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New Libya 'stained' by detainee abuse

The new authorities in Libya must stamp out arbitrary detention and widespread abuse of detainees, Amnesty International said today in a new briefing paper.

In *Detention Abuses Staining the New Libya* the organization reveals a pattern of beatings and ill-treatment of captured al-Gaddafi soldiers, suspected loyalists and alleged mercenaries in western Libya. In some cases there is clear evidence of torture in order to extract confessions or as a punishment.

"There is a real risk that without firm and immediate action, some patterns of the past might be repeated. Arbitrary arrest and torture were a hallmark of Colonel al-Gaddafi's rule," said Hassiba Hadj Sahraoui, Amnesty International's Deputy Director for the Middle East and North Africa.

"We understand that the transitional authorities are facing many challenges, but if they do not make a clear break with the past now, they will effectively be sending out a message that treating detainees like this is to be tolerated in the new Libya."

Since late August, armed militia have arrested and detained as many as 2,500 people in Tripoli and al-Zawiya.

The organization said detainees were almost always held without legal orders and mostly without the involvement of the General Prosecution. They were held by local councils, local military council or armed brigades – far from the oversight of the Ministry of Justice.

Approximately 300 prisoners were interviewed by Amnesty International in August and September. None had been shown any kind of arrest warrant and many were effectively abducted from their homes by unidentified captors carrying out raids of suspected al-Gaddafi fighters or loyalists.

At least two guards - in separate detention facilities - admitted to Amnesty International that they beat detainees in order to extract "confessions" more quickly.

The organization found a wooden stick and rope, and a rubber hose, of the kind that could be used to beat detainees, including on the soles of their feet - a torture method known as *falaqa* - on a detention centre floor.

In one detention centre they heard the sound of whipping and screams from a nearby cell.

The organization said that detainees appear to suffer beatings and torture particularly at the start of their detention, being given a "welcome" on arrival.

Sub-Saharan Africans suspected of being mercenaries made up between a third and a half of those detained. Some have been released after no evidence was found to link them to fighting.

A man from Niger, initially presented to Amnesty International as a "mercenary and killer", broke down and explained that he had "confessed" after being beaten nearly continuously for two days. He denied being involved in fighting.

Black Libyans - particularly from the Tawargha region, which was a base for al-Gaddafi forces in their efforts to regain control of Misratah - are also particularly vulnerable. Dozens of Tawarghans have been taken from their homes, checkpoints, and even hospitals.

The organization also found that children have been held together with adults and women detainees have been supervised by male guards.

A 17-year-old boy from Chad accused of rape and being a mercenary told Amnesty International he was taken from his home in August by armed men who held him in a school where they punched him and beat him with stick, belts, rifles and rubber cables:

"The beatings were so severe that I ended up telling them what they wanted to hear. I told them I raped women and killed Libyans."

Amnesty International called on the National Transitional Council (NTC) to ensure that people are not detained without orders from the General Prosecution, and to bring detention facilities under the control of the Minister of Justice.

The organization said that those being held must be allowed to challenge the lawfulness of their detention or should be released.

Trial proceedings in western Libya have been suspended since the NTC took control. In eastern Libya, which fell under their control in February, they remain suspended.

In meetings with Amnesty International in September, NTC officials acknowledged concerns over arbitrary detention and ill-treatment, and vowed to do more to get a grip on armed militias and ensure that all those detained enjoy equal protection of the law.

"The NTC has to act urgently to translate their public commitments into action, before such abuses become entrenched and stain the new Libya's human rights record," said Hassiba Hadj Sahraoui.

"These detainees have in most cases been arrested without a warrant, beaten - and sometimes worse - on arrest and arrival in detention. They are vulnerable to abuse by armed militias who often act on their own initiative."

"The authorities cannot simply allow this to carry on because they are in a 'transitional' phase. These people must be allowed to defend themselves properly or be released."

Notes for editors:

- Findings in this briefing are based on visits to 11 detention facilities in and around Tripoli and in al-Zawiyah, and other fact-finding visits conducted in Libya, by an Amnesty International delegation between 18 August and 21 September 2011.
- Amnesty International's Libya specialists Diana Eltahawy (Arabic, English) and Samira Bouslama (Arabic, French), Middle East and North Africa Deputy Director Hassiba Hadj Sahraoui (French, English) and Senior Director Claudio Cordone (Italian, English) are all available for interview on this briefing paper from London. For more information, please contact the Amnesty International Press Office on +44 (0) 20 7413 5566 or email press@amnesty.org