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AMNESTY INTERNATIONAL

Briefing

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Libya: detainees, disappeared and missing

He is in their (the forces of Colonel Mu'ammār al-Gaddafi) hands and we have no idea where he is being held and what kind of treatment he is being subjected to. We are very worried that he is being tortured and if we speak about his case they may further punish him, and that the safety of his wife and children in Tripoli may be endangered.

Relatives of a man arrested from his home in Tripoli, in the late afternoon of 22 February 2011, in front of his wife and children.

Many people have been subjected to enforced disappearance¹ by forces loyal to Colonel Mu'ammār al-Gaddafi since the current unrest began in Libya in mid-February 2011, including dozens who were arrested and detained in eastern Libya and are believed to have been transferred to the Tripoli area that are controlled by al-Gaddafi forces. These detainees and disappeared persons are at grave risk of torture and other serious human rights abuses. The true number is impossible to calculate as the authorities in Tripoli generally do not divulge information about people they are detaining and because many areas of the country are not accessible for independent reporting; indeed, a number of Libyan and international journalists have been detained and ill-treated for seeking to report from areas in which al-Gaddafi forces have carried out arrests and attacks against civilians, and some are also still missing and unaccounted for having been detained by al-Gaddafi forces. Other journalists who have been released as a result of international pressure, including journalists from the BBC and *The New York Times*, have reported that they were tortured or otherwise ill-treated. Some were subjected to mock executions.

An Amnesty International fact-finding team has been in eastern Libya since 26 February 2011. The team has visited several towns and interviewed relatives and friends of disappeared and missing persons. Some have been unaccounted for since early January 2011, although most have been subjected to enforced disappearance since mid-February 2011, the beginning of peaceful protests against Colonel al-Gaddafi's government.

Cases of recently disappeared or missing persons documented by Amnesty International fall into three broad categories:

- government critics, pro-democracy activists, writers and others detained in the lead-up to the peaceful demonstrations held on 17 February 2011 in various cities throughout Libya. They appear to have been arrested by the authorities as a pre-emptive strike in an effort to nip the protests in the bud following the public protests that had caused the downfall of longstanding repressive governments in Tunisia and Egypt, two of Libya's neighbours. Amnesty International has documented cases of people arrested in Tripoli, Benghazi, al-Bayda and Misratah whose fate and whereabouts currently remain unknown. They include some detainees who were initially allowed access to their families or lawyers until such contacts were cut by the authorities once the public protests began. Relatives believe that these and other detainees held when the protests got underway were then transferred to Tripoli by security forces loyal to Colonel al-Gaddafi.

- anti-government protestors and youths who went missing on the evening of 20 February at a time when a special forces unit loyal to Colonel al-Gaddafi – the “Kateeba al-Fadheel” (hereafter, the Kateeba) – were forced to evacuate from a military compound in Benghazi after clashes with protestors opposed to

¹ The International Convention for the Protection of All Persons from Enforced Disappearance defines enforced disappearance as follows: *For the purposes of this Convention, “enforced disappearance” is considered to be 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)



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Colonel al-Gaddafi, with some using petrol bombs and other improvised weapons. These violent clashes occurred after the Kateeba or other forces had opened fire on, killing and injuring peaceful protestors. Amnesty International has documented the cases of nine men and boys who have not been seen since they went to the Kateeba compound area on evening of 20 February 2011, including four teenagers under 18. They are believed to have been arrested or abducted by members of the Kateeba unit or other forces brought in from outside Benghazi as reinforcements to the Kateeba before they evacuated their military compound and withdrew from Benghazi.

■ individuals reported to have been captured in or near the town of Ben Jawad where there had been intermittent fighting between Colonel al-Gaddafi's forces and those engaged in armed opposition to his government. Amnesty International has obtained information about a number of individuals who went missing in the area between Ajdebia and Ben Jawad, west of Benghazi. Some are believed to have been fighters, others to be civilians who went to the area in order to assist the wounded, and still others people who may have been onlookers. Currently, many are unaccounted for and it is not known where they are being held or in what conditions, prompting serious concern for their safety.

Reports from Tripoli, and other parts of the country that remain under the control of Colonel al-Gaddafi's forces or have been subject to attack by those forces indicate that the number of those now subject to enforced disappearance is much greater than the number of cases that Amnesty International – which does not have direct access to Tripoli or other areas controlled by Colonel al-Gaddafi's forces; and where the authorities maintain tight control over information – has so far been able to document.

All across Libya, families report that they live in daily fear of reprisals against their disappeared relatives and many are unwilling for their names to be disclosed publicly, believing that this will expose their detained relatives to even greater risk.

People subjected to enforced disappearance by Colonel al-Gaddafi's forces must be considered at very grave risk of torture and other ill-treatment and, possibly, extrajudicial execution. Foreign journalists who were detained by Colonel al-Gaddafi's forces and then released following international intercessions with the Tripoli authorities have reported that they were beaten and assaulted and threatened with execution, in some cases even being subjected to mock execution, and have expressed concern about Libyans who they saw being mistreated in detention.

There are fears too that some detainees may be held by Colonel al-Gaddafi's force as bargaining chips or to put pressure on their relatives and friends to deter them from joining the opposition to Colonel al-Gaddafi, which now controls an increasingly large swathe of eastern Libya. Others may be held for possible prisoner exchanges for members of the armed forces loyal to Colonel al-Gaddafi who have been captured by his opponents in eastern Libya. Still others may be held simply to prevent them from organizing further protests against Colonel al-Gaddafi.

Amnesty International's concern for the safety of those currently being held by the forces loyal to Colonel al-Gaddafi are heightened by the long pattern of gross and widespread human rights violations that have characterized his rule over many years. These include enforced disappearances, extrajudicial executions, prolonged arbitrary detention, torture and other ill-treatment, as well as severe restrictions on freedom of expression and the rights to freedom of assembly and association. In addition, since the onset of the protests in February 2011, Colonel al-Gaddafi has made several television broadcasts in Libya in which he has issued dire threats against those who oppose his rule, on one occasion threatening to have his forces go door to door to "cleanse" those who are suspected of supporting or participating in the protests or opposing him.

On 26 February 2011, the UN Security Council decided in an unopposed resolution to refer Libya to the Prosecutor of the International Criminal Court and the Prosecutor has since announced that he has launched an investigation against Colonel al-Gaddafi and members of his family and associates for alleged crimes against humanity committed since 15 February 2011. It is against this background, then, that Amnesty International is calling on Colonel al-Gaddafi and his senior commanders and associates to:



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- ensure that the families and lawyers of those detained are informed immediately of the place of detention and the specific allegations against them, and allow immediate independent access to these places of detention in order to ensure the safety and well-being of those detained;
- immediately and unconditionally release all those detained solely on account of their opinions or peaceful activities in support of the protest demonstrations, and guarantee them safe passage to their homes;
- take immediate steps to ensure that any alleged or known fighters captured are treated humanely in accordance with the requirements of international law and give them access to the International Committee of the Red Cross (ICRC) in order that their families may be informed of their capture and place of detention and be allowed to communicate with them;
- grant immediate unhindered access to international humanitarian and human rights organizations to the areas of Libya under government control and allow them to carry out their work without restrictions or obstructions. In particular, immediately allow the ICRC access to all detention facilities in Libya, including those used to detain captured fighters.

WRITERS, BLOGGERS, PRO-DEMOCRACY ACTIVISTS AND OTHER PEACEFUL PROTESTERS

Since early January 2011, several writers, pro-democracy and civil liberties advocates have been subjected to enforced disappearance following their arrest by security forces loyal to Colonel al-Gaddafi, including two feared security police units, the Internal Security Agency (ISA) and the External Security Agency (ESA).

Some of those detained were later released but others remain disappeared and, to date, their families have, been unable to find out where they are being held, for what reason and on what legal grounds.

Those detained were not taken at random but were clearly targeted for arrest by the Libyan authorities, apparently on account of their opinions and their writings and other activities advocating or in support of calls for popular mobilization to achieve political change.

Others were detained shortly before and once the demonstrations began, apparently because the Libyan authorities considered them to be among the key people organizing the demonstrations, which were called for 17 February 2011 using channels that included social networks such as Facebook. The authorities seem to have believed that they might be able to stifle the protests by arresting the suspected organizers and when this did not work to have resorted almost immediately to the use of lethal and other excessive force against those who came onto the streets to call peacefully for political and other change.

Adel Abdullah El-Gehani, a colonel in the Libyan army and father of seven children, was arrested on 14 January 2011 in Benghazi by Military Intelligence officials, apparently for posting articles and blogs in which he criticized human rights violations committed under Colonel al-Gaddafi's government and called for demonstrations in favour of political reform. His family have not been able to obtain any information about him since the date of his arrest, causing them great anxiety.

Ali Abdelounis al-Mansouri was arrested on 2 February 2011 in Tobruk, apparently by ISA officers, and is believed to have been transferred to detention in Tripoli the same day. His relatives sought information about him from the authorities but without response and do not know his legal status or where he is detained, and they have had no access to him. Prior to his arrest, he made several calls on the internet for peaceful demonstrations in Libya in support of greater freedoms.

Safai Eddine Hilal al-Sharif, a 41-year-old father of five who worked as a technician in an oil company in Ras Lanouf, was arrested at his home on 24 January 2011. Since then, his family have been unable to obtain any information about him or even an acknowledgement of his detention by the authorities in Tripoli. His family told Amnesty International:

At about 8pm (on 24 January 2011) six men in plainclothes, probably members of the ISA, asked the children who were outside if their father was at home and to call him. He went out and the men took



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him away with them; he was in his pyjamas. After about half an hour they brought Safai Eddine back and came into the house and searched the house. Safai asked them what they were looking for, and one said: 'We have an order to search all your properties.' Safai asked who gave that order, and the man answered: 'We cannot say.' They took two computers, a camera, a camcorder (video) and a mobile phone. They allowed him to get dressed and took him away. It was 9:30pm. Since then we have had no news about him. An acquaintance who had contacts in the ISA said that Safai Eddine was taken straight to Tripoli, but we have not been able to know anything about where he is held, if he is in good health, what do they want from him; nothing. We don't understand why they have taken him. He was just an ordinary guy who spent his time between his family and his work. He was not involved in politics. He liked to browse the Internet and Facebook, but nothing more than that. We just want to know where he is, why he was taken.

Rather than stifling the protest movement, in some cases arrests had the opposite effect, resulting in people taking to the streets even before the scheduled protest day of 17 February 2011. In Benghazi, protests broke out on 15 February 2011 following the arrest of Fathi Tourbil, a well-known human rights lawyer and spokesperson of the Organizing Committee of Families of Victims of Abu Salim in Benghazi – a group representing families of as many as 1,200 prisoners who were killed, apparently unlawfully, by government forces in June 1996 in Tripoli's Abu Salim Prison. Fathi Tourbil was released the day after his arrest.

Other arrests, however, continued after Fathi Tourbil's release. **Mohammad Mosbah Soheim**, a 30-year-old writer and pro-democracy advocate, was arrested on 16 February 2011 by ISA officials in plainclothes who took him from his home and confiscated his ID, passport, laptop computer and some books. He too has not been seen since his arrest and his family has been unable to find out where he is held and the reason and legal basis for his arrest. He formerly wrote articles for *Cerene*, a well-known newspaper. He left *Cerene* two years ago but had continued to publish articles advocating reform on websites and on his Facebook page, and shortly before his arrest had travelled to neighbouring Tunisia to assess the new atmosphere of freedom there following the popular protests that ousted the repressive rule of President Ben Ali and forced him to flee to Saudi Arabia. In one of the last articles that he published prior to his arrest, which he addressed to Colonel al-Gaddafi, he wrote:

...To date Libya has not gone the way of Tunisia and Egypt and, as the son of this generation and the son of the poor neighbourhoods, I can tell you that Libya is heading in that direction... Colonel Mu'ammr al-Gaddafi, I put before you a historical responsibility, to allow Libyans to exercise their rights, to establish their state, to have freedoms, to establish political parties and to prepare for elections to facilitate the transfer of power to an elected national government. These measures will avoid bloodshed and will mark you as the one who took Libya to real safety and stability. I have to note that my detention, imprisonment, killing or expulsion will not change the situation. It will only possibly speed up the explosion (meaning explosion of popular anger).

One of Mohammad Mosbah Soheim's relatives told Amnesty International:

... At about 11:15 that morning (16 February 2011) I went to the ISA headquarters (in Benghazi) to ask about Mohammad. I found a man in military uniform at the gate who could not tell me anything and I asked to speak to a higher officer. A plainclothes officer with white hair, probably in his fifties came and at first denied all knowledge of Mohammad's detention but after I insisted said that he was indeed being held and that he was well and would be released 'after this crisis is over' (referring to protests which were happening in eastern Libya). However since then we have had no news except for some information received via an unofficial channel according to which Mohammad and Driss Mesmari, another writer also arrested from Benghazi at around the same time, are being held in an undisclosed detention centre in Tripoli.

Jalal Kuwafi who had been arrested on 9 February 2011 but was able to get away when ISA officials fled from the compound they occupied on 20 February 2011, told Amnesty International that he had seen Mohammad Mosbah Soheim and **Driss Mesmari**, another detainee who was arrested in Benghazi on 16 February 2011, briefly in detention as they were brought into the ISA centre in Benghazi. He told Amnesty International:



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I was severely beaten during the first day and night of my detention; they kept asking me about 'papers' regarding the call for demonstrations and then showed me a thick file containing printouts of my Facebook messages and web chats. They then told me that I was going to be transferred to Tripoli. Several days after my arrest, I do not remember the exact day as I had been in my cell in total isolation for several days since my arrest on 9 February, I heard some new voices in the corridor indicating that new detainees had been brought in. I knocked on the door of my cell and asked to use the toilet. As I was led out I briefly caught sight of Mohammad Soheim and Driss Mesmari. They were only there briefly and were taken away after a few minutes. I was eventually able to leave on 20 February, amidst the chaos when the ISA officers fled the compound.

The family of Driss Mesmari also has had no news of him since the day of his arrest and fear for his safety. The family of blogger and government critic 'Atef' **Abd al-Qader Al-Atrash**, a 32-year-old father of two young children, live with similar fears for his safety. He has not been seen since he is believed to have been seized by forces loyal to Colonel al-Gaddafi in Benghazi on 18 February 2011 while attending a gathering outside a court near to Benghazi's port.

His relative, who also attended the gathering with him, told Amnesty International:

The day before his arrest, 'Atef called the phone-in programme on Al Jazeera TV and spoke about the situation, the repression of the protests, and the presence of armed men in plainclothes in the streets. Then at about 5pm [on 18 February 2011] we went out together. We were filming and the atmosphere among the protesters was friendly and protesters did not mind being filmed, which was extraordinary. We were there for half an hour or so and then went home. We were shocked by the killing and injury of so many protesters that day and evening.

The following day we went to the gathering outside the court where the bodies of the demonstrators killed the previous day had been brought for Friday prayers, before the start of the funeral procession to the cemetery. There was a very large crowd in attendance. I was filming and 'Atef was taking photos and was perched on someone's shoulder. I last caught sight of him as he was getting down. It was 12:45. He then disappeared. After a while I called him but his phone was busy and then disconnected. At about 15:30, I went to where he had parked his car and the car was still there, and it remained there. That evening and in the following days, my relatives and I went to look for him in all the hospitals but found no information. We kept trying to call his phone but never got through, until some days later when a man who spoke with a western [western Libyan] accent answered and said: 'this is what happens to those who throw stones at us'. But 'Atef had never even thrown stones. We had just been filming and taking photos. He has simply disappeared. The only possibility is that he was taken by plainclothes security forces from outside the court and taken to Tripoli or some other area under the control of al-Gaddafi's forces.

Arrests also took place in al-Bayda, some 200km east of Benghazi. **Salah Salem Kamash**, an imam (preacher) and former detainee at Abu Salim Prison, was arrested from his home at 4am on 16 February 2011 in front of his wife and children. He told Amnesty International that he was taken to the ISA headquarters, where he was accused of stirring up trouble by speaking out against poverty, corruption and repression. In the last sermon that he had delivered at his mosque on 10 February 2011, prior to his arrest, he had criticized the Libyan government and called for peaceful protests similar to those that had achieved change in Tunisia and Egypt. Immediately after his arrest, he told Amnesty International, while he was being taken to the ISA headquarters, he was told that he would be transferred to Tripoli. However, he was fortunate; he was released that evening, after protesters besieged the ISA building where he was being held. Amnesty International believes he would have suffered the same fate as other disappeared activists had protesters not besieged the ISA building before he could be transferred to Tripoli.

Amnesty International has also been able to document several cases of enforced disappearance in western Libya. Those detained and now disappeared include:

Jamal al-Hajji, a former prisoner of conscience who called for peaceful protests. He was re-arrested in a Tripoli car park on 1 February 2011 by a group of some 10 plainclothes members of the security forces who said they had received a complaint from a man who claimed that Jamal al-Hajji's car had struck



him, which Jamal al-Hajji denied. The security officials then forced Jamal al-Hajji into an unmarked car and drove him away. He is still being held and his family have lost contact with him since the protests against the government began in mid-February 2011. His place of detention and legal status have not been disclosed by the Libyan authorities.

Among others who remain unaccounted for following their arrest by Colonel al-Gaddafi's forces are two brothers who were taken from their homes in Misratah by plainclothes security officials, probably members of the ISA, on 16 February 2011. They are believed to have been involved in circulating information about planned protests against the government on social networking sites including Facebook. Their families have received no information about them in the six weeks since they were detained and have asked that their names be withheld for fear that the authorities will take reprisals against them if they are named publicly.

Libyan Human Rights Solidarity, a Geneva-based NGO, has identified a number of others whose fate and whereabouts are unknown following their arrest by officials loyal to Colonel al-Gaddafi. They include **Abdelrahman Swilhi**, who was taken from his home in Ain Zara, south of Tripoli on 28 February 2011 together with his 25-year-old son **Shtiwi Swilhi**. Two of his other sons had already been arrested. Abdelrahman Swilhi is believed to have been detained after he gave phone interviews to several foreign media channels in which he condemned the government's use of force against peaceful protestors and demanded that the Libyan authorities to respect their obligations under international human rights law.

Five members of the Ashtar family, all known political activists who belong to the Zentan tribe known for its opposition to Colonel al-Gaddafi, were taken away from their home in Tripoli on 27 February 2011; in their cases too, there has been no information forthcoming.

Even worshippers at a mosque are reported to have been detained for planning peaceful protests. On 4 March 2011, eyewitnesses who managed to escape have told Amnesty International that plainclothes security officials loyal to Colonel al-Gaddafi detained some 150 people at a mosque in Mizran Street, Tripoli, to prevent them holding a peaceful protest after Friday prayers. Uniformed police officers are said to have warned the mosque congregation in advance to leave and so avoid arrest. It is unclear how many of those detained are still held, but the family of one man who was taken away by security officials has told Amnesty International that they have had no news of him or his whereabouts since then.

MISSING BENGHAZI RESIDENTS FEARED SEIZED BY RETREATING FORCES

According to family and witnesses, at least nine men and boys have been missing since 20 February 2011, when they visited the Kateeba al-Fadheel military compound in the eastern city of Benghazi on the day it fell to opposition protesters.

When news spread that soldiers belonging to the Kateeba had evacuated the compound, people stormed in, unaware that Colonel al-Gaddafi's armed forces had not yet all left the complex. The families of the nine missing men and boys – four are aged under 18 – believe that their relatives were taken forcibly by the remaining Kateeba forces as they departed from their compound. It is unclear whether others too, in addition to the nine, went missing at the same time.

Faraj Jum'a al-Maghraby, aged 23, entered the compound with his brother and scores of other people through a side gate. His brother told Amnesty International:

Faraj entered with the crowds while I waited at the gate. A few minutes later, he came back to show me the military uniform he found and wore. It was big on him and loose. He then went back in and shortly afterwards, firing resumed. It was loud coming from inside the Kateeba... Faraj does not have a cell phone so I called my older brother and told him that Faraj is still in the Kateeba.

When the firing stopped and the soldiers had left, Faraj Jum'a al-Maghraby's two brothers and some friends ventured in and looked for him everywhere but found no trace of him. He has been missing since then. According to his brother:



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We're afraid he might have been taken by the soldiers leaving the compound. They all left Benghazi... we do not know what to do and who to ask... we just want him to return home.

Mohamed Ali al-Aqeely, a 14-year-old schoolboy, also went missing on that same night and is feared to have been forcibly taken away by Colonel al-Gaddafi's troops. His friend told Amnesty International:

I met with Mohamed in the neighbourhood and spent some time with other guys here. Then, one asked us to go with him to the Kateeba to check it out after news that it's now open for all people to go. We arrived to the Kateeba's side gate at night. The guy with us left and I was afraid to go in and stayed at the gate... but a lot of people were going in, and Mohamed went in with them. I kept looking at him and saw him entering the first building to the right. After a while, I saw him getting out of it and then going in again... there were many people going around there, some just looking, others taking stuff like TV sets and others setting fire in the Kateeba's buildings. I waited for a while and then left and came back home. The following day, I knew that he never made it home.

Mohamed's mother told Amnesty International that the youngster had insisted on going out on 20 February 2011 after being confined to the house for days because of what she described as insecurity.

He was confined at home throughout the protests because it was unsafe... (On Sunday), he was too bored and wanted to get out... he never returned.

Another teenager who went missing that day was **Hassan Mohammad al-Qata'ni**, a 14-year-old schoolboy, who was last seen in a street close to the Kateeba. His relative told Amnesty International:

I last saw him at about 5pm (on 20 February 2011) in the street near our home, which is near the Kateeba. I told him to go home at once. He complained; he said: 'But I want to see what is going on, everyone is out looking at what is going on, why do I have to be the only one who has to go home?' So I told him that he could stay but only for a little while and only near home. He did not come back home and we have had no news at all since then. He was last seen by one of our neighbours who told us that he saw Hassan at around 9-10pm by the main gate of the Kateeba. He described what Hassan was wearing – jeans turned up at the bottom and sandals. Hassan had bought a new pair of sandals that morning and had worn them immediately and went out wearing them. We have looked for him everywhere, in all the hospitals, even in the morgues, but have found no trace of him. I haven't slept since he's gone missing, nobody in my family has slept; we are so worried; he is just a kid; we don't know what to do, where to look for him, who to turn to for help. The road to Tripoli is cut so we have no way to look for him there.

Ahmed Anwar Bouqmeir, aged 16, was last seen at a Kateeba gate by a neighbour as people crowded together shortly before they entered. The neighbour told Amnesty International:

I was among the crowds at the Kateeba's main gate and looked behind me and saw Ahmed with us in the crowd. It was the last time I saw him, because when we entered the Kateeba, we were too many exploring different buildings.

According to Ahmed's mother:

We were scared all the days during the unrest and he stayed home playing computer games... but on Sunday (20 February 2011), people said that the Kateeba has fallen and that everyone is going there. So he asked if he can go as well, and I disapproved. He insisted and said that all the people have gone there to see it, and that everyone is going there and that he would also want to see the place from inside... he went there and... he never came back.

Sami Naji al-Tawirqi, aged 16, also went missing that Sunday night, 20 February 2011, as did 23-year-old **Ahmed al-Mahdi al-Awjali**, 24-year-old **Hassan Abdel Fattah Shatwan**, 34-year-old **Saleh Aqeel al-Dali**, a driver and father of a two-month-old baby girl, and **Rafe' al-Bohoor Abd al-Qader**, aged 43, after last being seen at the Kateeba's gate. There has been no word of any of them since that time, leaving their families wracked with anxiety and despair.



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PEOPLE DETAINED IN AREAS OF FIGHTING

People who had fled from Ben Jawad, west of Benghazi, told Amnesty International that they had witnessed Colonel al-Gaddafi's forces torturing and otherwise ill-treating prisoners whom they considered to be "rebels", some of whom may have been fighters and others civilians caught up in the conflict, and that they feared for the safety of those who had been taken prisoner.

One family described how soldiers loyal to Colonel al-Gaddafi had stormed into their house on 8 March 2011 in a search for "rebels". While the father was told to remain in the house, his terrified wife and six children went outside as six to eight soldiers banged their rifle butts on their living room ceiling. They saw a group of mostly young men lying on the ground beyond the fence of their house. Seven or eight were alive but injured, but at least three others were dead. They were wearing insignia that identified them as opponents of the Libyan leader, but it was unclear whether they had been armed when captured or had been providing medical or logistical support to "rebel" fighters. The woman described what she had seen:

The injured were lying there and not receiving any help... we could see them stained with blood. Some were shrieking in pain and others pleading to people to give them water. As we and other neighbours were stealthily providing them with water, a soldier saw us and ordered us to stop helping them. We were scared and complied with his orders.

One soldier brought a picture of Gaddafi and ordered the 'revolutionary' to say that he is 'sidi' [my master]. He did not say it. The soldiers started beating him up, saying: 'You dog, say he is sidi... say he is sidi. The man was made to lie straight on his stomach and the soldiers hit him repeatedly with the rifle butts on his back and kept saying: 'Who is this? Say he is sidi.' And he finally said that.

The prisoners were then pushed into military vehicles by the soldiers who threatened them, saying: "You will be punished you dogs... You will suffer for what you've done."

Those missing from the area of fighting include **Ibrahim Fathi Ba'eyou**, aged 17, and **Hassan Sa'id Al-'Ammari**, aged 18, both medical students who left Benghazi on 5 March 2011 and were between al-Breiqa, 200 km west of Benghazi, and Ben Jawad when their families last had contact with them on the same evening. They had been concerned by reports of casualties as a result of the fighting in the area and wished to provide assistance. Their families have had no contact with them since 5 March 2011 and fear they have been detained or captured by Colonel al-Gaddafi's forces.

Families of eight men who were detained in Ben Jawad early on 6 March 2011 also told Amnesty International that they fear for their lives after some of their relatives received threatening phone calls from those they believe are holding them, assumed to be forces backing Colonel al-Gaddafi. According to their families, the eight men had left Benghazi to travel to Ben Jawad on 5 March 2011, intending either to fight or to act as medics supporting those who had taken up arms against the Libyan leader's forces. They are known to have reached Ben Jawad but next morning two of them phoned their families to report that they and dozens others had been arrested. One told his brother he had been told they were to be taken to Tajura, a short distance from Tripoli, though Amnesty International's information indicates that they were actually taken to Sirte, 560km west of Benghazi, and were held there at least for the first 24 to 36 hours after they were captured.

It is not known whether any of them had taken up arms. The mother of one of the eight told that her son had worked as a volunteer assisting medical staff at Benghazi's al-Jalaa Hospital when protestors were shot in the street by government forces in mid-February 2011 and that he wanted to see if he could provide help to the wounded at Ajdebia and Ben Jawad. He had set off in a car with three of his cousins in order to do so.

Another captured man had told his brother late at night on 5 March 2011 and just hours before he and dozens of others were woken up and arrested, that they had not yet received arms. The brother told Amnesty International:



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I spoke to him and asked if everything was fine. He said that tribes in Ben Jawad had invited them to rest and stay the night in a school. And others were taken to rest at the local mosque. I asked him: 'did you get arms?' He said not yet. The following morning, they were woken up, rounded up and taken away.

On 10 March 2011, Libya's al-Badeel television channel apparently showed footage of a group of some 21 men, including the volunteer medical worker, who were described as members of al-Qa'ida. They were all in civilian clothes. Five of them were shown lying face down with their hands tied behind their backs, while eight others were squatting but without blindfolds, and the remaining eight were kneeling with their hands tied behind their backs and wearing blindfolds. The footage seen by Amnesty International had been recorded on a mobile phone, but was sufficient for the mother of the young medical volunteer to identify her son – although she could not see his face because he was blindfolded he was still wearing the clothes that he had on when he left home five days before.

Several of the detainees were shown on film "confessing" that they had been working with al-Qa'ida, which their families strongly denied to Amnesty International. The families voiced fears that their detained relatives had been tortured or coerced to make them confess to links with al-Qa'ida.

One detainee who managed to contact his family told them that he had been badly beaten and had witnessed another detainee being struck in the eye with scissors by one of his captors, seriously injuring his eye.

The footage of the captives was aired several times on different television channels, including al-Libbiya as well as al-Badeel, with an announcement that: "The families of 'lured men' arrested by the armed forces should contact and coordinate with the People's Leadership in their areas so that they return to their homes."

These People's Leadership bodies were involved over the past two years in informing families of victims of the 1996 Abu Salim Prison killings of the deaths of their relatives and negotiating financial compensation with them, though their mandate, composition and aspects of their role were opaque, and their members appear to have left Benghazi when Colonel al-Gaddafi's forces withdrew. Relatives of those taken prisoner by government forces have not inquired about them in areas under the control of al-Gaddafi's armed forces for fear of being detained themselves.

Another source told Amnesty International that his relative had been taken prisoner by Colonel al-Gaddafi's forces early on 6 March 2011 in Ben Jawad but had been able to phone while being transported with dozens of others to the city of Sirte. He reportedly said that he and others had been captured while they were sleeping and that they were unarmed at the time. Later, in a second call, he was able to let his family know that he and others were being held at the Kateeba al-Sa'idi military compound in Sirte. Subsequently, a brother of the detainee received phone calls from members of Colonel al-Gaddafi's forces using the detainee's phone in which they accused him of encouraging his captured brother to join the armed opposition and threatened: "We will burn you along with your family, your mother and siblings."

Two other families of prisoners being held by Colonel al-Gaddafi's forces also told Amnesty International that they had received calls from their relatives' captors in which threats were made; two were reportedly told in reference to their captured brother or son: "Dig his grave and consider him dead."

However, one family also received a much more temperate call from one of their relative's captors who assured them that the detainee was in good health and, later, told them that the detainee had been transferred with others to Tripoli.

Sofian Salem Senoussi Boujena, aged 32, was captured by Colonel al-Gaddafi's forces in the Ras Lanouf area 280km west of Benghazi on 6 March 2011. Two days later, he and other men said to be captured opposition fighters were shown on Libyan television, blindfolded and handcuffed, and evidently in poor condition, leading his family – who last heard from him as he was being taken prisoner – to fear that he has been tortured and is at serious risk. His younger brother, Mohammed, aged 26, was among those



10 Libya: detainees, disappeared and missing

killed on 17 February 2011 when government forces opened fire on demonstrators in the centre of Benghazi.

'Ounis Mohammad 'Ounis al-Tajouri, a 26-year-old university student in Benghazi, has been missing since 11 March 2011 when he last spoke to his family by phone from near Ras Lanouf. They have had no word of him since although unconfirmed reports suggest that he too was taken prisoner by Colonel al-Gaddafi's forces. It is not known whether he was armed and engaged in fighting or was in the area to provide medical or other assistance to the wounded.

Gross and systematic human rights violations have been committed with total impunity throughout the more than 40 years of Colonel Mu'ammār al-Gaddafi's rule in Libya, including arbitrary arrest and detention without trial, enforced disappearance, torture and other ill-treatment, unfair trials and extrajudicial executions. The Libyan authorities have not tolerated dissent, including peaceful criticism of calls for change, and have routinely locked up those who have sought to exercise their right to freedom of expression. The notorious killing of an estimated 1,200 prisoners at Tripoli's Abu Salim Prison in June 1996 is emblematic of the Libyan government's deplorable human rights record. For years, the Libyan authorities refused even to acknowledge what had been done, let alone take any steps to afford redress to the families of the victims, and they have never allowed an independent investigation or taken steps to bring those responsible for the killings to justice. Against this backdrop, it is unsurprising that families of those now held by Colonel al-Gaddafi's forces fear greatly for their safety and their future.

Mohammad Shaglouf al-Zouwai, a 20-year-old engineering student has been missing since he was arrested in Ajdebia by forces loyal to Colonel al-Gaddafi in the afternoon of 15 March, together with two reporters and two photographers from the US daily, *New York Times*. The four journalists, including three Americans and one British national, were taken to Tripoli and were eventually released on 21 March. But Mohammad Shaglouf, the driver of the four, has disappeared. He was kept separately from the four journalists from the first moment of their arrest (according to the account of the journalists published by the *New York Times*). On 25 March, as Colonel al-Gaddafi's forces retreated from Ajdebia, Mohammad Shaglouf al-Zouwai's relatives went to the area where he was arrested to search for clues. They found the car, empty and damaged but have not received any further information about him or why and where he is continuing to be held or his conditions in detention.

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