

Libya: Detention abuses staining the new Libya Amnesty International 13 October 2011
Excerpts from the introduction:

(...) Armed militia opposing Colonel Mu'ammarr al-Gaddafi have captured and detained about 2,500 people in the capital Tripoli and surrounding areas since the National Transitional Council (NTC) took control of these areas in late August 2011. Those detained include al-Gaddafi soldiers and alleged loyalists, commonly known as the "fifth column". Among them are members of the Internal Security Agency, Revolutionary Committees and Revolutionary Guards – bodies associated with the worst repression of Colonel al-Gaddafi's 42-year-old rule – as well as "volunteers", including children (under 18 years), who responded to calls by Colonel al-Gaddafi to join his forces. Sub-Saharan Africans suspected of being mercenaries comprise between a third and a half of those detained in Tripoli, its suburbs of Janzur and Tajura, and al-Zawiya, a city about 100km west of Tripoli.

Detainees are being held in former prisons as well as in makeshift detention facilities such as schools, football clubs and apartments. These are not overseen by the Ministry of Justice and Human Rights, but are simply controlled by local councils, military councils and brigades

(kataeb), or by the Free Libya Armed Forces (members of the regular armed forces who took sides against Colonel al-Gaddafi and civilians who took up arms).

Beatings and other ill-treatment are common, particularly upon capture and in the first days of detention. Impunity for such abuses remains entrenched. Libyan and foreign detainees have also complained of torture at the hands of their captors and guards. At least two guards in two different detention facilities admitted to Amnesty International that they beat detainees in order to extract "confessions" more quickly. In one detention centre, Amnesty International delegates found a wooden stick and rope, and a rubber hose, of the kind that could have been used to beat detainees, including on the soles of their feet, a torture method known as falaqa. In another, they heard the sound of whipping and screams.

Detainees are held without legal orders and, with rare exceptions, without any involvement of the General Prosecution, as the justice system remains paralysed. In at least two cases known to Amnesty International in al-Zawiya and Tripoli, officials responsible for detentions ignored release orders issued by the judicial police and prosecution.

In meetings at the Ministry of Justice and Human Rights, including with Acting Minister Mohamed al-Allagi on 10 September, NTC officials reiterated their commitment to reform the justice system and to ensure that prosecutions and trials would happen normally without further delays. NTC Chairman Mostafa Abdeljalil had given similar assurances in a meeting with Amnesty International delegates in May 2011. However, even in Benghazi, which came under NTC control in February, trials of individuals detained by NTC supporters had yet to start at the

time of writing in mid-September. Investigations into alleged crimes and decisions to detain or release individuals continue to largely fall under the remit of various committees and individuals – some with little or no legal expertise or knowledge of human rights law and standards.

The NTC faces numerous challenges in its efforts to gain control over the whole of Libya and in reining in various armed militias, some of them operating independently and on their own initiative. The NTC has publicly committed to respect international human rights law, and called on its supporters to treat captives with dignity and to avoid revenge attacks and other reprisals. On 13 September, in response to Amnesty International's report *The Battle for Libya: Killings, disappearances and torture*, which documented abuses by all parties to the conflict, the NTC condemned abuses "by all sides" and committed to "putting its efforts to bring any armed groups under official authorities and will fully investigate any incidents brought to its attention".

The NTC needs to act swiftly and take concrete measures to translate these pledges into reality. Among other things, it must investigate abuses by its supporters as well as by al-Gaddafi forces, and bring to justice those responsible for human rights abuses.

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