

Human Rights Watch

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Al-Baghdadi al-Mahmoudi at Real Risk of Torture

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(New York) Tunisia should halt plans to extradite Al-Baghdadi al-Mahmoudi, the former Libyan prime minister, to Libya, where at present he will be at a real risk of torture, Human Rights Watch said today.

Authorities from the Libyan National Transitional Council (NTC) have pledged to treat all detainees fairly and to investigate cases of abuse, but they do not have adequate control of security forces and of Libyas many detention facilities to guarantee al-Mahmoudis safety, Human Rights Watch said.

Sending suspects to a country where theres a real risk of torture is prohibited under international law, said Joe Stork, deputy Middle East director at Human Rights Watch. To extradite al-Mahmoudi to Libya at this time, when the NTC cannot guarantee his safety, would place him at grave risk of abuse.

In September 2011, Tunisian authorities arrested al-Mahmoudi for illegal entry into the country. Although a decision sentencing him to six months imprisonment for that offense was overturned on appeal, al-Mahmoudi remained in Tunisian custody following an extradition request from Libya. On November 8, 2011, an appellate court ordered he be extradited to Libya.

Human Rights Watch has documented recent cases of [mistreatment in detention](#) in Tripoli and Misrata, as well as apparent summary [executions](#) of suspected Gaddafi supporters by anti-Gaddafi fighters. The [apparent killings](#) in custody of Muammar Gaddafi and his son Muatassim Gaddafi on October 20 by members of armed groups fighting in Sirte raise particular cause for concern about al-Mahmoudis treatment, Human Rights Watch said.

In addition, Libyas new authorities have not yet established a functioning justice system that can ensure that detainees receive due process. Since the fall of the Gaddafi government in late August 2011, local brigades, militias, and other security groups aligned with the NTC have arrested thousands of people and held them without proper legal review, Human Rights Watch said.

The new authorities in Libya have not yet exerted sufficient control over the many local armed groups to ensure that al-Mahmoudi would remain in safe hands, Stork said. Human Rights Watch found serious cases of abuse in some detention facilities that must be addressed, including beatings and the use of electric shock torture.

International law prohibits extraditing or otherwise transferring persons to a country where they face likely torture, Human Rights Watch said. Article 3 of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment imposes an obligation not to return a person to any place where he or she is in danger of being subjected to torture. Tunisia ratified the Convention against Torture in 1988.

It is unclear on what charges al-Mahmoudi is sought in Libya. According to one media report, Libyan authorities say al-Mahmoudi is wanted on charges of corruption and other crimes.

Tunisian Justice Ministry spokesman Kadhmed Zine El Abidine told the Associated Press on November 8 that for the extradition to be effective, Tunisias president must issue a decree ordering al-Mahmoudis return to Libya. According to Al-Mahmoudis lawyer, Mabrouk Kourchid, once the president signs the decree, al-Mahmoudi could lodge a complaint at an administrative tribunal contesting the order, but this would not stop the extradition.

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