

Libyan court confirms death sentence against medical workers

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4 January 2007

For the second time in two years, six medical workers—five Bulgarian nurses and one Palestinian physician—have been sentenced to die by firing squad by the Libyan authorities.

The “Benghazi Six”—Kristiana Vulcheva, Nasya Nenova, Valentina Siropulo, Valya Cherveniyashka, Snezhana Dimitrova and Ashraf Al Hagoug—have been effectively held as hostages since 1999 on fabricated charges of introducing the HIV virus into a children’s hospital. They were condemned by the Libyan Criminal Court on December 19 at the conclusion of a retrial lasting five months.

Reports indicate that the workers’ mental and physical health is very bad, and at least one has considered suicide.

In 1998, the magazine of the Libyan Writers Association, *Laa*, reported that HIV infection had appeared in Al Fateh Children’s Hospital in Benghazi. The report triggered multiple complaints from the children’s parents of a lack of information from the clinic’s administrators. Parents suspected that the infection had been transferred via blood transfusion.

The response from the Libyan government was severe. Benghazi, Libya’s second city with a population of 1 million, has long been a centre of opposition to Colonel Muammar Gadhaffi’s government. In the late 1990s, Islamic groups launched attacks on government posts on the city’s fringes. Alarmed at the possibility of the HIV outbreak becoming a focus for public anger over the real state of health and social conditions, Gadhaffi closed down *Laa*, had Filipino, Hungarian, Bulgarian, Libyan and Palestinian health workers arrested, and started an anti-foreigner witchhunt. He dismissed the health minister, Dr Solaiman al-Ghemari, and claimed that the CIA was responsible for the infection.

Most of those arrested were eventually released. But the six remaining in custody were accused of working for an external power, charged with indiscriminate killing for the purposes of subversion and conspiring to infect hundreds of children at the hospital with HIV. They were tortured and held incommunicado for months, and a “confession” was extracted from one of the nurses that she had injected children with contaminated products. The confession was retracted in 2001.

International medical opinion rejected the Libyan government’s accusations, pointing instead to the decrepit state of the Libyan healthcare system, undermined by years of UN

and US sanctions, as the source of HIV infection.

A 2002 report by the Italian National Institute for Infectious diseases stated that by the spring of 1999 it was possible to point to infection in 402 children, every one of whom had received intravenous fluids, antibiotics, steroids or bronchodilators between February and September 1998. The report concluded that one particular strain of the virus was involved, and it was likely of West African origin.

In 2003, Professor Luc Montaigner, one of those credited with identifying the HIV virus, and his colleague Professor Vittorio Collizzi produced a report tracing the development of the Benghazi epidemic from a “patient zero” who was present in the hospital in 1997—*before* the victimised medics started work. The two eminent scientists presented this evidence in the 2004 trial, which in May of that year sentenced the medical workers to death.

Immediately after the verdict, Libya let it be known that the death sentences were negotiable. Ramadan al-Fitouri, head of a group representing the families and undoubtedly speaking with government approval, demanded that the infected children be treated in Europe, an HIV clinic be opened in Benghazi and compensation paid for each child. The compensation figure eventually settled at around US\$10 million per child, in total more than US\$4 billion. This remains the Libyan position, and the medical workers are hostages until such time as the government is paid.

To this end, after the 2004 verdict, the Libyan Supreme Court threw out the verdict in 2005 and ordered a retrial. The long-delayed Criminal Court retrial eventually opened July 2006, and after going over the same ground, the court reached the same verdict and sentenced them to death once again.

Recent articles insisting on the hospital workers’ innocence have appeared in the *Lancet* and *Nature*, and protests were registered by 114 Nobel Laureates, the UK Royal College of Nursing, Amnesty International, Human Rights Watch, the American Association for the Advancement of Science and the American Chemical Society.

The case can be appealed again to the Supreme Court.

The medical workers’ lives have become pawns in international machinations surrounding efforts to reintegrate the former pariah regime, and the immense oil reserves within its

territory, into the affairs of world imperialism.

By the early 1980s, the left-posturing nationalist Gadhaffi regime was increasingly isolated following the intensification of the US government's "roll-back" strategy designed to increase pressure on the Soviet Union. In 1981, two Libyan fighters were shot down by US aircraft, and in 1985, all Libyan products were banned from the US, while in 1986, US aircraft bombed Tripoli and Benghazi.

Blame for the December 1988 attack on Pan Am Flight 103 over Lockerbie, Scotland, became a political issue. The US and British governments initially pinned the bombing on Iran, but, following Iranian acquiescence over the 1991 Desert Storm invasion of Iraq, pointed the finger at Libya and used the Lockerbie disaster as a pretext to introduce United Nations sanctions on that country in 1992.

In 1999, diplomatic relations with the UK were restored as part of a deal organised with the assistance of the UN. Under its terms, Libyans Abdelbaset al-Megrahi and Al Amin Khalifa Fhimah were handed over to be tried for the Lockerbie attack. The medical workers disappeared from their lodgings a matter of weeks before al-Megrahi and Fhimah were flown to the Netherlands for trial.

The healthcare workers' arrest allowed the government to make use of them in two ways: as scapegoats for the HIV crisis in Benghazi and to divert attention in Libya from the decision to hand over two citizens for a trial held in the Netherlands, under Scottish law, on a former US airbase. Fhimah was eventually released, but al-Megrahi was sentenced to 20 years in jail and remains in Greenock prison.

In 2003, Libya agreed with the US and Britain to pay US\$2.7 billion compensation to the family members of the 270 killed in the Lockerbie crash. The US\$4 billion compensation requested after the foreign medical workers' first death sentence in 2004 was interpreted as a counterclaim to the Lockerbie pay-off. In fact, the children's families' request of US\$10 million per infected child matches the amount paid each of the families in the Lockerbie deaths.

In the aftermath of Libya's compensation agreement, its renunciation of its nuclear programme and the assistance offered against Al Qaeda in 2003, the US government accelerated steps to end economic sanctions, open travel, trade and diplomatic relations. In 2006, it finally removed Libya from the list of states alleged to be sponsoring terrorism.

Prodigious volumes of investment, along with restored diplomatic and military ties, have followed. In addition to reviving longstanding relations between Libya and Marathon Oil, Amerada Hess and Conoco, most of the world's major oil companies have bought exploration and exploitation rights in Libya.

Players include BP, Exxon, Gazprom, Nippon Oil and Petrobas. Libya also has large-scale and lucrative infrastructure, engineering and aircraft contracts. Investment flows into Libya were estimated at US\$6-US\$7 billion in 2004. Seven billion

dollars' worth of contracts were reported to be on offer in 2006, while the country has built up financial reserves of more than US\$30 billion. One US\$3 billion oil refinery has been approved and another is under consideration. A number of free-trade zones have been established.

According to Harvard Business School economist Michael Porter, the country has "one of the highest rates of business formation in the world" and is "contributing to the wealth and stability of surrounding nations."

As well as a string of high-profile political visitors, including top US diplomats in 2006, Libya has been incorporated into US military plans for the region. Libya featured on the list of CIA rendition flight stopover points. France and Italy have held joint military exercises with Libyan forces, and the country is viewed by the European Union as a key ally in policing immigration on its southern shores.

The frenzied competition for Libyan oil rights, arms and infrastructure contracts and influence explains the muted complaints from world leaders over the verdict delivered against the medical workers. US Secretary of State Condoleezza Rice stated that she was "disappointed" by the verdict, while a spokesman for the EU, Johannes Laitenberger, said he was shocked. Speaking for the UN, Secretary General Kofi Annan hoped that a "humane solution" could be found.

None of the major powers wants to upset the Gadhaffi government too much. And none of them are prepared to offer the compensation payments it demands for the families of the HIV-infected children, although some children have received treatment in Europe and small sums have been offered for a local clinic.

In addition to the question of acceding to Libyan blackmail, none of the major powers would want to set the precedent of a significant transfer of wealth from the rich to poor countries to alleviate the HIV crisis overwhelming large areas of Africa. While the Benghazi case involves around 400 children, according to the World Health Organisation there are 23,000 people living with HIV in Libya alone, while in sub-Saharan Africa totals are in excess of 24.5 million.



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