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Libya: Allegations of torture of As-Saadi al-Gaddafi and two others must be thoroughly investigated

As new video evidence of interrogators threatening As-Saadi al-Gaddafi with torture is released, Amnesty International is calling on the Libyan authorities to conduct a thorough investigation into this and previous incidents that have been made public since 3 August 2015.

Two new [videos](#) were released by ClearNews on 19 and 20 August showing a blind-folded As-Saadi al-Gaddafi voicing his fear of being harmed and stating that he was not aware that there would be beatings in al-Hadba prison, to which one of his off-screen interrogators threateningly responds, “you have not even seen the real beatings yet.” In the second of these videos, he is threatened with torture and ‘sexual violence’ in an apparent attempt to coerce him into giving his interrogators information. At one point in the video, the interrogator threatens to force As-Saadi to sit on a bullet from a 23mm gun to obtain information from him, saying that he would do this “without (the concept of) a General Prosecutor or Prosecution...forget human rights or anything like that”.

Amnesty International has to date received no response to a letter it wrote to the office of the General Prosecutor on 5 August 2015 following the release of the first video which appears to show the torture of As-Saadi al-Gaddafi and two other men, seemingly intended to coerce them into making a “confession”. In its letter, the organization requested further information and called for a thorough and impartial investigation into the torture of all three men. It also called for those suspected of responsibility to be suspended from duty pending the outcome of the investigation.

It appears from the [first video](#), released on 3 August by ClearNews and widely circulated on social media sites, that the abuse was carried out in al-Hadba Corrections and Rehabilitation Institution (al-Hadba prison) in Tripoli where As-Saadi al-Gaddafi, on trial for murder, has been held since his extradition from Niger on 6 March 2014. Al-Hadba prison is currently controlled by the former Deputy Minister of Defence, who is allied with the Libya Dawn coalition, one of the parties to Libya’s ongoing armed conflicts. Libya Dawn supports the self-declared National Salvation Government currently in control of the capital, Tripoli.

While Amnesty International has not been able to independently verify the authenticity of

the videos, As-Saadi al-Gaddafi, as well as a number of officials and guards involved in his interrogation and abuse, are clearly identifiable.

Amnesty International notes the visit of the National Salvation Government's Minister of Justice Mustafa al-Qleib, to whom it had also raised its concerns, to al-Hadba prison on 10 August. The visit was filmed and included a short exchange between the Minister and As-Saadi al-Gaddafi in which As-Saadi claims he is treated well and that the prison authorities are allowing him to have phone calls with his family once in a while. This is contrary to information received by Amnesty International from As-Saadi al-Gaddafi's family who state that they have only been allowed three calls to date. While the visit is a welcome first step, it is not sufficient – as it is essential that there be a full and impartial investigation into the abuse shown in the video, which should lead to the criminal prosecution of the suspected perpetrators. In addition, a televised visit by the minister of justice cannot replace regular visits in private by independent organizations aiming to assess the treatment of detainees.

Amnesty International is pleased to note the statement released by the office of the General Prosecutor on 3 August ordering an investigation into the incident with the aim of identifying all individuals involved in the beating and assault of As-Saadi al-Gaddafi, and taking legal action against them. However, this statement of intent is not enough; it must be made clear, in sufficient detail, what measures are actually being taken to investigate the allegations to show that the investigations are impartial, thorough and effective as required by international law, and capable of identifying and leading to the prosecution of those responsible. An investigation must also be opened into the torture of the other two men who appear in the same video and all guards and officials appearing in the video must be suspended from their positions at al-Hadba prison pending the outcome of the investigation. The authorities must also take steps to ensure that such violations do not occur again.

Amnesty International has previously [publicly expressed](#) its concern for the safety of As-Saadi al-Gaddafi following his extradition from Niger to Libya, and has urged the Libyan authorities to ensure that he is not subjected to torture or other ill-treatment and ensure respect for his right to a fair trial in line with international law and standards. These fears for his safety were compounded by the refusal of al-Hadba prison authorities to facilitate a visit in private to As-Saadi al-Gaddafi by an Amnesty International delegate in March 2014, despite that delegate having obtained the necessary permits from the General Prosecutor at the time.

Amnesty International is particularly concerned that As-Saadi al-Gaddafi may have made “confessions” under duress. At the end of March 2014, he appeared in a series of videos aired on Libyan channels in which he apologized to the Libyan people for disturbing the security and stability of Libya and disclosed details of his communications with different political factions prior to his extradition from Niger. The videos were released in response to allegations that he had been tortured, and appeared to have been filmed inside his place of detention. In one of the videos, As-Saadi al-Gaddafi denies any allegations of torture and says that he is treated well. However, Amnesty International is concerned that, at the time the videos were aired, As-Saadi al-Gaddafi was being interrogated without access to a lawyer and was denied access to independent organizations and family visits.

Libya is a party to both the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). It has international obligations to prevent, criminalize, investigate and prosecute torture and acts of other cruel, inhuman or degrading treatment. Amnesty International notes that Law 10 of 2013 criminalizing torture, enforced disappearances and discrimination sets a minimum prison sentence of five years for anyone found guilty of inflicting, or ordering someone else to inflict, physical or mental suffering against anyone detained under their authority with the aim of eliciting a forced confession. The same penalty is prescribed for anyone who keeps silent about acts of torture despite the ability to stop it. Since 2011 Amnesty International has documented the prevalent use of torture carried out with impunity in detention centres under the control of militias and successive governments in Libya.

Public document

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