

## ABDUL RA'OUF AL QASSIM\*

### LIBYAN GUANTÁNAMO REFUGEE IN NEED OF PROTECTION



*Abdul Ra'ouf Al Qassim is a Libyan refugee who had deserted the Libyan Army when he was young and fled Libya for fear of religious persecution. He was living with his wife and infant daughter in Pakistan, having fled the bombing in Kabul, when he was picked up by Pakistani police and turned over to military authorities, likely for a sizable bounty. The United States has twice tried to transfer Abdul Ra'ouf to Libya despite an undisputed fear that he would be tortured upon transfer.*

#### Summary

Abdul Ra'ouf Al Qassim is a Libyan who has been imprisoned by the U.S. government in Guantánamo Bay for more than six years. He is now in imminent danger of being transferred by the U.S. government to Libya, a country which the United States has identified as a state sponsor of terrorism and which the U.S. government, international institutions and independent human rights organizations have each criticized for its brutal treatment of prisoners. Because of Abdul Ra'ouf's status as a former Guantánamo detainee – and the U.S. government's false and unsubstantiated allegations that he was associated with a group hostile to Libya's dictatorial leader – he is at grave risk of indefinite detention, torture and death if forcibly returned to Libya.

In December 2006, and again in February 2007, the U.S. government publicly declared its intention to transfer Abdul Ra'ouf to Libya, notwithstanding his fears of severe persecution if he were forcibly returned. Legal action delayed his transfer initially, but he has been cleared for release over a year ago and there is no court mandate specific to his case which currently prevents his repatriation.

#### Personal History

Abdul Ra'ouf was conscripted into the Libyan Army when he was about 18 years old, but eventually deserted. After leaving the army, Abdul Ra'ouf fled Libya for fear of persecution because he was an observant Muslim and knew that men were persecuted by the Qadhafi government for being observant Muslims.

During the next ten years, Abdul Ra'ouf lived abroad as a refugee to avoid being returned to Libya. In 2000, he married an Afghan woman and settled in the Afghan capital of Kabul before the U.S. bombardment began in October 2001. Abdul Ra'ouf fled with his pregnant wife to seek refuge in Pakistan. Abdul Ra'ouf's daughter is an Afghan citizen.

Soon after the family arrived in Pakistan, however, Abdul Ra'ouf fell victim to the chaos of the war in Afghanistan. At the time, the U.S. military offered large sums of money – \$5,000 or more – to anyone who handed over alleged “terrorists.” The United States blanketed Afghanistan and Pakistan with leaflets promising “wealth and power beyond your dreams” or “enough money to take care of your family, your village, your tribe for the rest of your life.” Abdul Ra'ouf was living with his wife and young daughter in

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\* Abdul Ra'ouf Al Qassim is represented by attorneys George Daly, Jeff Davis, and the Center for Constitutional Rights. His profile was prepared by his counsel and the Center for Constitutional Rights. For more information about Guantánamo's refugees, contact [emaclean@ccrjustice.org](mailto:emaclean@ccrjustice.org).

Pakistan when Pakistani police turned him over to military authorities, likely for a sizable bounty. He was later brought to Guantánamo, where he has been detained for more than six years without charge or trial.

### **Allegations**

Since he has been imprisoned in Guantánamo, the U.S. government has claimed that Abdul Ra'ouf is associated with the Libyan Islamic Fighting Group (LIFG), a group opposed to the Qadhafi regime. Abdul Ra'ouf's only tenuous link with the group is that some of the men in one of the boarding houses at which he stayed in Pakistan were accused of being LIFG members. Though he has no connection with this group, the mere allegation of his association with LIFG virtually guarantees that he will be severely persecuted if forcibly returned to Libya. Suspected political opponents of the Qadhafi regime face brutal repression by Libyan authorities; the LIFG is one of the Libyan government's most detested foes. Abdul Ra'ouf was officially "cleared" for release in 2006.

### **Fear of Torture or Persecution in Libya**

Libya is a modern-day authoritarian regime under the complete control of Colonel Muammar Qadhafi. Since assuming control in a 1969 military coup, the Qadhafi dictatorship has maintained power through severe repression of any political dissent, using methods that include routine torture, arbitrary arrest and detention, and extrajudicial killings. The rule of law in Libya is nonexistent in any meaningful sense, and independent human rights monitoring entities are flatly prohibited by the government.

Political prisoners are particularly vulnerable to torture and abuse during their imprisonment. According to a 2006 U.S. State Department report, "security personnel routinely tortured prisoners during interrogation or as punishment," including through "chaining prisoners to a wall for hours, clubbing, applying electric shock, applying corkscrews to the back, pouring lemon juice in open wounds, breaking fingers and allowing the joints to heal without medical care, suffocating with plastic bags, prolonged deprivation of sleep, food and water, hanging by the wrists, suspension from a pole inserted between the knees and elbows, cigarette burns, threats of dog attacks, and beatings on the soles of the feet."

The United States transferred two Libyan Guantánamo detainees to the Qadhafi regime based on patently unreliable diplomatic assurances. The men were transferred in 2006 and 2007, respectively, and both remain in prison without charge, trial or access to counsel. One of these individuals was transferred despite his urgent protests to officials at Guantánamo that he would be subjected to torture or worse if forcibly returned. According to one unclassified account, this man was reportedly interviewed by Libyan officials in Guantánamo who threatened to torture and perhaps kill him. As with Abdul Ra'ouf, the U.S. government alleged that this man was associated with the LIFG, despite his repeated denials. Because there is no independent monitoring mechanism within Libya and human rights organizations are outlawed by the government, little is known about this prisoner's current situation. It is feared that he has been subjected to torture and abuse. The U.S. Department of State made one visit to both prisoners in 2007, but was not permitted to meet with the men outside of the presence of Libyan officials.

### **Urgent Need for Humanitarian Protection**

Abdul Ra'ouf has repeatedly and unambiguously expressed his strong fear of torture and persecution to his lawyers, the Red Cross, his interrogators and other military officials. Abdul Ra'ouf's fears are substantial and clearly warranted. The military's own statement on February 20, 2007 regarding its intent to transfer him to Libya underscores his vulnerability: "[Abdul Ra'ouf] will be transferred to the control of his home government for continued detention, investigation, and/or prosecution as that country deems appropriate..." It is imperative that Abdul Ra'ouf be provided safe haven.