

**OPINION No. 18/2006 (LIBYAN ARAB JAMAHIRIYA)**

**Communication: addressed to the Government on 30 September 2005.**

**Concerning: Fardj Al Marchai, Salah Eddine al-Aoudjili, Khaled Chebli, Idris al-Maqsabi, Djamel Aquila Abdullah al-Abdli, Rejeb Salem al-Raqai and Assaad Mohamed Salem Assahar.**

**The State has ratified the International Covenant on Civil and Political Rights.**

1. (Same text as paragraph 1 of Opinion No. 38/2005.)
2. The Working Group regrets that the Government of the Libyan Arab Jamahiriya has not replied within the 90-day deadline.
3. (Same text as paragraph 3 of Opinion No. 38/2005.)
4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government. In the absence of any information from the Government, the Working Group believes that it is in a position to render an Opinion on the facts and circumstances of the cases, especially since the facts and allegations contained in the communication have not been challenged by the Government.
5. According to the information received, Fardj al-Marchai, Salah Eddine al-Aoudjili, Khaled Chebli, Idris al-Maqsabi, Djamel Aquila Abdullah al-Abdli, Rejeb Salem al-Raqai and Assaad Mohamed Salem Assahar were arrested on 6 October 2004, along with other employees of the Arab Gulf Petroleum Corporation. It is alleged that these persons were submitted to brutality during their arrest by police officers in plainclothes who showed no arrest warrant and did not explain the reasons or grounds for their arrest.
6. These persons were detained at the headquarters of the Internal Security forces in Benghazi before being transferred to Tripoli where they were detained incommunicado by these forces for more than a month. It is further reported that during their incommunicado detention all of the above-mentioned persons were submitted to acts of torture and bad treatment. They were later transferred to the Ain Zara prison in Tripoli, where they are now detained.
7. According to other persons arrested at the same time and later released, the above-mentioned seven persons were arrested and detained because they had reportedly communicated via the Internet with persons in foreign countries. It is further alleged that, since their arrest, these persons have not been able to have access to a lawyer nor to see their relatives or families.
8. According to the source, the detention of these persons constitutes a violation of the national law, mainly of articles 26, 30, 33, 37, 115, 122, 123, 124 and 175 of the Penal Procedure Code, as well as of article 53 of Law 47 of 1975. It also constitutes a violation of article 9 of the

International Covenant on Civil and Political Rights, ratified by the Libyan Arab Jamahiriya, and of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by the General Assembly in its resolution 43/173 of 9 December 1988.

9. In accordance with its methods of work, the Working Group transmitted these allegations to the Government on 30 September 2005 and again on 4 April 2006 but to date no reply has been received.

10. In the light of the information provided by the source and not challenged by the Government, the Working Group renders the following Opinion:

The deprivation of liberty of Fardj al-Machai, Salah Eddine al-Aoudjili, Khaled Chebli, Idris al-Maqsabi, Djamel Aquila Abdullah al-Abdli, Rejeb Salem al-Raqai and Assaad Mohamed Salem Assahar is arbitrary, because they are being detained for more than one year without any charge being communicated to them, without being brought before a competent court and without being able to challenge the lawfulness of their detention. Since no legal basis was given for their detention, their deprivation of liberty falls within category I of the applicable categories to the consideration of the cases submitted to the Working Group.

11. 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 12 May 2006.