

DECISION No. 24/1993 (LIBYAN ARAB JAMAHIRIYA)

Communication addressed to the Government of the Libyan Arab Jamahiriya on 6 November 1992.

Concerning: Rashid Abdal-Hamid al-Urfia, on the one hand, and the Libyan Arab Jamahiriya, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.
2. The Working Group notes with concern that to date no information has been forwarded by the Government concerned in respect of the case in question. With the expiration of more than 90 days from the transmittal of the letter by the Working Group, it is left with no option but to proceed to render its decision in respect of the case of alleged arbitrary detention brought to its knowledge.
3. (Same text as paragraph 3 of Decision No. 43/1992).
4. According to the communication, a summary of which has been transmitted to the Government of the Libyan Arab Jamahiriya, Rashid Abdal-Hamid al-Urfia, aged 39, was arrested in February 1982 in Benghazi, accused of being a founder and a leader of an illegal religious opposition group which had allegedly planned to overthrow the Libyan Government. He was arrested together with 20 other persons, said to be his associates, but the others have since been released from prison. Until 1984 he was detained in Tripoli Central Prison and was then transferred to Ab Salim Prison in Tripoli, where he is believed to be currently detained.
5. According to the source, Rashid Abdal-Hamid al-Urfia is believed to be detained under Revolutionary Command Counsel Decision of 11 December 1969, which reportedly prohibits all forms of political opposition, including peaceful activities.
6. Rashid Abdal-Hamid al-Urfia has allegedly not been formally charged or tried.
7. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government of the Libyan Arab Jamahiriya. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the case, especially since the facts and allegations contained in the communication have not been challenged by the Government.
8. It is apparent from the facts described above that Rashid Abdal-Hamid al-Urfia has been held in detention for more than 11 years now solely for having peacefully exercised his rights to freedom of thought, conscience and religion, to freedom of opinion and expression, and to freedom of peaceful association, these rights being guaranteed by articles 18, 19 and 20 of the

Universal Declaration of Human Rights and articles 18, 19 and 22 of the International Covenant on Civil and Political Rights. It is also apparent that his detention for 11 years without charge or trial constitutes a serious violation of his right to a fair trial and that the non-observance of articles 9 and 10 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights guaranteeing the right to such a trial is so serious as to warrant the following decision.

9. In the light of the above, the Working Group decides:

The detention of Rashid Abdal-Hamid al-Urfia is declared to be arbitrary, being in contravention of articles 18, 19 and 20 of the Universal Declaration of Human Rights and articles 18, 19 and 22 of the International Covenant on Civil and Political Rights, as well as articles 9 and 10 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights, and falling within categories II and III of the principles applicable in the consideration of the cases submitted to the Working Group.

10. Consequent upon the decision of the Working Group declaring the detention of Rashid Abdal-Hamid al-Urfia to be arbitrary, the Working Group requests the Government of the Libyan Arab Jamahiriya to take the necessary steps to remedy the situation in order to bring it into conformity with the provisions and principles incorporated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

Adopted on 30 April 1993