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country summary

Libya

Government control and repression of civil society remain the norm in Libya, with little progress made on promised human rights reforms. While releases of large numbers of Islamist prisoners continued, 2010 saw stagnation on key issues such as penal code reform, freedom of association, and accountability for the Abu Salim prison massacre in 1996.

Libya maintains harsh restrictions on freedom of assembly and expression, including penal code provisions that criminalize “insulting public officials” or “opposing the ideology of the Revolution,” although there has been slightly more media debate in recent years, particularly online.

Arbitrary Detention and Prisoner Releases

An estimated 213 prisoners who have served their sentences or been acquitted by Libyan courts remain imprisoned under Internal Security Agency orders. The agency, under the jurisdiction of the General People’s Committee for Public Security, controls the Ain Zara and Abu Salim prisons, where it holds political and “security” detainees. It has refused to carry out judicial orders to free these prisoners, despite calls from the secretary of justice for their release.

In March Libyan authorities released 214 prisoners, including 80 of a group of 330 detained despite the fact that courts had acquitted them and ordered their release. Some former prisoners have received compensation from the state for years of arbitrary detention. Others are still struggling to receive compensation, and many are banned from travelling outside Libya.

The 1996 Abu Salim Prison Massacre and Enforced Disappearances

The authorities have not made public any account of the June 1996 Abu Salim prison massacre in which 1,200 prisoners were killed, nor have they held anyone responsible. On September 6, 2009, the acting secretary of defense established a seven-judge investigation panel, headed by a former military tribunal judge, to conduct an investigation. The panel’s final report was due in March 2010, but it remains unpublished at this writing. Libyan

authorities offered compensation of 200,000 dinars (US\$162,000) to families who agree to relinquish all legal claims, but most of the victims' families in Benghazi, Libya's second-largest city, refused to accept compensation on those terms and continued to call for criminal accountability. In June families reported that local authorities and security officials were pressuring them to relinquish their compensation claims.

There are still dozens of unresolved disappearance cases in Libya, including those of Libyan opposition members Jaballa Hamed Matar and Izzat al-Megaryef, whom Egyptian security arrested in 1990 in Cairo. Their families later learned that Egypt had handed them over to Libyan security officials, who detained them in Abu Salim prison. Prominent Lebanese Shia cleric Imam Musa al-Sadr disappeared in Libya 32 years ago; his fate remains unknown.

Freedom of Expression, Association, and Assembly

While there was a gradual opening for greater debate and discussion in the media during the past five years, especially on the internet, 2010 saw a general regression in freedom of expression, which remains severely curtailed. In January the Libyan government blocked access to at least seven independent and opposition Libyan websites based abroad, including *Libya Al Youm*, *Al Manara*, and *Libya Al Mostakbal*. Journalists face harassment for expressing criticism, and lawsuits and criminal sanctions for defamation. In February security officers briefly arrested four journalists from the radio station *Good Evening Benghazi*, and authorities banned the program from airing. In November Internal Security officers arrested 20 journalists from the Libya Press agency for three days and suspended the publication of *Oea*, both established by Saif al-Islam al-Gaddafi, the Libyan leader's son.

In April the Libyan State Security Court acquitted dissident Jamal al-Haji of "insulting judicial authorities" and freed him after four months in prison. Al-Haji's arrest stemmed from his public complaint about the torture and inhumane conditions that he endured during two years as a political prisoner from 2007 to 2009, and the travel ban he has faced since his release. Article 178 of the penal code carries penalties up to life imprisonment for disseminating information considered to "tarnish [the country's] reputation or undermine confidence in it abroad." Negative comments about Libyan leader Col. Mu` ammar al-Gaddafi are frequently punished, and self-censorship is rife.

Libya has no independent NGOs and Libyan laws severely restrict freedom of association. Law 71 bans any group activity opposing the ideology of the 1969 revolution, and the penal code imposes the death penalty on those who join such groups. The government has refused to allow independent journalists' and lawyers' organizations. The only organization

able to criticize human rights violations publicly is the Human Rights Society of the Gaddafi Foundation, which is chaired by Saif al-Islam al-Gaddafi.

Demonstrations are also illegal, although those by families of victims of the Abu Salim prison killings continued in Benghazi in 2010. While the government allowed the demonstrations, some of the organizers faced harassment, intimidation, and arrest.

Treatment of Foreigners

Libya continues to abuse and mistreat non-Libyan migrants caught trying to leave the country by boat. Libya also refuses to recognize the presence of refugees in the country. In April Libyan Foreign Secretary Moussa Koussa said that Libya “does not have any refugees but only illegal migrants who break the laws.” In July the government said that there were 3 million irregular migrants in Libya. A new law on “Illegal Migration” criminalizes trafficking of migrants, but does not provide protections for refugees.

On June 28 a group of detained Eritrean migrants tried to escape after Libyan officials allowed Eritrean embassy officials to take their photos and forced them to complete forms, raising fear of deportation. In response, Libyan authorities transported 245 detained Eritrean asylum seekers from Misrata to another detention center in al-Biraq, north of Sabha, in an apparent attempt to deport them. At least 11 of this group were Eritreans whom Italy had interdicted at sea and forced back to Libya without giving them an opportunity to claim asylum. After an international outcry, Libya released this group but did not give them any support or protection. They remain in Libya.

Libya has no asylum law, has not signed the 1951 Refugee Convention, and has no formal working agreement with the United Nations High Commissioner for Refugees (UNHCR). Although UNHCR had partial and ad hoc access to detained migrants for two years, in June Libya ordered UNHCR to close its office and expelled its representative, although it later allowed the agency to continue processing resettlement cases.

Rights of the Amazigh Minority

The Amazigh (Berbers), Libya’s main cultural and linguistic minority, face discrimination and harassment by security officials. Libyan authorities do not allow schools to teach, or media to use, the Amazigh language. Libyan law also bans use of non-Arab Amazigh names on all official documentation. In January Colonel Gaddafi criticized Amazigh New Year celebrations as un-Islamic and not recognized by the state, saying they disrupted national unity; an Amazigh organization reported that at least two people had been arrested in connection with

trying to organize celebrations. The Amazigh website *Libya lma* was among those blocked by authorities in January. In August Internal Security officers arrested Amazigh activist Ali Abu al-Seoud and detained him incommunicado for eight days in connection with his online writing on Amazigh rights. They released him without charge.

Women's Rights

In January the General People's Committee adopted Law No. 24 of 2010 on the Provisions of Libyan Nationality, which permits the passing of Libyan nationality to children born to Libyan mothers and foreign fathers, but leaves the interpretation of the provision to implementing regulations that the committee has not yet issued.

The Libyan government continues to detain women and girls indefinitely without due process in "social rehabilitation" facilities for suspected transgression of moral codes. Many women and girls detained in these facilities have committed no crime, or have already served a sentence. Some are there only because they were raped, and are now ostracized for staining their family's "honor."

Key International Actors

In May member states elected Libya to a seat on the UN Human Rights Council. Libya's election was uncontested because the African Group of States presented the same number of candidates as there were vacancies for this election. In November Libya's human rights record came under review at the Council during Libya's first Universal Periodic Review. The government accepted 66 general recommendations but rejected 25 other concrete recommendations on revising penal code articles and publishing a list of the disappeared.

In October the European Union and Libya concluded an agreement on an agenda for migration cooperation, which made no mention of the lack of an asylum law or protection mechanisms in Libya. Negotiations over the EU-Libya Framework agreement resumed after Libya scrapped its ban on the entry of EU nationals.

In December 2009 Human Rights Watch released its "Truth and Justice Can't Wait" report at a news conference in Tripoli, the first time an independent human rights organization had been allowed to publicly criticize Libya's human rights record in the capital.