

HUMAN RIGHTS WATCH

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September 2, 2008

The Honorable Condoleezza Rice
Secretary of State
Department of State
2201 C Street, NW
Washington, DC 20520

Via Facsimile

Dear Secretary Rice:

I am writing on the occasion of your forthcoming visit to Tripoli. We hope you will take the opportunity of this historic trip to raise specific human rights concerns at the highest levels. In particular, we urge you to condition further improvements in the US-Libya relationship on steps by Libyan authorities to end the incarceration of political prisoners, promote freedom of expression and assembly, and stop the use of torture.

Libya has seen some improvements in its human rights record in recent years, but troubling and serious violations remain. Of particular concern is the near total ban on independent political activity. Law 71 criminalizes any group activity based on a political ideology opposed to the principles of the Al-Fateh Revolution, which brought Mu`ammar al-Qadhafi to power in 1969. Article 3 of the law imposes the death penalty on those who form, join, or support such groups. Over the years, Libyan authorities have imprisoned hundreds of people for violating this law, and sentenced some to death.

Independent media scarcely exist, and Libyans depend on the internet and satellite television channels for uncensored news. Those who criticize the country's political leaders or system face harsh penalties.

Most prominently, Mr. Fathi al-Jahmi has been in detention almost continuously since 2002, including one year in incommunicado detention in a psychiatric hospital, for criticizing al-Qadhafi and calling for democratic reforms. Despite recent announcements that he is now free, in fact he remains in official custody in a state-run hospital, as Human Rights Watch confirmed when we visited him in Tripoli in March 2008. Although he suffers from diabetes, hypertension, and heart disease, and requires medical attention, the authorities have not permitted him to return to his home and family and receive treatment there or abroad, despite the opinion of medical experts that he is able to do so.

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In June 2008, a state security court sentenced 11 men to prison terms between six and 25 years for planning a peaceful demonstration in Tripoli against police violence. The main organizer, Dr. Idris Boufayed, sentenced to 25 years, suffers from cancer. Another man arrested with the group, `Abd al-Rahman al-Qotaiwi, remains missing more than a year and a half after the group was arrested in February 2007.

In both the al-Jahmi and Boufayed cases, one of the accusations was unauthorized contact with a foreign government official. According to our information, in both cases the official in question was a diplomat from the United States.

Torture of detainees is a serious concern, as documented in the State Department's 2007 human rights report. That report cites torture methods such as: clubbing, applying electric shock, breaking fingers, and suffocating with plastic bags.

In May 2008, the Swedish government returned to Libya Mohammed Adel Abu Ali, after rejecting his asylum request. Libyan authorities detained him on arrival, and two weeks later they informed his family that he had died.

Your visit to Tripoli presents an opportunity to encourage the authorities there to end these abusive practices. By raising your concerns at the highest levels, you will show that respect for human rights stands at the core of US-Libya relations, and that further development of the relationship depends on Libya bringing its human rights practices up to international standards.

Concretely, we urge you to condition any deepening of ties on the release of all political prisoners—Fathi al-Jahmi, the Boufayed group, and others—and the abolition of all laws and regulations that criminalize peaceful political activity, such as Law 71 and various articles of the penal code.

We understand that the United States' priorities for its relations with Libya include business opportunities and counterterrorism cooperation. We strongly urge you to use your upcoming visit to demonstrate that Washington will not pursue these objectives at the expense of human rights and the rule of law.

Sincerely,



Sarah Leah Whitson
Executive Director
Middle East and North Africa Division



Tom Malinowski
Washington Advocacy Director

CC: David Welch, Assistant Secretary of State for Near Eastern Affairs