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U.S. Department of State

Libya Report on Human Rights Practices for 1996

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LIBYA*

The Great Socialist People's Libyan Arab Jamahiriya is a dictatorship ruled by Colonel Mu'ammar Al-Qadhafi (the "Brother Leader and Guide of the Revolution") who is aided by extragovernmental Revolutionary Committees and a Comrades Organization. Libya's governing principles are expressed in Qadhafi's "Green Book." Borrowing from Islamic and pan-Arab ideas, Qadhafi has created a political system that purports to establish a "third way" superior to capitalism and Communism. He uses extrajudicial killings and intimidation to control the opposition abroad and summary judicial proceedings to suppress it at home. The Government exercises tight control over ethnic minorities, such as Berbers, and continues to repress banned Islamic groups.

Colonel Qadhafi publicly called for violence against opponents of his regime after violent clashes between Islamic activists and security forces in Benghazi in September 1995. Outbreaks of violence continued between government forces and Muslim militants. Two serious prison mutinies occurred in the past year, causing more bloodshed and prompting the Government to conduct intense military operations against suspected oppositionists.

Libya maintains an extensive security apparatus, consisting of several elite military units, including Qadhafi's personal bodyguards; local Revolutionary Committees; and People's Committees; as well as the newly formed "Purification" Committees. The result is a multilayered, pervasive surveillance system that monitors and controls the activities of individuals. The various security forces committed numerous serious human rights abuses.

The Government dominates the economy through complete control of the country's oil resources, the principal source of foreign exchange. It uses part of the oil income for development, but much income has been lost to waste, corruption, and attempts to develop weapons of mass destruction.

The human rights situation is poor. Citizens do not have the right to change their government. Security forces arbitrarily arrest, detain, and torture prisoners during interrogations or

* The United States has no official presence in Libya.
Information on the human rights situation is therefore limited.

for punishment. The Government restricts the freedoms of speech, press, assembly, association, and religion. The Government also restricts basic worker rights. Citizens do not have the right to a fair public trial, to be represented by legal counsel, to be secure in their homes or persons, or to own private property. Prison conditions are poor, and many political detainees are held for years without charge. Although there were no reports of mass expulsions of foreign workers and residents in 1996, the regime threatened to expel thousands of Palestinian residents in May. Traditional attitudes and practices continue to discriminate against women, and the Government discriminates against minorities. Female genital mutilation is still practiced in remote tribal areas.

Libya continues to be subject to economic and diplomatic sanctions imposed by the U.N. Security Council in connection with the bombings of Pan Am flight 103 over Scotland in 1988 and the bombing of UTA flight 772 over Chad in 1989. The Government took only limited steps to address the U.N. Security Council resolutions concerning the bombing of Pan Am flight 103 and UTA flight 722.

RESPECT FOR HUMAN RIGHTS

Section I Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Violent clashes between the security forces and militant Islamist opposition groups increased during the year. The clashes were predominantly concentrated in the eastern region of Libya and by some estimates, resulted in 600 deaths and 800 wounded during the year.

In response to numerous attacks against the regime and a prison mutiny in Benghazi, the Government tightened security measures, made hundreds of arrests, and conducted an intense military campaign in the areas where insurrection occurred. Government forces killed a number of people, but there were no definitive estimates of the total killed in these government attacks. On July 12, the Government officially stated that the actions were military exercises and operations against drug traffickers.

The Government officially admitted that 8 people died and 39 were injured as a result of a July 9 riot that broke out in Tripoli after Qadhafi family bodyguards fired upon spectators at a soccer game who were shouting anti-Qadhafi slogans (see Section 2.b.). There were reports of up to 50 deaths, caused by the gunfire and the resulting crowd stampede.

Security forces killed an undetermined number of persons while suppressing a prison mutiny that broke out on July 5 (see Section 1.c.).

Qadhafi uses extrajudicial killing and intimidation to control the opposition abroad, and summary judicial proceedings to suppress domestic dissent. There have been reports of Libyan security forces hunting down and eliminating dissidents living abroad.

A large number of offenses, including political offenses and "economic crimes," are punishable by death. A 1972 law mandates the death penalty for any person associated with a group opposed to the principles of the revolution. Despite his longstanding stated intention, Qadhafi has not acted to abolish the death penalty for this offense. On July 15, a new law went into effect that applies the death penalty to those who speculate in foreign currency, food, clothes, or housing during a state of war or blockade and for crimes related to drugs and alcohol.

Islamic factions reportedly made one failed coup attempt, two failed assassination attempts on Qadhafi, and mounted three major attacks on Libyan security forces.

The first major attack came on June 22, when 8 Libyan policemen were shot and killed by members of the Libyan Islamic Group at a training center near the city of Darnah. On July 19, Muslim militants killed 26 members of an army convoy, and in mid-August 13 soldiers and one of Qadhafi's bodyguards were killed in attacks in the areas of Tripoli and Benghazi. An estimated 400 Islamic fundamentalists escaped from the Al-Kawafiyah prison near Benghazi on March 24 and fled to the mountain region of Darnah, where they clashed with security forces for several days.

Libya continues to be subject to economic and diplomatic sanctions imposed by the U.N. Security Council in connection with the bombings of Pan Am flight 103 over Scotland in 1988 which killed 259 people on board and 11 people on the ground and the bombing of UTA flight 772 over Chad in 1989 which killed 171 people. These sanctions require that Libya fulfill the following conditions: ensure the appearance in a U.S. or Scottish court of those charged in the Pan Am 103 case; cooperate with U.S., British, and French investigations into the Pan Am and UTA bombings; compensate the victims of Pan Am 103; and renounce terrorism and support for terrorism.

The Government took limited steps to address the U.N. Security Council resolutions concerning the bombing of Pan Am flight 103 and UTA flight 722. On March 23, Qadhafi wrote a letter to French President Chirac pledging cooperation in resolving the UTA bombing short of extraditing the suspects (which is against

Libyan law) or compromising Libya's sovereignty. France's chief antiterrorism magistrate, Jean-Louis Bruguiere, visited Libya in an effort to investigate the incident and was expected to issue international arrest warrants for two suspects, bringing to six the number that he said he would prosecute. He indicated that the suspects would be tried without being present in court. Press reports identified the suspects as Libyan intelligence officials Abdesslam Issa Shibari, Abdesslam Hamouda, and Abadallah Senousi (brother-in-law of Qadhafi); Libyan diplomat Abdullah Elazragh; and intelligence operatives Ibrahim Naeli and Musbah Arbas.

b. Disappearance

There were no reports of politically motivated disappearances.

The 1993 disappearance from Cairo of Libyan dissident Mansour Kikhia remained unresolved.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although Libya is a party to the U.N. Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, security personnel reportedly torture prisoners during interrogations or for punishment. Government agents periodically detain and reportedly torture foreign workers, particularly those from sub-Saharan Africa. Torture reports are difficult to corroborate because many prisoners are held incommunicado.

Methods of torture reportedly include: chaining to a wall for hours; clubbing; electric shock; the application of corkscrews in the back; lemon juice in open wounds; breaking fingers and allowing the joints to heal without medical care; suffocation by plastic bags; deprivation of food and water; and beatings on the soles of the feet. The law calls for fines against any official using excessive force, but there are no known cases of prosecution for torture or abuse.

There is insufficient information to make a determination on overall prison conditions, but a mutiny on July 5 at the Abu Salim prison was caused by inmates protesting poor conditions. The prisoners went on a hunger strike and captured guards to protest the lack of medical care, overcrowding, and inadequate hygiene and diet provided at the facility. Security units were dispatched to suppress the uprising, and hundreds of people were left dead after the week-long incident, as many as 100 of them killed by security forces.

The Government does not permit prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

By law the Government may hold detainees incommunicado for unlimited periods. It holds many political detainees incommunicado in unofficial detention centers controlled by members of the Revolutionary Committees. Thousands of political detainees, many associated with banned Islamic groups, are reported to be held in prisons throughout Libya. Many have been held for years without charge. Thousands of other detainees may have been held for periods too brief (3 to 4 months) to permit confirmation by outside observers.

Security forces intensified the campaign to arrest suspected members and sympathizers of banned Islamic groups and to monitor activities at mosques following numerous violent clashes. Some practicing Muslims have shaved their beards to avoid harassment from security services. Qadhafi has publicly denounced Libyan "mujaheddin" (generally, conservative Islamic activists who fought with the Afghan resistance movement against Soviet forces) as threats to the regime.

The Purge Law of 1994 was established to fight financial corruption, black marketeering, drug trafficking, and atheism. Since the enforcement of the Purge Law began in June by the "Purification" Committees, scores of businessmen, traders, and shop owners have been arbitrarily arrested and dozens of shops and firms have been closed on charges of corruption, dealing in foreign goods, and funding Islamic fundamentalist groups. As part of the campaign to implement the Purge Law, the wealth of the middle class and affluent have been targeted as well (see Section 1.f.).

The Government does not impose exile as a form of punishment; to the contrary, Qadhafi seeks to pressure Libyans working or studying abroad to return home. The Government arbitrarily expels noncitizens (see Section 6.e.).

e. Denial of Fair Public Trial

The judiciary is not independent of the Government. There are four levels of courts: summary courts,

which try petty offenses; the courts of first instance, which try more serious crimes; the courts of appeal; and the Supreme Court, which is the final appellate level. The private practice of law is illegal; all lawyers must be members of the Secretariat of Justice.

Special revolutionary courts were established in 1980 to try political offenses. Such trials are often held in secret or even in the absence of the accused. In other cases, the security forces have the power to pass sentences without trial, especially in cases involving political opposition. In the past, Qadhafi has incited local cadres to take extrajudicial action against suspected opponents.

According to Amnesty International, approximately 22 persons were convicted and imprisoned for political offenses during 1995.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government does not respect the right to privacy. Security agencies often disregard the legal requirement to obtain warrants before entering a private home. They also routinely monitor telephone calls.

The security agencies and the Revolutionary Committees oversee an extensive informant network. Libyan exiles report that family ties to suspected regime opponents may result in government harassment and detention. The Government may seize and destroy property belonging to "enemies of the people" or to those who "cooperate" with foreign powers. In the past, citizens have reported that Qadhafi has warned members of the extended family of any regime opponent that they risk the death penalty.

The Purge Law of 1994 provides for the confiscation of private assets above a nominal amount, describing wealth in excess of such an undetermined nominal amount as the fruits of exploitation or corruption. In May Qadhafi ordered the formation of hundreds of "Purge" or "Purification" Committees composed of young military officers and students. The Committees, backed by thousands of Revolutionary Committees, implement the Purge Law. The "Purification" Committees began to enforce the Law in June and reportedly seized some "excessive" amounts of private wealth from the middle and affluent classes in Libya. The confiscated property was taken from the rich to be given to the poor, in an effort to appease the populace and to strengthen Qadhafi's power and control over the country.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The authorities tolerate some difference of opinion in People's Committee meetings and at the General People's Congress, but in general severely limit freedom of speech. This is especially true with regard to criticism of Qadhafi or his regime. Infrequent criticism of political leaders and policies in the state-controlled media is interpreted as a government attempt to test public opinion, or weaken a government figure who may be a potential challenger to Qadhafi.

The regime restricts freedom of speech in several ways: By prohibiting all political activities not officially approved; by enacting laws so vague that many forms of speech or expression may be interpreted as illegal; and by operating a pervasive system of informants that creates an atmosphere of mistrust at all levels of society.

The State owns and controls the media. There is a state-run daily newspaper, Al-Shams, with a circulation of 40,000. Local Revolutionary Committees publish several smaller newspapers. The official

news agency, JANA, is the designated conduit for official views. The regime does not permit the publication of opinions contrary to government policy. Such foreign publications as Newsweek, Time, the International Herald Tribune, Express, and Jeune Afrique are available, but authorities routinely censor them and may prohibit their entry onto the market.

b. Freedom of Peaceful Assembly and Association

Public assembly is permitted only with regime approval and in support of the regime's positions.

Despite these restrictions, members of the Warfalla tribe staged several informal protests in 1995 to protest the regime's decision to carry out the death penalty against tribe members involved in the 1993 coup attempt. The Government responded by arresting hundreds of tribe members and expelling others from the military and security forces. The death sentences had not been carried out by year's end.

A rare display of public discontent and resentment towards the Government occurred when a riot broke out during a soccer match in Tripoli on July 9. The unrest began when a contentious goal was scored by the team that Qadhafi's sons supported and the referee called the play in their team's favor. The spectators reportedly started chanting anti-Qadhafi slogans after the referee made the call and Qadhafi's sons and their bodyguards opened fire in the air, then on the crowd. The spectators panicked and stampeded out of the stadium and into the streets, where they stoned cars and chanted more anti-Qadhafi slogans. The Government officially admitted that 8 people died and 39 were injured as a result of the soccer riots, but there were reports of up to 50 deaths, caused by the gunfire and the stampede of the crowd.

The Government limits the right of association; it grants such a right only to institutions affiliated with the regime. According to a 1972 law, political activity found by the authorities to be treasonous is punishable by death. An offense may include any activity that is "opposed ... to the principles of the Revolution."

c. Freedom of Religion

Libya is overwhelmingly Muslim. In an apparent effort to eliminate all alternative power bases, the regime has banned the once powerful Sanusiyya Islamic sect. In its place, Qadhafi established the Islamic Call Society (ICS), which is the outlet for state-approved religion as well as a tool for exporting the Libyan revolution. In 1992 the Government announced that the ICS would be disbanded; however, its director still conducts activities, suggesting that the organization remains operational. Islamic groups at variance with the state-approved teaching of Islam are banned.

Members of some minority religions are allowed to conduct services. Services in Christian churches are attended by the foreign community. A resident Catholic bishop, aided by a small number of priests, operates two churches.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government imposed blockades on many cities in eastern Libya in reaction to the Islamic rebel attacks on military and police forces and the prison mutiny in Benghazi. The Government usually does not restrict the internal movement of Libyan citizens, except in the security areas. It requires exit permits for travel abroad and limits access to hard currency. A woman must have her husband's permission to travel abroad. Authorities routinely seize the passports of foreigners married to Libyan citizens upon their entry into Libya.

The right of return exists. In fact, the regime often calls on students, many of whom receive a government subsidy, and others working abroad to return to Libya on little or no notice. Students studying abroad are interrogated upon their return. Some citizens, including exiled opposition figures, refuse to return. There have been reports of Libyan security forces hunting down and eliminating dissidents living abroad (see Section 1.a.).

In September 1995, the Government expelled approximately 1,000 Palestinian residents to signal its displeasure with the signing of the Interim Agreement between Israel and the Palestine Liberation Organization. The Palestinians were forced to live in makeshift camps along the Egyptian border. The Government allowed the Palestinians living in the border camps to return to Libya, but over 200 Palestinians elected to remain, hoping to travel to the West Bank and Gaza or resettle in Egypt. The Governments of Libya, Egypt, and Israel refused to accept the Palestinian refugees, leaving them stranded in the deteriorating and squalid conditions of the temporary border encampments.

The Government threatened to expel thousands of Palestinian residents and workers in May and distributed questionnaires to identify and locate Palestinian residents. However, it did not act on the threat or undertake the mass expulsions of foreigners (see Section 6.e.).

The Government is not a signatory to the 1951 United Nations Convention relating to the Status of Refugees or the 1967 Protocol and, therefore, does not grant asylum, first asylum, or refugee status to foreigners in Libya. The U.N. High Commissioner for Refugees (UNHCR) reported that by April 1996 there were over 3,000 refugees of concern to the UNHCR in Libya, including some 2,000 Somalis, 750 Eritreans, 325 Sudanese, and 300 Ethiopians. The Government officially contacted the UNHCR Liaison Officer in Tripoli in 1995 in an effort to facilitate the repatriation of Arab and African refugees to their country of origin. The UNHCR assisted in the repatriation of 168 Eritreans and 129 Ethiopians in the first 4 months of 1996.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. Major government decisions are controlled Qadhafi, his close associates, and committees acting in his name. Political parties are banned. Qadhafi appoints military officers and official functionaries down to junior levels. Corruption and favoritism, partially based on tribal origin, are major problems, adversely affecting government efficiency.

In theory political participation is guaranteed by the grassroots People's Committees, which send representatives annually to the national General People's Congress (GPC). In practice the GPC is a rubber stamp that approves all recommendations made by Qadhafi.

Qadhafi established the Revolutionary Committees in 1977. These bodies are composed mostly of Libyan youths who are charged with guarding against political deviation. Some Committees have engaged in show trials of regime opponents; in other cases, they have been implicated with killing opponents abroad. The Committees approve all candidates in elections for the GPC.

There is no reliable information on the representation of women and minorities in the Government.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The regime prohibits the establishment of independent human rights organizations. It created the Libyan Arab Human Rights Committee in 1989, but the Committee has not published any known reports.

The regime does not respond substantively to appeals from Amnesty International (AI) on behalf of detainees. In 1994 the regime described AI as a tool of Western interests and dismissed its work as neocolonialist. AI representatives last visited Libya in 1988.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Women

There is little information on the extent of violence against women. In general the intervention of neighbors and extended family members tends to limit the prevalence and scope of such violence. Abuse within the family is rarely discussed publicly, due to the value attached to privacy in this traditional society. Libyans have been implicated in the purchasing of Sudanese slaves (see Section 6.c.).

Women were granted equal status under law by the Constitutional Proclamation in 1969. Despite this legal provision of equality, many traditional attitudes and practices continue to discriminate against women. A woman must have her husband's permission to travel abroad (see Section 2.d.).

Most observers agree that, with the advent of oil wealth in the 1970's, women have made notable social progress. Oil wealth, urbanization, development plans, education programs, and even the impetus behind Qadhafi's revolutionary Government have contributed to the creation of new employment opportunities for women. In recent years, a growing sense of individualism in some segments of society, especially among the educated young, has been noted. For example many educated young couples prefer to set up their own households, rather than move in with their parents, and view polygyny with scorn. Since the 1970's, the level of educational differences between men and women has continued to narrow.

In general the emancipation of women is a generational phenomenon: Urban women under the age of 35 tend to have more "modern" attitudes toward life and have discarded the traditional veil; at the same time, older urban women tend to be more reluctant to give up the veil or the traditional attitudes towards family and employment. Moreover, a significant proportion of rural women still do not attend school and tend to instill in their children such traditional beliefs as women's subservient role in society.

Employment gains by women also tend to be inhibited by lingering traditional restrictions that discourage women from playing an active role in the workplace and by the resurgence of Islamic fundamentalist values. Some observers have noted that even educated women tend to lack self-confidence and social awareness and seek only a limited degree of occupational and social participation with men.

The ambiguous position of women is illustrated by Qadhafi's own attitudes and utterances. His development plans have made an effort to include women in the modern work force, yet he has criticized women's emancipation in the West, including their employment gains.

Children

The Government has subsidized education (which is compulsory to the age of 15) and medical care, improving the welfare of children in the past 25 years. However, declining revenues and general economic mismanagement have led to cutbacks, particularly in medical services. Some tribes located in remote areas still practice female genital mutilation (FGM) on young girls, a procedure that is widely condemned by international health experts as damaging to both physical and psychological health.

People with Disabilities

No information is available on the Government's efforts to assist people with disabilities.

National/Racial/Ethnic Minorities

Arabic-speaking Muslims of mixed Arab and Berber ancestry comprise 97 percent of the population. The principal non-Arab minorities are Berbers and Africans. There are frequent allegations of discrimination based on tribal status, particularly against Berbers in the interior and Tuaregs in the south. Qadhafi manipulates tribes to maintain his grip on power by rewarding some tribes with money and government positions and repressing and jailing members of the other tribes. Qadhafi also attempts to keep the tribes fractured by pitting one tribe against another.

Section 6. Worker Rights

a. The Right of Association

Independent trade unions and professional associations are prohibited, and workers do not have the right to join unions of their own choosing. The regime regards such structures as unacceptable "intermediaries between the revolution and the working forces." They may join the sole official trade union organization, the National Trade Unions' Federation, which was created in 1972 and administered by the People's Committee system. The Government prohibits foreign workers from joining unions.

The law does not guarantee the right to strike. There have been no reports of strikes for years. In a 1992 speech, Qadhafi affirmed that workers have the right to strike but added that strikes do not occur because the workers control their enterprises.

The official trade union organization plays an active role in the International Confederation of Arab Trade Unions and the Organization of African Trade Union Unity. It exploits international trade union contacts to engage in propaganda efforts on behalf of the regime. The Arab Maghreb Trade Union Federation suspended the membership of Libya's trade union organization in 1993. The suspension followed reports that Qadhafi had replaced all union leaders, in some cases with loyal followers without union experience.

b. The Right to Organize and Bargain Collectively

Collective bargaining does not exist in any meaningful sense because the labor law requires that the Government must approve all agreements.

c. Prohibition of Forced or Compulsory Labor

In its 1995 report, the International Labor Organization's (ILO) Committee of Experts stated that "persons expressing certain political views or views ideologically opposed to the established political, social, or economic system may be punished with penalties of imprisonment...involving...an obligation to perform labor." The situation in 1996 remained largely the same. The 1995 ILO report also noted that public employees may be sentenced to compulsory labor "...as a punishment for breaches of labor discipline or for participation in strikes, even in services whose interruption would not endanger the life, personal safety, or health of the whole or part of the population." The Government informed the ILO that legislation was enacted to abolish these provisions and submitted a report to the ILO, but the ILO did not comment on it this year.

There have been credible reports that the Government has arbitrarily forced some foreign workers into

involuntary military service or has coerced them into performing subversive activities against their own countries. Libyans have been implicated in the purchasing of Sudanese slaves, who are largely southern Sudanese women and children who were captured by Sudanese government troops in the war against the southern rebellion.

d. Minimum Age for Employment of Children

The minimum age for employment of children is 18 years.

e. Acceptable Conditions of Work

The labor force is about 1.2 million workers (including 161,000 foreign workers) in a population of 5.2 million. Wages, particularly in the public sector, are frequently in arrears. A public wage freeze imposed in 1981 remains in effect and has seriously eroded real income. The average wage appears inadequate to provide a worker and family with a decent standard of living. The average wage is about \$900 per month (300 dinars) at the official exchange rate, but is only worth \$100 at the unofficial exchange rate.

The legal maximum workweek is 48 hours. The labor law defines the rights and duties of workers, including matters of compensation, pension rights, minimum rest periods, and working hours. Labor inspectors are assigned to inspect places of work for compliance with occupational health and safety standards. Certain industries, such as the petroleum sector, try to maintain standards set by foreign companies.

The labor law does not accord equality of treatment to foreign workers. Foreign workers may reside in Libya only for the duration of their work contracts and may not send more than half of their earnings to their families in their home countries. They are subject to arbitrary pressures, such as changes in work rules and contracts and have little option but to accept such changes or to depart the country. Foreign workers who are not under contract enjoy no protection.

The Government uses the threat of expulsion of their foreign workers as leverage against countries whose foreign policies run counter to Libya's. The Government expelled approximately 1,000 Palestinian residents in late 1995 to signal its displeasure with the agreement between Israel and the Palestine Liberation Organization, and in May the regime threatened to expel thousands of Palestinian workers for political and economic reasons (see Section 2.d.).

The regime had expelled thousands of foreign workers from Chad, Sudan, and Egypt by the end of claiming that they were in

Libya illegally. Government fears of worker ties to Islamic extremist groups and the need to conserve foreign exchange may have motivated the wave of expulsions.

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