

US: Torture and Rendition to Gaddafi's Libya

New Accounts of Waterboarding, Other Water Torture, Abuses in Secret Prisons

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Not only did the US deliver Gaddafi his enemies on a silver platter but it seems the CIA tortured many of them first. The scope of Bush administration abuse appears far broader than previously acknowledged and underscores the importance of opening up a full-scale inquiry into what happened.

(Washington) – The United States government during the Bush administration tortured opponents of Muammar Gaddafi, then transferred them to mistreatment in Libya, according to accounts by former detainees and recently uncovered CIA and UK Secret Service documents, Human Rights Watch said in a report released today. One former detainee alleged he was waterboarded and another described a similar form of water torture, contradicting claims by Bush administration officials that only three men in US custody had been waterboarded.

The 154-page report, “Delivered into Enemy Hands: US-Led Abuse and Rendition of Opponents to Gaddafi's Libya,” is based on interviews conducted in Libya with 14 former detainees, most of whom belonged to an armed Islamist group that had worked to overthrow Gaddafi for 20 years. Many members of the group, the Libyan Islamic Fighting Group (LIFG), joined the NATO-backed anti-Gaddafi rebels in the 2011 conflict. Some of those who were rendered and allegedly tortured in US custody now hold key leadership and political positions in the country.

“Not only did the US deliver Gaddafi his enemies on a silver platter but it seems the CIA tortured many of them first,” said Laura Pitter, counterterrorism advisor at Human Rights Watch and author of the report. “The scope of Bush administration abuse appears far broader than previously acknowledged and underscores the importance of opening up a full-scale inquiry into what happened.”

The report is also based on documents – some of which are being made public for the first time – that Human Rights Watch found abandoned, on September 3, 2011, in the offices of former Libyan intelligence chief Musa Kusa after Tripoli fell to rebel forces.

The interviews and documents establish that, following the September 11, 2001 attacks, the US, with aid from the United Kingdom (UK) and countries in the Middle East, Africa, and Asia, arrested and held without charge a number of LIFG members living outside Libya, and eventually rendered them to the Libyan government.

The report also describes serious abuses that five of the former LIFG members said they experienced at two US-run detention facilities in Afghanistan, most likely operated by the CIA. They include new allegations of waterboarding and other water torture. The details are consistent with the few other first-hand accounts about the same US-run facilities.

Other abuses reported by these former detainees include being chained to walls naked –sometimes while diapered – in pitch black, windowless cells, for weeks or months; restrained in painful stress

positions for long periods, forced into cramped spaces; beaten and slammed into walls; kept indoors for nearly five months without the ability to bathe; and denied sleep by continuous, very loud Western music.

"I spent three months getting interrogated heavily during the first period and they gave me a different type of torture every day. Sometimes they used water, sometimes not.... Sometimes they stripped me naked and sometimes they left me clothed," said Khalid al-Sharif, who asserted he was held for two years in two different US-run detention centers believed to be operated by the CIA in Afghanistan. Al-Sharif is now head of the Libyan National Guard. One of his responsibilities is providing security for facilities holding Libya's high-value detainees.

The Libyan detainee accounts in the Human Rights Watch report had previously gone largely undocumented because most of those returned to Libya were locked up in Libyan prisons until last year, when Libya's civil unrest led to their release. And the US government has been unwilling to make public the details about its secret CIA detention facilities. The accounts of former detainees, the CIA documents found in Libya, and some declassified US government memos have shed new light on US detention practices under the Bush administration but also highlighted the vast amount of information that still remains secret.

Despite overwhelming evidence of numerous and systematic abuses of detainees in US custody since the September 11 attacks, the US has yet to hold a single senior official accountable. Only a few low-ranking enlisted military personnel have been punished.

On August 30, 2012, US Attorney General Eric Holder announced that the only criminal investigation the Department of Justice had undertaken into alleged abuses in CIA custody, headed by special prosecutor John Durham, would be closed without anyone being criminally charged. Holder had already narrowed the scope of Durham's investigation on June 30, 2011, limiting it from the original investigation into the 101 people believed to have been in CIA custody to the cases of only two individuals.

In both cases, the detainees had died, one in Afghanistan and another in Iraq. The inquiry was also limited in that it looked only into abuses that went beyond what the Bush administration had authorized. It could not cover acts of torture, such as waterboarding, and other ill-treatment that Bush administration lawyers had approved, even if the acts violated domestic and international law.

"The stories of the Libyans held by the US and then sent to Libya make clear that detainee abuse, including mistreatment not necessarily specifically authorized by Bush administration officials, was far-reaching," Pitter said. "The closure of the Durham investigation, without any charges, sends a message that abuse like that suffered by the Libyan detainees will continue to be tolerated."

The Senate Select Committee on Intelligence (SSCI) has spent three years researching the CIA's detention and interrogation program and is nearing completion of a report. Human Rights Watch called on the SSCI to promptly release its report upon completion with as few redactions as possible, and to recommend that an independent, non-partisan commission investigate all aspects of US policy relating to detainee treatment.

"The US government continues to demand, and rightly so, that countries from Libya to Syria to Bahrain hold accountable officials responsible for serious human rights abuses, including torture," Pitter said. "Those calls would carry a lot more weight if it wasn't simultaneously shielding former US officials who authorized torture from any form of accountability."

Since the fall of the Gaddafi government, US diplomats and members of Congress have met with

some of the former CIA prisoners now in Libya, and the US has supported efforts by the Libyan government and civil society to overcome the legacy of their country's authoritarian past. Human Rights Watch urged the US government to acknowledge its own past role in abuses and in helping Gaddafi round up his exiled opponents, to provide redress to the victims, and to prosecute those responsible for their alleged torture in US custody.

One previously reported case for which Human Rights Watch uncovered some new information is that of Ibn al-Sheikh al-Libi. The Bush administration had helped to justify the 2003 Iraq invasion by relying on statements that al-Libi made during his abuse and mistreatment in CIA custody. The CIA has acknowledged that these statements were unreliable. Years later, the US rendered al-Libi to Libya, where he died in prison in May 2009. Accounts from al-Libi's fellow detainees in Afghanistan and Libya, information from his family, and photos seen by Human Rights Watch apparently taken of him the day he died, provide insight into his treatment and death, which Libyan authorities claim was a suicide.

Scores of the documents that Human Rights Watch uncovered in Libya also show a high level of cooperation between the Gaddafi government in Libya and US and the UK in the renditions discussed in the report.

The US played the most extensive role in the renditions back to Libya. But other countries, notably the UK, were also involved, even though these governments knew and recognized that torture was common during Gaddafi's rule. Countries linked to the accounts about renditions include: Afghanistan, Chad, China and Hong Kong, Malaysia, Mali, Mauritania, Morocco, the Netherlands, Pakistan, Sudan, Thailand, and the UK. Interviewees alleged that personnel in some of these countries also abused them prior to transferring them back to Libya.

International law binding on the US and other countries prohibits torture and other ill-treatment in all circumstances, and forbids transferring people to countries in which they face a serious risk of torture or persecution.

"The involvement of many countries in the abuse of Gaddafi's enemies suggests that the tentacles of the US detention and interrogation program reached far beyond what was previously known," Pitter said. "The US and other governments that assisted in detainee abuse should offer a full accounting of their role."

Human Rights Watch

*A previous version of this press release incorrectly stated that the SSCI had completed its report. The report is nearing completion.

P.S.

* <http://www.hrw.org/news/2012/09/05/us-torture-and-rendition-gaddafi-s-libya>