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Libya: Death sentences for foreign medics must be withdrawn

Amnesty International condemned the decision of a Libyan court today to sentence to death five Bulgarian nurses and a Palestinian doctor after convicting them of knowingly infecting hundreds of Libyan children with HIV in a hospital in Benghazi.

"We deplore these sentences and urge the Libyan authorities to declare immediately that they will never be carried out. The death penalty is the ultimate cruel, inhuman and degrading punishment, and in this case it has been imposed after a grossly unfair trial" said Malcolm Smart, Middle East and North Africa Programme Director at Amnesty International.

"This is the second time that these six medical professionals have been sentenced to death by Libyan courts. In this trial, as in their earlier one, confessions which they have repeatedly alleged were extracted from them under torture were used as evidence against them, while defence lawyers were not allowed to bring in international expertise and the evidence produced by Libyan medical experts was questioned by international medical experts."

"Only a fair trial can bring out the truth and do justice to the children who have been infected with HIV and their parents."

The death sentence has to be reviewed by the Supreme Court and then approved by the Supreme Council of Judicial Bodies. After that, the only possibility for the six medics is to receive a pardon.

Background

The five Bulgarian nurses and a Palestinian doctor have been in detention since 1999. They were first sentenced to death by firing squad by a Libyan court in May 2004 after being convicted of deliberately infecting 426 children with HIV in al-Fateh Children's Hospital, Benghazi. The death sentences were overturned on 25 December 2005 by the Supreme Court, which ordered the health professionals to be retried after noting "irregularities" in their arrest and interrogation. The retrial began on 11 May 2006.

Since the medics have been in detention, 52 of the 426 infected children have died of Aids.

The first trial of the Bulgarian nurses and the Palestinian doctor was grossly unfair, provoking widespread concern among health professionals and human rights organizations. AIDS experts who testified at their trial blamed the HIV outbreak on poor hygiene and the re-use of syringes in hospital.

The medics had initially "confessed" to the crime, but later retracted these statements. In both their first and second trials they have denied the charges against them and have repeatedly testified that their "confessions" were extracted under torture in pre-trial detention. They told Amnesty International delegates who were able to visit them in February 2004 that the torture included electric shocks, beatings and

suspension by the arms. The health professionals brought a civil case against eight police officers, a military doctor and a translator who they accused of being responsible for their torture. A court in Tripoli acquitted all 10 in June 2005 after what Amnesty International believes to have been irregular proceedings.

Amnesty International has repeatedly raised its concerns regarding the case of the health professionals with the Libyan authorities in recent years. Its delegates attended a session of the initial trial in February 2004.  
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