



LONG STRUGGLE FOR TRUTH

ENFORCED DISAPPEARANCES
IN LIBYA

AMNESTY
INTERNATIONAL



'Libya today is not Libya of yesterday, and Libya of tomorrow, God willing, will be even better'

Saif al-Islam al-Gaddafi, son of the Libyan leader and head of the Gaddafi International Charity and Development Foundation, March 2010

Thousands of Libyan families are waiting for answers from the Libyan authorities. They all have relatives who have been forcibly disappeared or who have been killed by agents of the state in past decades. Despite Libya's recent transformation from pariah state to international player, they have had no satisfactory responses to their demands for truth and justice.

Only a few years ago, Libya was a closed country under UN, European Union and US sanctions. Gross human rights violations took place in a climate of secrecy and

MILOUD BOUSHASHA

Nouri Boushasha wants to know the truth about what happened to his brother Miloud, whom he has not seen since his arrest in March 1989. A group of men in civilian clothes came to the family home in Benghazi and took 23-year-old Miloud away without explanation. The distraught family spared no effort to locate Miloud. They asked local authorities and visited prisons in Benghazi. All in vain. Three years after his arrest, the family heard rumours that Miloud was in Abu Salim Prison. They made the long journey to Tripoli, but the prison administrators refused to tell them anything. Eventually, they admitted that Miloud was held there, but did not allow the family to see him. For years, the family kept delivering food and clothing for Miloud, not knowing that he had been killed in June 1996. Thirteen years later, in June 2009, the family was given a death certificate and offered 200,000 Libyan dinars (about US\$158,000) as financial compensation. They refused to accept it until they are told the truth about why Miloud was arrested in the first place and why he was killed in 1996.

isolation. Today it is a full member of the international community, elected to the UN Human Rights Council in May 2010. Sadly, the country's international reintegration has not been accompanied by steps to address the legacy of gross human rights violations committed in past decades.

Routine abuses committed in the 1970s, 1980s and 1990s included arbitrary detentions, enforced disappearances, torture and other ill-treatment, extrajudicial executions and deaths in custody. Victims ranged from political dissidents living in Libya or abroad to suspected members or supporters of armed Islamist groups. To date, the Libyan authorities refuse to acknowledge, let alone redress, the harm done.

The relatives of the disappeared are asking to know the fate of their loved ones and the reasons why they were victimized. They want the authorities to recognize the

violations committed and to apologize. They want accountability and assurances that such abuses will not be repeated. Only then will they be able to mourn and heal, and only then will the authorities be able to regain their trust.

Far from responding to the families' legitimate demands, the Libyan authorities have first ignored the families and later tried to pacify them through offering financial compensation – accepted by some families but rejected by many others. The authorities have not revealed the truth about the fate of thousands of individuals who disappeared or died in the hands of security forces and no perpetrators have been brought to justice. In fact, some still apparently hold official positions. This climate of total impunity facilitates human rights violations. It also sends the message that members of security forces and others responsible for gross human rights violations are above the law, while victims are outside its protection.

ENFORCED DISAPPEARANCE

An enforced disappearance is: "*the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law*".

Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance

AMRAJA' MAS'OD FARAJ AL-KABAILI

Ahmed Mas'oud Faraj Al-Kabaili is still searching for the truth about what happened to his brother, Amraja' Faraj Al-Kabaili, who was arrested in Ajdebia, in the northeast of Libya, in 1989. Amraja' Faraj Al-Kabaili, father of five, was reportedly suspected of supporting Islamist armed groups. His family has obtained no news about him despite requests for information from the authorities in Ajdebia and Tripoli. Years later, the family was given a death certificate which did not specify a cause of death, nor the exact place and date of death.

ABU SALIM PRISON KILLINGS

Up to 1,200 prisoners were killed in Abu Salim Prison in June 1996. This one event, for which no one has been held accountable, hangs heavy over Libya to this day.

Shortly after the incident, rumours circulated that a large number of detainees had been killed. However, the first official acknowledgement of any disturbances came eight years later, when Colonel Mu'ammar al-Gaddafi, Libya's leader, described the "tragedy" to an Amnesty International delegation. He said that following an escape attempt and the killing of a number of guards by prisoners, the police had intervened. There was an exchange of fire resulting in casualties, including deaths, on both sides.

Another version is based on accounts by former prisoners, who described a riot sparked by appalling prison conditions on 28 June 1996. Prisoners allegedly took two guards hostage, stole keys to the cells and tried to escape but were thwarted by locked gates. Security forces intervened and shot randomly at prisoners who had managed to leave their cells. A delegation of senior security officials then arrived to negotiate with prisoners' representatives. It has been reported that during the negotiations, which lasted late into the night, officials promised that some of the prisoners' demands for better conditions would be met.

However, the next morning, former prisoners said they heard an explosion followed by shootings which lasted some two hours. At the time, they did not know



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Families of victims of the Abu Salim Prison killings met with representatives of the Gaddafi International Charity and Development Foundation in Benghazi in November 2009. Families were outspoken about their sufferings and insisted on knowing the truth about the fate of their relatives. The Gaddafi International Charity and Development Foundation called on the Libyan authorities to address the killings in its latest annual report issued in December 2009.

what was happening, but they later heard that scores of prisoners had been killed. No official statistics are available but according to an organization headed by Saif al-Islam al-Gaddafi, the Gaddafi International Charity and Development Foundation, there are at least 1,167 families of victims – some of whom lost more than one relative.

Most of those killed in Abu Salim Prison were not only victims of extrajudicial executions, but also victims of enforced disappearance. They had been arrested at various times since 1989, and had not been seen by their families since. They were cut off from the outside world, denied contact with lawyers, and held unlawfully: without charge or trial or after grossly unfair trials.

The Libyan authorities had refused to disclose their fate and whereabouts before the Abu Salim Prison killings took place. After June 1996, they denied the killings. In fact, many families continued to bring food and clothes to the prison gates until the early 2000s believing that their relatives were still alive.



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A map of reform and rehabilitation institutions in Libya. The notorious Abu Salim Prison in Tripoli is not shown. The prison was the site of up to 1,200 killings in two hours on the morning of 29 June 1996. The prison is believed to be controlled by the Internal Security Agency, an intelligence body, rather than the judicial police which has the responsibility for prisons.

'They [the Libyan authorities] stole the happiness from the life of a whole family.'

Mohamed Hamil, whose three brothers died in the custody of the Libyan authorities



Libyan leader, Colonel Mu'ammar al-Gaddafi, acknowledged to an Amnesty International delegation in 2004 that there had been disturbances in Abu Salim Prison in June 1996. This was the first time in eight years that the Libyan authorities admitted that an incident had occurred. To date, no independent investigation has taken place into the killings and families are still waiting for an explanation by the Libyan authorities.

FROM DENIAL TO PROMISES

For years the authorities categorically denied that any killings took place in Abu Salim Prison in 1996. Since Colonel Mu'ammar al-Gaddafi first spoke about the events in early 2004, the authorities have periodically announced that investigations have opened or are ongoing.

In September 2009, judge Mohamed al-Khadar was appointed to head a committee to inquire into the events. In a newspaper interview, he promised that the truth would be told no matter how "bitter". In September, he confirmed that investigations would begin shortly, and that a final report should be expected six months later. To date no report has been published. Furthermore, information about the mandate and methods of this committee has been scarce.

Judge Mohamed al-Khadar stressed the importance of "reconciliation", saying "we are not in a revenge stage". This gave rise to fears that identifying perpetrators and bringing them to justice was not within his committee's remit. According to the information available to Amnesty International, the committee has not met with families of victims of Abu Salim Prison killings to gather their testimonies.

MOHAMED HAMIL

Mohamed Hamil has three brothers who died in custody: Khaled, Saleh and Sanoussi Hamil Mouftah al-Farjani. Two died in Abu Salim Prison in 1996 and one in a detention centre in Benghazi. The three – aged between 22 and 26 when they were arrested – were held completely cut off from the outside world. The family had to wait until March 2009 for the first official acknowledgement from the authorities that the three had died. No other details were provided.

Mohamed Hamil and about 30 other families of victims took their grievances to court, asking for the authorities to reveal the exact fate of their relatives. Even though the North Benghazi Court of First Instance ruled in favour of the families in June 2008, to date the authorities have ignored the court order to reveal the whereabouts of individuals believed to have been killed in Abu Salim Prison in June 1996.

AHMED

Ahmed [not his real name] was called in for questioning by the Internal Security Agency (ISA), an intelligence body, in Beyda, in the northeast of Libya, in 1995. His family has not seen him since. His brother, Faraj [not his real name], was arrested several months later, also by the ISA. Faraj was transferred from Beyda to Benghazi and later to Abu Salim Prison in Tripoli. He was questioned by members of the ISA in Abu Salim Prison about specific people and asked if he belonged to any Islamist groups. Faraj was released without charge or trial in 2000, but without being given any explanation for his arrest or release. While in Abu Salim Prison, he heard from other prisoners that his brother was also held there and that he was one of the victims of the June 1996 killings. Faraj was held in a different section of the prison.



Having suffered in silence and isolation for more than 10 years, families of victims of the Abu Salim Prison killings have started to campaign in public. They protest regularly, nearly every Saturday, demanding that the authorities respond to their cries for truth and justice. While the authorities generally tolerate such protests, some of the most active families have faced reprisals, including intimidation, restrictions on their freedom of movement and even arrest.

BREAKING THE WALL OF SILENCE

Families of victims, particularly in the city of Benghazi, in the northeast of Libya, are campaigning for truth, justice and adequate reparation. Having suffered in isolation and silence for more than a decade, they have started to air their demands publicly. They have won a court case in Benghazi requesting the authorities to reveal the exact fate of 33 individuals believed to have died in the custody of the Libyan security forces. Despite the climate of fear and repression in Libya, they have established an Organizing Committee of Families of Victims of Abu Salim in Benghazi. However, the authorities have refused to register this organization.

Protests are held nearly every Saturday in Benghazi, where families call for their right to be told the full truth, to know where their loved ones are buried, and to see justice take its course. Families insist that only when these demands are met will they accept financial compensation.

Between 50 and 100 family members usually participate in such protests but on the 13th anniversary of the killings in June 2009, more than 200 women, men and children marched through Benghazi demanding that the authorities listen to their pleas. While the Libyan authorities

generally tolerate such protests, some participants have faced reprisals including harassment, threats and even arrest. In March 2009, five members of the Organizing Committee of Families of Victims of Abu Salim in Benghazi were arrested, including one of its leading members, Fathi Tourbil. They were held incommunicado for several days before being released without charge.

Two Amnesty International delegates were set to meet some of these families in Benghazi during a fact-finding visit to Libya. They were prevented by the Libyan authorities from boarding a flight from Tripoli to Benghazi on 21 May 2009.

'Our demands are human rights demands, not political demands... All we want is to live a secure life, a stable life, a life with some dignity... A person is abducted from his house, his work, the public street, and for years the mother, the wife, the children live in pain... But let's open a new page [with the authorities], a page based on what is right, on justice, on truth, on the establishment of truth'.

Fathi Tourbil, leading member of the Organizing Committee of Families of Victims of Abu Salim in Benghazi

'For the past 20 years my family and I have been subjected to a cruel fate. The silence and uncertainty surrounding my father ever since his enforced disappearance at the hands of the Libyan authorities, has at times been nearly impossible to bear. However, the ongoing and steadfast support of Amnesty is deeply appreciated by me and my family....I thank the members of Amnesty and urge them to keep on their good work, particularly on the long standing cases.'

Hisham Matar, whose father, Jaballah Matar disappeared in Cairo, Egypt, in March 1990

WIDESPREAD DISAPPEARANCES

Families of victims of the Abu Salim Prison killings are not alone in their search for answers from the Libyan authorities about their disappeared relatives. The practice of arresting or abducting individuals suspected of being political opponents or members of unauthorized groups, followed by a denial of their arrest and whereabouts, was widespread in Libya in past decades. To date, many families do not know whether their relatives are alive or dead despite endless attempts to find out.

Jaballah Matar and 'Ezzat Youssef al-Maqrif, two prominent members of the Libyan opposition group, the National Front for the Salvation of Libya (NFSL), disappeared in Cairo, Egypt, in March 1990. Since then their whereabouts have remained unknown, although it is widely believed that they were handed over to the Libyan authorities by their Egyptian counterparts. Correspondence smuggled out of Abu Salim Prison in the 1990s confirmed that Jaballah Matar and 'Ezzat Youssef al-Maqrif were in the custody of the Libyan authorities. Since their disappearance, their families have spared no efforts to find information about them from the authorities, who continue to ignore their demands. Their children continue to campaign tirelessly for the truth about what happened to their fathers.

JABALLAH MATAR AND 'EZZAT YOUSSEF AL-MAQRIF



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Jaballah Matar and 'Ezzat Youssef al-Maqrif, two prominent members of a banned opposition party, the National Front for the Salvation of Libya, disappeared in Cairo, Egypt, in March 1990. Their families have not seen them since. However, they received letters smuggled out of Libyan prisons in the 1990s confirming their fears that the Egyptian authorities had handed the two men over to their Libyan counterparts. Their children continue to demand the truth.

'The destructive impact of physical liquidation ripples beyond the individual life that is taken, wrecking the lives of loved ones left behind, families, and a nation's sense of community and solidarity.'

'Physical liquidation stole our childhood. Almost overnight, we lost our father and sole protector. Ostracized by a society living in fear of being associated with her and her children, my mother suffered alone in silence to raise five traumatized children in Libya and abroad.'

'It's time for Libya—for Libyans—to ask the difficult questions of who was responsible and why. It's time for our beautiful motherland to open its arms and welcome its people with love, respect and humanity to begin our nation's process of healing. It's already been too long.'

Taher Deghayes, son of Amer Deghayes, whose body was returned to his family in February 1980, days after he was summoned for questioning by the security forces.

AMER DEGHAYES

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Amer Deghayes with his son Omar in 1976. Four years later, he was called in for questioning by a security official. He never returned. Several days after his summons, the family was told that he had committed suicide, but they were not allowed to see the body or the autopsy report. He is believed to have been one of the first victims of the officially endorsed policy of “physically liquidating” political opponents. He was the co-founder of the Ba’ath movement in Libya.

‘PHYSICAL LIQUIDATION’

In 1980 the Libyan authorities introduced a deliberate policy of killing their political opponents, who they called “stray dogs”. The policy, known as “physical liquidation”, seemed to have been endorsed at the highest levels. Dozens of Libyan dissidents inside and outside the country were killed in circumstances suggesting that they had been extrajudicially executed by members of the Libyan security forces or by agents acting on behalf of the Libyan authorities.

One of the first suspected victims of this policy was Amer Deghayes, father of five and co-founder of the Ba’ath movement in Libya. He was summoned for questioning by a security official on 27 February 1980. Several days later, his brother received a call telling him to pick up Amer Deghayes’ body from the Zawiya Hospital morgue in Tripoli. The authorities gave the family a death certificate which indicated that he had hanged himself, but did not give the family an autopsy report or let his wife or brother see the body. His family are convinced that he was “physically liquidated”.

The policy of “liquidating” political opponents extended to Libyans living in exile. Between March 1980 and June 1987, Amnesty International recorded at least 37 attacks on suspected members of the banned Libyan opposition living abroad. Twenty-five people were killed. To date, no independent investigations have been conducted into these killings, and no one has been held to account for them, entrenching a climate of impunity.

right: Protest by families of victims of the Abu Salim Prison killings of June 1996, where up to 1,200 detainees are believed to have been extrajudicially executed. The families are calling on the authorities to reveal the truth about why their relatives were victimized and killed. They are asking the authorities to bring those responsible to justice and to provide them with adequate reparation.

cover photo: Protest by families of victims of the Abu Salim Prison killings of June 1996.
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TIME FOR ACTION

Amnesty International calls on the Libyan authorities to:

- conduct full, impartial and independent investigations into all enforced disappearances, extrajudicial executions and deaths in custody and bring those responsible to trial in fair proceedings without recourse to the death penalty;
- publish a detailed list of those killed in the Abu Salim Prison in June 1996 and others who died in custody as a result of torture or other abuses;
- provide families of victims of the Abu Salim Prison killings with accurate death

certificates stating the place, date and exact cause of death;

- recognize state responsibility for gross human rights violations in the past and issue an official public apology from the Head of State, Colonel Mu'ammar al-Gaddafi;
- ensure that families of victims are protected from intimidation or harassment and allow the Organizing Committee of Families of Victims of Abu Salim to register;
- sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Rome Statute of the International Criminal Court

and extend invitations to the UN Working Group on Enforced and Involuntary Disappearances and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions.

Amnesty International calls on the Egyptian authorities to:

- conduct full, impartial and independent investigations into the enforced disappearances of Libyan nationals in Egypt and make the results public;
- bring to justice anyone responsible for or complicit in the enforced disappearance of Libyan nationals in Egypt.

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Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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Amnesty International
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org