



Urgent Action Office 3-1992 Yonge Street Toronto ON M4S 1Z7 Phone: (416) 363-9933 Fax: (416) 363-3103 urgentaction@amnesty.ca
First UA: 72/23 Index: MDE 19/7039/2023 Libya of July 24, 2023

LIBYA MILITARY PROSECUTOR FORCIBLY DISAPPEARED

Farouq Alsqidig Abdulsalam Ben Saeed, a military prosecutor, has been forcibly disappeared since armed men in plainclothes abducted him from a Tripoli Street on June 26. His family lodged complaints with the police and prosecution authorities but received no information about his fate and whereabouts.

There are credible reports that he is being held by the Deterrence Apparatus for Combating Terrorism and Organized Crime, a state-backed militia notorious for committing gross human rights violations, including torture and other ill-treatment, raising fears for his safety and wellbeing.

Amnesty International calls on the Libyan authorities must immediately reveal his fate and whereabouts.

Write to the President of the Presidential Council of Libya urging him to:

- Ensure that Farouq Ben Saeed's fate and whereabouts are immediately revealed, he is protected from torture and other ill-treatment, and immediately released.
- Guarantee that if charged with an internationally recognizable offence, he should be brought promptly in front of competent judicial authorities and tried in proceedings in line with international standards for fair trial.
- Pending his release, ensure that he is granted immediate access to his family, lawyers and adequate medical care.

Write to:

President of the Presidential Council of Libya

Mohamed Yunus Al-Menfi

Tripoli, Libya

Facebook: PCmedia.ly; Twitter: @LPCLYM

Email [via the LPC Spokesperson Najwa Wheba]: n.wheba@lpc.gov.ly

Salutation: Your Excellency:

And copy:

Embassy of Libya

170 Avenue Laurier West, 1100

Ottawa, ON K1P 5V5

Tel: 613-842-7519 Fax: 613-842-8627

Email: assistant@embassyoflibya.ca info@embassyoflibya.ca

ADDITIONAL INFORMATION

Al-Radaa, which emerged in 2012 under the command of Abdel Raouf Kara as one of the most powerful and feared militias in western Libya, has been integrated into state institutions by successive governments without any vetting to remove those reasonably suspected of committing crimes under international law and other human rights violations. In 2018, the Government of National Accord (GNA), then the internationally recognized government of Libya, passed decree No. 555/2018 integrating the Al-Radaa militia into a newly created security force under the name Deterrence Apparatus for Combating Terrorism and Organized Crime (DACTO).

Decree No. 578/2020 of the Presidential Council of the Government of National Unity (GNU) granted DACTO additional powers to implement state security policy, combat organized crime and terrorism and arrest suspects. The authorities allocated 140 million LBD (29.5 million USD) to Al-Radaa in the 2022 budget, further entrenching their power and emboldening them to continue committing gross violations with impunity.

Al-Radaa militia controls the only functioning international airport in Tripoli and its largest prison, both inside the Mitiga base. According to the Libyan Ministry of Justice, which nominally oversees the Mitiga prison, as of December 26, 2022, there were 2,315 people held there. According to independent estimates including from human rights groups, there are more than 4,000 individuals held by al-Radaa, many of whom were never formally charged or tried and are held in sections of the prison under the control of Al-Radaa militia, most infamously the Al- Naqliya section. Amnesty International, other human rights organization and UN bodies have consistently documented and reported on crimes under international law and other human rights violations committed by al-Radaa.

In its final report issued in March 2023, the Independent Fact-Finding Mission (FFM) on Libya found that patterns of gross violations of human rights law and international humanitarian law by al-Radaa continue unabated. The FFM documented "a prevalence of the underlying acts of crimes against humanity in Mitiga detention complex in Tripoli, which is controlled by AL-RADAA. The mission has reasonable grounds to believe that government public funds were misappropriated in detention centres within the Mitiga airport and that the illicit financial gain incentivized arbitrary detention as a tool of oppression and repression".

Amnesty International has obtained a copy of a leaked official document which indicates that, on December 23, 2022, the commander of Al-Radaa, Abdel Raouf Kara, addressed a letter to the Military Prosecutor accusing 17 military prosecutors at the Military Prosecutor's office, among them Farouq Ben Saeed, of "manipulating" security cases. Some accusations relate to the alleged refusal by prosecutors to cooperate with Al-Radda.

The letter also criticized some prosecutors for objecting to the use of torture and other ill-treatment by Al-Radaa to extract forced "confessions". The document states, in relation to a detainee held at Mitiga prison: "The military prosecutor fancied himself a doctor by stating in his reports that he had visually examined the accused and confirmed that they had been beaten and tortured; confident in his visual examination, ignoring the report of the specialized forensic doctor".

Abdel Raouf Kara ended his letter by asking the Military Prosecutor to "take urgent and prompt actions, as it [manipulating security cases] is a clear violation of the law, and there is no follow up to

the prosecution proceedings by the military court, in order to obtain a fair punishment for the defendants". Amnesty International is concerned over the cooperation between the military prosecution and DACTO in investigations into alleged crimes, including by unlawful killings carried out by al-Kaniat armed group in Tarhouna until their defeat and withdrawal from the city in June 2020.

Under international law and standards, the military judiciary should not have jurisdiction over crimes under international law and human rights violations committed by military personnel or security officials. The use of military courts must be restricted to trying military personnel for breaches of military discipline. And they must never be used to trying civilians. Further, Amnesty International received credible information about suspects being subjected to torture and other ill-treatment by al-Radaa militiamen with military prosecutors present.

Amid Libya's deep political impasse and polarization, with no new dates set for parliamentary and presidential elections initially scheduled for December 2021, militias and armed groups across the country exercise de facto control over large parts of Libyan territory, vital institutions and infrastructure, and arbitrarily detain thousands of people for exercising their human rights, without legal basis or following grossly unfair proceedings including in front of military courts. Amnesty International has long documented attacks against lawyers and judges in Libya, which has a detrimental impact of the rule of law and the rights of victims' families and survivors of human rights violations to seek justice and redress in Libya.

<https://www.amnesty.ca/wp-content/uploads/2023/07/UA-72-23-LIBYA.pdf>