



Recommendation 1726 (2005)¹

Serious human rights violations in Libya - inhuman treatment of Bulgarian medical staff

Parliamentary Assembly

1. Five nurses of Bulgarian nationality – Kristiana Vulcheva, Nassya Nenova, Valentina Siropoulo, Valya Cherveniyachka and Snejana Dimitrova – were arrested by the Libyan police on 9 February 1999. They are accused of deliberately causing an epidemic by injecting some 426 children at the Al-Fateh Hospital in Benghazi with the Aids virus. Charged with premeditated murder for having deliberately contaminated the children with the Aids virus, they were sentenced to death on 6 May 2004, together with a Palestinian doctor, Dr Ashraf al-Hajuj. The Committee of Ministers and the Parliamentary Assembly severely condemned this verdict which is contrary to the fundamental values they uphold. The Libyan Supreme Court, with which an appeal has been lodged on points of law, will deliver its judgment on 15 November 2005.

2. The Parliamentary Assembly is deeply concerned about the fate of the five Bulgarian nurses and the Palestinian doctor, who have spent over six and a half years in Libyan prisons. It categorically condemns the barbaric way in which they were treated in the first few months after their arrest and the torture and ill-treatment to which they were subjected. It considers that there is no proof of their guilt and that they are being used as scapegoats for a dilapidated Libyan health system. The Assembly is shocked by the attitude of hatred towards them in public opinion, fuelled by certain sections of the Libyan leadership and media which have stirred up public resentment against these five women and this man.

3. The Assembly notes the following :

3.1. distinguished specialists, testifying under oath at their trial, exonerated the nurses and the doctor, showing clearly that the infection had broken out in 1997 at Al-Fateh Paediatric Hospital in Benghazi, in other words over a year before the Bulgarians had come to work there, and that it continued after their arrest ; they concluded that there had been a series of accidental nosocomial infections owing to the failure to comply with standards of hygiene, to neglect and to bad medical practices ;

3.2. one of the nurses never even worked at the Benghazi paediatric hospital ;

3.3. the experts proved that the storage conditions of the bottles of blood plasma used as prosecution evidence were such as to preclude any conclusive biological analysis ;

3.4. the numerous breaches of Libyan law (torture, procedural irregularities, etc.) also militate in favour of the nurses' innocence.

4. The Assembly thus concludes that the Bulgarian nurses and the Palestinian doctor should be regarded as completely innocent.

5. The Libyan authorities, sheltering behind the independence of their country's judicial system, take note of the judgments handed down by the Libyan courts, in which the nurses were found guilty and convicted of the crimes of poisoning and homicide, while the Libyans accused of torture were acquitted for lack of evidence. They consider that the payment by Bulgaria of compensation to the families and the provision of free care for the contaminated children in European hospitals are essential prerequisites for any progress on

1. Assembly debate on 6 October 2005 (31st Sitting) (see [Doc. 10677](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Lloyd). Text adopted by the Assembly on 6 October 2005 (31st Sitting).



the nurses' case. The Bulgarian authorities have categorically rejected all of Libya's financial demands, refusing to buy the release of the nurses by paying compensation to the Libyan victims, as this would be tantamount to recognising the nurses' guilt and, beyond that, the Bulgarian State's responsibility.

6. The matter before the Assembly, which is a source of tension in Libya's relations with western countries, is complex. But however complex it may be, it first of all involves two painful tragedies: the plight of some 426 Libyan children contaminated with the Aids virus, 51 of whom have died so far, and the ordeal of five Bulgarian nurses and a Palestinian doctor, who are innocent.

7. The Assembly expresses its compassion for the Libyan children contaminated with the Aids virus and its sympathy with their families. It welcomes the efforts by the European Union and certain states, foremost among them Italy, which have made it possible to bring under control the epidemic that had broken out in the country eight years previously. It strongly supports the Action Plan launched by the European Commission in November 2004 in view of co-ordinating the humanitarian assistance to the infected children.

8. The sick children are now getting treatment. The death sentence passed on five women who are clearly innocent of the crimes of which they are accused in no way relieves the suffering of the children and their families. Libya has nothing to gain by adding a second tragedy to the first.

9. Notwithstanding the efforts over the last year to reintegrate Libya into the international community, the lifting by the United States of the main economic and trade sanctions, the lifting by the European Union in October 2004 of the arms embargo, the signing of agreements on compensation for the victims of terrorist attacks and the willingness displayed by the Libyan authorities to open up and move closer to Europe, as reflected in the visit by Colonel Gaddafi to Brussels in April 2004, no favourable outcome has yet been found to the nurses' and the Palestinian doctor's plight.

10. The Assembly reaffirms its complete opposition to capital punishment, which has no place in the penal systems of modern, civilised societies. The death penalty, even applied to persons found guilty of the most heinous crimes, is a serious violation of universally recognised human rights. The Assembly firmly condemns the execution by Libya on 15 July 2005 of two Turkish nationals who had been sentenced to death. It calls on the Libyan authorities to act swiftly to abolish capital punishment and immediately place a moratorium on executions.

11. The Assembly asks the Committee of Ministers to :

11.1. call solemnly on the Libyan authorities to :

11.1.1. show goodwill and, in a spirit of constructive dialogue, settle the case of the Bulgarian medical team as quickly as possible and in full conformity with the internationally recognised legal norms by which Libya is bound ;

11.1.2. release the nurses and the Palestinian doctor or, failing that, implement the judicial procedures through the Supreme Court to guarantee a fair trial so that their innocence is recognised and they be acquitted ;

11.1.3. secure full respect for the rights of the defence and, to this end, take scrupulous care to ensure that the duly appointed international lawyers are able to provide their clients with effective assistance, guarantee them regular access to their clients, access to the files and ensure that visas are issued to them in good time ;

11.1.4. speedily conduct a serious and thorough investigation into the allegations of torture and ill-treatment of the five nurses and the Palestinian doctor ;

11.1.5. adhere to the universally recognised fundamental values of protection of human rights and preservation of human dignity and in particular act swiftly to abolish capital punishment and immediately place a moratorium on executions ;

11.1.6. sign and ratify the United Nations optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment ;

11.1.7. allow Dr Zdravko Georgiev, a Bulgarian doctor and the husband of one of the nurses, to leave Libya ;

11.2. call on the member states to :

11.2.1. resolutely support the European Union's action plan, which is an act of solidarity with the contaminated Libyan children, through financial or material contributions, in order to guarantee the rapid provision of humanitarian assistance in Libya ;

11.2.2. establish a clear link between the continuation of the process of Libya's reintegration into the international community and the satisfactory resolution of the Bulgarian nurses' and the Palestinian doctor's fate ;

11.2.3. take action in all bilateral negotiations with Libya, including trade negotiations, to facilitate a speedy settlement of the fate of the Bulgarian nurses and the Palestinian doctor ;

11.3. encourage the Bulgarian Government to continue its dialogue with the Libyan authorities and urge the newly-created Bulgarian NGO to speed up its work with the victims' families.

12. In consideration of the decision to be taken by the Libyan Supreme Court on 15 November 2005, in particular, the Assembly asks the President of the Assembly to send a delegation to Libya to meet with the Libyan head of state and to follow the court proceedings. It considers it useful that its Committee on Legal Affairs and Human Rights continues to follow the development of this issue and report to the Assembly in due time when necessary.