concluding observations (CCPR/C/LBY/CÓ4) to the Libyan government, to be provided with information, within one year, regarding three of its recommendations.

Alkarama for Human Rights would like to submit some information on Recommendations 21 and 23. The organization points out that it officially addressed the Foundation chaired by Seif Al Islam Al Gaddafi, the only organization working in the field of human rights in Libya, by letter dated 15 September 2008, asking him to cooperate with the UN body and reminding him of the Libyan state obligations to make public the comments of the Human Rights Committee and respond to Recommendations 10, 21 and 23. Alkarama has, for its part, received no reply to its letter from the Al Gaddafi Foundation.

Based on information Alkarama has obtained, the concluding observations of the Human Rights Committee have not been made public by the Libyan authorities

Observation 21. The Committee expressed its regret that the new penal code has not yet been adopted. It is worth recalling that since early 2004, a new code should have been enacted. One year after the consideration of the periodic report, it is clear that the Libyan government has not moved forward on this issue. No new penal code has been enacted and no project in this direction has been made public to date.

Observation 23. The revised Law on the Press and Publications, to which the Committee has referred in its comments, has not yet been adopted. It should in any case be pointed out that this text, in its draft form, still continues to heavily restrict freedom of expression

For example, conditions to accede to the profession of journalism are draconian and establish strict control (Article 9). Among these conditions are the requirements to be of Libyan nationality, to be a graduate of one of the specialized agencies or have five years of professional experience, and to have spent a probationary period in a "recognized" press institution for a period of no less than 3 years.

Editors-in-chief are eligible, provided (art. 10) notably that they are at least 35 years old; hold a Masters-level university degree and are able to prove 8 years of professional experience for those who have journalism diploma, and 12 years for others.

Article 12 stipulates that "a journalist loses his profession if any of the conditions set out in Articles 9 and 10 are no longer satisfied."

As for publications owners, "adherence to the principles and objectives of the September 1st Revolution and the people's authority" must be acquired (art. 75). Conditions for authorizing publications are particularly stringent (art. 47), the competent minister may decide to withhold authorization of a publication (art. 54).

Restrictions on the content of publications are regulated so that under Article 60, newspapers will not publish cartoons which are "satirical" or "detrimental to social values". Article 143 prohibits the printing or dissemination of information that "undermines historical symbols"; censorship is provided in exceptional circumstances including the threat of war against the country, threat from a foreign force or terrorist actions threatening security and civil peace. Article 145 prohibits any media from publishing or disseminating any information that would undermine the September 1st Revolution and its leader.

These restrictions which impose severe limits on freedom of opinion and expression as set forth in the Covenant obviously constitute a serious violation of the fundamental right established by Article 19.

Arrests and arbitrary detention for crimes of opinion

The practice of arresting people for their peacefully expressed opinions is very common in Libya, and has not ceased during the past year. These people may be detained incommunicado for months or years without being brought before a magistrate or charged; consequently, they are unable to file an appeal in order to challenge the legality of their detention. In some cases, authorities do not recognize arrests and detentions.

Again recently on 23 October 2008, Alkarama submitted to the Working Group on Arbitrary Detention the case of Mr **Mjber Abdaslam**, arrested on 28 December 2007, disappeared for 8 months and currently arbitrarily deprived of liberty. This man, aged 34 years, and residing in Sweden, had arrived on 24 December 2007 in Libya to visit his parents. Four days after his arrival, Internal Security (Al Amn Addakhili) agents went to the family home during the night and arrested him. According to his family, they showed no judicial warrant and did not inform him of the reasons for his arrest. For 8 months, the family was not aware of his place of detention and the authorities denying having imprisoned him. It was only during the following summer that the Libyan authorities acknowledged his detention by informing his parents that he was in the Ain Zara prison near Tripoli; they were allowed to visit him only once. Mr Abdaslam has not been subject to any legal procedure and has never been presented before a judicial authority. His arrest would appear to be linked solely to his participation in a peaceful demonstration in Stockholm, Sweden in 2004, organized to denounce human rights violations in Libya.

Among those arbitrarily detained, some have been sentenced to heavy prison terms for peacefully expressing their views or making contact with foreign media. Alkarama has sought the intervention of Working Groups for several of them.

Mr **Abdenacer Younes Meftah Al Rabassi**, arrested on 3 January 2003 at his home by Internal Security agents was sentenced to fifteen years of imprisonment by the People's Court which is a court of exception. He was accused of "sending an e-mail to the Arab Times newspaper on 8 June 2002 at 8.35 and 54 seconds in the morning, in which he expressed a critical position towards the head of state of Libya, Colonel Moamar Al Gaddafi, from his virtual personal address". He was charged, for this reason, of having "damaged the prestige of the guide of the revolution", which is an offence punished by Article 164 of the Libyan penal code. Brought before the People's Court on 26 June 2003, he was sentenced by a ruling dated 28 July, as a result of a grossly unfair trial, to

fifteen (15) years of imprisonment and is currently detained in the Abu Slim prison in Tripoli in particularly severe conditions.

Mr **Imed Al Chibani**, born in 1978, was arrested and has been detained without due process of law since 10 July 2007. He was taken to the premises of the Internal Security in Benghazi. He was last seen in those premises around 15 July 2007. Testimonies of detainees report on the severe torture that he has suffered from the beginning of his detention. He had already been abducted by Internal Security forces on 5 December 2005, tortured and held incommunicado until 14 October 2006, when he was released. During this initial detention, he was never brought before a magistrate or a court. Mr Al Chibani's relatives remain unaware of why he was arrested a second time but specify that he had been threatened about his use of the Internet after his last release.

With even peaceful political opposition being banned in Libya, the role of the internet in informing and mobilizing public opinion has grown. Websites from the outside which give information on the political repression and violations of human rights, and try to organize political life are regularly attacked and not available in Libya.

Arrests, detentions and convictions for having exercised the right of expression even through the Internet are common in Libya. Alkarama has been informed of numerous cases of people who have been victims of arbitrary arrests followed by detention and conviction. One of them seems to have been extra-judicially executed. As example of cases which have been brought to our attention we can mention the following:

On 12 January 2005 **Abderrazek Al-Mansouri**, a writer, was arrested for publishing for close to a year, articles on the arrests and comments in which he criticized the government. Equipped with a search warrant, the agents were especially interested in his computer and documents. After having spent several months in detention without charges being brought against him, he was sentenced on 19 October 2005 to 18 months of imprisonment for "illegal possession of weapons".

Dhaïf Al-Ghazal, a journalist in a state newspaper, resigned on 26 March 2005, and wrote for Libyajeel.com, a news site, to denounce corruption and to call for reforms. On 21 May of the same year, he was kidnapped and his body was found 10 days later. Certain clues indicate that he was kidnapped by Internal Security (Al Amn Addakhili) agents.