

# URGENT ACTION

## MILITARY PROSECUTOR FORCIBLY DISAPPEARED

Farouq Alsquidig Abdulsalam Ben Saeed, a military prosecutor, has been forcibly disappeared since armed men in plainclothes abducted him from a Tripoli street on 26 June. 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.

### TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

*President of the Presidential Council of Libya*

Mohamed Yunus Al-Menfi

Tripoli, Libya

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Your Excellency,

*I am concerned about the enforced disappearance of 52-year-old military prosecutor, **Farouq Alsquidig Abdulsalam Ben Saeed** (hereafter **Farouq Ben Saeed**), since his abduction on 26 June from Tripoli, the Libyan capital, amid credible reports that he is being held by the Deterrence Apparatus for Combating Terrorism and Organized Crime (known as Al-Radaa), a powerful militia operating under the oversight of the Government of National Unity's (GNU's) Presidential Council.*

*Amnesty International learned that at 7pm on 26 June, three armed men in plainclothes seized Farouq Alsquidig Abdulsalam Ben Saeed and his two sons, aged 13 and nine, from the Tripoli neighbourhood of Al Bivio. The armed men, who refused to show an arrest warrant or explain the reasons for the arrest, forced Farouq Ben Saeed and his children into their vehicle (which the family identified as a 2012 Kia Sportage) and drove away. Two hours later, the children returned and told the family that the three had been taken to Mitiga prison, which is located inside the Mitiga International Airport complex and is under the control of Al-Radaa. Given the well documented patterns of the Al-Radaa militia committing crimes under international law and other serious human rights violations - including enforced disappearance, unlawful killings, torture and other ill-treatment and prolonged arbitrary detention with impunity- there are serious fears for his safety and wellbeing, in particular given his poor health, including complications from chronic bronchitis.*

*In the days following his abduction, Farouq Ben Saeed's relatives lodged complaints with the Souq Al-Jumaa Police Station and the Office of the Public Prosecutor, Al-Siddiq Al-Sour, but have not received any information about his fate or whereabouts. According to information gathered by Amnesty International, the Public Prosecutor has not requested for Farouq Ben Saeed to be brought before prosecutors for questioning. The family said that the Military Prosecutor, Masoud Rahouma, informed them that his office is unable to intervene until Al-Radaa officially notifies him of the arrest. The family have no information about any charges facing him, amid concerns that he is targeted for politically motivated reasons including for refusing to cooperate with or heed to instructions by Al-Radaa militia.*

*I urge you 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. 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, he must be granted immediate access to his family, lawyers and adequate medical care.*

Yours sincerely,

## 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 26 December 2022, there is 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 23 December 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-Radaa. 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 try 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.

**PREFERRED LANGUAGE TO ADDRESS TARGET:** Arabic and English.

You can also write in your own language.

**PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 18 September 2023**

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

**NAME AND PRONOUN: Farouq Alsqidig Abdulsalam Ben Saeed (He/Him)**

## ADDITIONAL TARGETS

Please send copies to

Attorney General.

Email: [info@attorneygeneral.gov.ly](mailto:info@attorneygeneral.gov.ly)

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