

OPINION No. 13/2005 (LIBYAN ARAB JAMAHIRIYA)

**Communication addressed to the Government of the Libyan Arab Jamahiriya
on 7 February 2005.**

Concerning Mr. Muhammad Umar Salim Krain.

The State is a party to the International Covenant on Civil and Political Rights.

1. (Same text as paragraph 1 of opinion No. 20/2004.)
2. The Working Group regrets that the Government did not provide it with the requested information, despite repeated invitations to do so. The Working Group believes that it is in a position to render an opinion on the facts and circumstances of the case.
3. (Same text as paragraph 3 of opinion No. 20/2004.)
4. According to the information received, Mr. Muhammad Umar Salim Krain, an accountant working in the Financial Department of the Public Services Enterprise for the Benghazi City Council, aged 39, of Libyan nationality, was arrested after a confrontation in January 1989 between an armed opposition group and security forces that allegedly took place near the motorway to Benghazi airport. Although it is indicated that Mr. Krain was not involved in this incident, he was arrested and is being detained on the suspicion of being a political opponent. The source mentions that Mr. Krain is currently detained incommunicado in an undisclosed location presumed to be in Tripoli, and has not yet been brought to trial.
5. The Government, which had the possibility to answer these allegations, did not contest them.
6. In the light of the foregoing, the Working Group finds that Mr. Muhammad Umar Salim Krain has been imprisoned without any legal procedure, and therefore his deprivation of liberty is contrary to the relevant international provisions laid down in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.
7. In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of Mr. Muhammad Umar Salim Krain is arbitrary, as being in contravention of article 9 of the Universal Declaration of Human Rights and article 9 of the International Covenant on Civil and Political Rights, and falls within category I of the categories applicable to the consideration of the cases submitted to the Working Group.
8. Consequent upon the opinion rendered, the Working Group requests the Government to take the necessary steps to remedy the situation and bring it into conformity with the standards and principles set forth in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Adopted on 26 May 2005