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Libya: End long wait for justice for victims of Abu Salim Prison killing

Eighteen years on since the Abu Salim Prison killing, in which around 1,200 prisoners are believed to have been extrajudicially executed, Amnesty International is urging the Libyan authorities to end the victims' families' long wait for truth, justice and reparations.

In the early morning of 29 June 1996, hundreds of men held in four different blocs of the Abu Salim Prison, located in a suburb of the Libyan capital Tripoli, were taken out into courtyards, and then shot dead by gunmen who were standing on rooftops. Such was their punishment for having rioted a day earlier, on 28 June, in protest at being held without charge or trial in poor detention conditions, in which they were denied medical treatment and family visits.

The riot is said to have started during food distribution when two guards were taken hostage by several prisoners. Unable to open one of the iron gates, the prisoners failed to escape from the prison. Security forces retaliated by allegedly shooting randomly and killing several prisoners. Soon after, a delegation headed by the then Head of Intelligence, Abdallah al-Senussi, came to the prison urging all prisoners to go back to their cells. Facing refusal, the delegation was forced to negotiate over the prisoners' demands to be brought before a judge, access medical treatment and receive family visits. The riot reportedly ended once Abdallah al-Senussi appeared to agree to their demands, and sick prisoners were taken out of the blocs.

Years later, released detainees recounted how, on the morning following the riot, they heard a loud explosion followed by two hours of gunfire. After the shooting, the bodies were left in the sun and allegedly removed only two days later by prison guards with wheelbarrows, before being thrown and buried in ditches inside the prison compound. After several years, the bodies were allegedly dug up and taken to an unknown location. At no point were they handed over to the families of the victims, who have been denied their right to mourn the loss of their loved ones until today.

Subsequently, the struggle of the victims' families for truth, justice and reparations became a symbol of the fight against Colonel al-Gaddafi's ruthless rule. The arrest of one of the leading organizers of the families' weekly protests, Fathi Terbal, on 15 February 2011 in Benghazi, sparked demonstrations, which quickly evolved into an uprising that eventually led to the overthrow of Colonel al-Gaddafi. Sadly, the families' demands for truth and justice remain unmet until today.

Libya's transition from war to peace looked promising. Parliamentary elections were held, the authorities seemingly committed themselves to uphold human rights, and the international community demonstrated its eagerness to help Libya rebuild its institutions. However, nearly three years of political crises, continuous power struggles, and recurring militia violence and infighting have seriously undermined efforts to deal with a legacy of past human rights violations under Colonel al-Gaddafi and since his fall.

More than six months have passed since a long-awaited Law on Transitional Justice was adopted in December 2013, establishing mechanisms to deliver justice and reparations to victims. By cancelling statutory limitations for crimes committed before 1997 for political, military and security reasons, the law also allowed for an investigation into the Abu Salim Prison killing to be carried out. However, little has been done to start such investigations or put in place a truth-seeking process. Members of the Fact-Finding and Reconciliation Commission, the body tasked with presenting a full picture of human rights violations during Colonel al-Gaddafi's rule and since his fall, have yet to be recruited.

Mustafa Majzoub, the Legal Advisor of the Association of Families of Victims of the Abu Salim Massacre, whose brother was killed in the incident, told Amnesty International that the families' demands have not changed since Colonel al-Gaddafi was toppled:

"What we were demanding then, we are still demanding now. We want to know the entire truth about the killing, and the perpetrators of the crimes to be brought to justice. We want the state to officially recognize the crime and offer an apology."

Although it is estimated that approximately 1,270 were killed during the riot on 28 June and the extrajudicial executions the following morning, the exact number of those who died remains unknown. As does the fate of the bodies, which has yet to be established.

Hundreds of families have yet to receive accurate death certificates. After years of silence and denial, Colonel al-Gaddafi's government finally started informing families of the death of their loved ones in 2001. But it did so by handing out death certificates that purposefully omitted the place and cause of death and, in some cases, provided false dates of death and other information. In some cases, the attempted cover-up was so blatant that the date of death marked on a certificate was later than that on which it was issued. In an attempt to silence a growing grassroots movement for truth and justice, Colonel al-Gaddafi's government also offered financial compensation to families to force them to give up the mortal remains of their relatives. While many refused the money considering it a bribe, others said they were forced to accept it out of fear of reprisals. To this date, some 150 families have never been officially informed of the death, and their loved ones are still reported as missing.

Years of living in uncertainty have had a huge psychological impact on entire families, some of whom lost more than one member in the killing. Many say they faced humiliation and were denied jobs by the government. Some say they still need psychological support to deal with the trauma. Here too, post al-Gaddafi authorities have failed, and the emotional needs of families have not been adequately recognized.

Zeinab was newly married when her husband was arrested by security forces and subsequently killed in Abu Salim Prison. She told Amnesty International:

“It was 27 July 1994. I will never forget the date. He was arrested from the mosque after the Asr [afternoon] prayer. They let him come home briefly before they took him away. He told me: ‘Some people are here to interrogate me. Don’t worry about me. I will be home soon’. But he never came back. This was the last time I ever saw him. My son was only 40 days old and we didn’t know where they took him. Years later, someone came to see me saying that he had been held with my husband in Abu Salim Prison. No family visits were allowed, but I kept going back to the prison with blankets, clothes and food. The guards would take the parcels inside, allowing me to think that they were reaching my husband. But we later found out that they were taking them home. During this whole time, I kept hoping that he was still alive. In 2009, two men came to my house and brought me a death certificate.”

Some progress has been made since the days when families were routinely harassed or threatened for organizing protests urging Colonel al-Gaddafi to uncover the truth about the killing. In 2012, they were allowed to register the Association of Families of Victims of the Abu Salim Massacre as a non-governmental organization. In December 2013, the General National Congress adopted a law forming a committee to establish the truth about the Abu Salim Prison killing. In April this year, the Ministry of Assistance to Families of Martyrs and Missing Persons adopted a decree allocating monthly salaries to families of victims. These are all welcome steps, which need to be implemented. But only a functioning justice system capable of investigating the killing and bringing the perpetrators to justice in fair proceedings that meet international standards can ensure that human rights violations are fully redressed.

Approximately 170 hundred guards and officials suspected of involvement in the killing have been detained since 2011. The most prominent of them is former Head of Intelligence Abdallah al-Senussi, who is currently on trial on separate charges related to his involvement in crimes committed during the 2011 conflict. He has been held in al-Hadba Correction and Rehabilitation Institution, a high-security prison in Tripoli, without access to a lawyer and the ability to prepare an effective defence since his extradition in September 2012. In other cases, Amnesty International has received reports that former Abu Salim Prison guards were subjected to torture and other ill-treatment, especially immediately following their arrest in the early days of the post-conflict period.

As investigations proceed, the Libyan authorities must ensure that all allegations of torture and other ill-treatment are investigated, and that no statements extracted under duress are accepted in any proceedings. Only fair and impartial trials can ensure the rights of victims by seeking to establish the truth about the crimes. Anything less than that risks turning justice into revenge.

On the 18th anniversary of the Abu Salim Prison killing Amnesty International calls on the Libyan authorities to:

- Expedite the investigations into the Abu Salim Prison killing, and ensure that the perpetrators are brought to justice in fair trials without the recourse to the death penalty; ensure that the results of the investigations are made public including a list of all those killed in Abu Salim Prison on 28 and 29 June 1996 and the circumstances surrounding their death are clarified;
- Provide families of victims of the Abu Salim Prison killing with accurate death certificates stating the place, date and exact cause of death;

- Increase efforts to implement the Law on Transitional Justice by establishing the Fact-Finding and Reconciliation Commission; ensure that the Commission is afforded the necessary protection and resources to conduct its work in safety and impartially, free from threats and attacks from militias and others;
- Increase efforts to clarify the fate of the mortal remains of those killed on 28 and 29 June 1996 and to take into account the psychological, financial and legal needs of their families when assisting them in the identification of mortal remains; recognize and seek to address the psychological challenges faced by families of the victims.

Amnesty International has been campaigning for accountability for the Abu Salim killing since July 1996 when the first reports of killings started to emerge. For more information on the Abu Salim killing and Amnesty International's past work on it, please see '*Libya of Tomorrow*' - *What hopes for human rights?* (Index: MDE 19/007/2010).