

THE AMESYS CASE

Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. Article 3: Everyone has the right to life, liberty and security of person. Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Article 5: No one shall be subjected to torture or to cruel,



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Background to the case

Muammar Gaddafi's regime was characterised by serious and repeated human rights violations

Throughout its tenure, Gaddafi's regime was repeatedly accused of the most serious forms of human rights abuse by international human rights organisations. The systematic use of torture and repression against human rights defenders, or indeed anyone expressing dissent, remained the norm despite Gaddafi's attempts to rehabilitate his image vis-à-vis the international community, particularly by positioning himself as an ally of the West in its fight against terrorism.

FIDH, working in close collaboration with its member organisation in exile, the Libyan League for Human Rights (LLHR), tirelessly denounced the Gaddafi regime's continuous attacks on human rights defenders and its flagrant violations of the rights to freedom of expression and association. These denunciations started well before the Libyan uprising in January 2011, which had seen the Libyan people rise up in support of the Arab spring which, in turn, saw the regime step up its repressive practices in a bid to survive.

International as well as French public opinion were aware of the serious human rights violations committed by the Gaddafi regime. These violations were widely reported on by the French press during Gaddafi's State visit to France in 2007 and members of the French government spoke out against France's welcome of the Libyan Head of State. On Human Rights Day (10 December 2007), Mrs. Rama Yade, the Secretary of State for Human Rights told the French press: *"Colonel Gaddafi has to understand that our country is not a door mat on which a world leader, terrorist or otherwise, can come and wipe his feet clean of the blood of his crimes. France must refuse not welcome this kiss of death. What disturbs me is that he is arriving on the day we celebrate Human Rights. I will be even more embarrassed if French diplomacy limits itself to signing trade contracts without requiring any human rights guarantees."* Although Ms. Yade did not resign from her position after making this statement, it nevertheless received wide coverage in France and led to numerous statements denouncing the repressive nature of the regime. Under these conditions it would be difficult to claim ignorance when it comes to the reality of the Libyan regime, despite Muammar Gaddafi's semblance of rehabilitation on the international stage.

On the 10th of December 2007, FIDH and the LLHR co-signed an open letter addressed to President Nicolas Sarkozy in which they denounced: *"serious human rights violations either directly [committed] or tolerated by a power whose structure allows for all forms of breach."*

Conditions of the agreement signed between Amesys and the Libyan regime revealed

In the context of the Arab Spring, August 2011 saw information published in the *Wall Street Journal* (see Annex below) that brought to light the work done by the French company Amesys for the Libyan intelligence services as part of a contract to supply a sophisticated communications surveillance system. It raised profound concerns.

In 2011, the Tunisian people rose up against the authoritarian regime that had been in place for years, demanding social justice and greater respect for individual freedoms. They were swiftly followed by the Egyptian people, and then by those of Libya, Yemen, Bahrain and Syria. The Internet was one of the main vehicles for these popular uprisings in all countries. Calls for demonstrations were widely disseminated via social networks, as was information that enabled the media to cover the uprisings and their brutal repression, which targeted human rights defenders, government opponents, and more generally everyone participating in the social protests.

The sophisticated surveillance technology used in this context by repressive regimes proved to be a formidable weapon that facilitated the targeting, arrest and oppression of anyone participating in peaceful uprisings.

Information circulated by the media shed light on a previously unheard of business sector – that of surveillance technology. For FIDH, who supported human rights defenders during the uprisings on a daily basis, putting such technology into the hands of regimes that practice unbridled repression raises serious issues of corporate responsibility for companies involved in this sector. To what extent does supplying computer programmes that allow regimes such as those of Muammar Gaddafi or Bashar Al-Assad to repress peaceful demonstrators more efficiently constitute involvement in an act punishable by law? Can companies be seen as complicit in the resultant international crimes perpetrated? And, in this case, are they accomplice to torture?

The complaint lodged by FIDH and the LLHR: Basis for legal action and obstacles to overcome to obtain the opening of a formal criminal investigation

FIDH and the French Human Rights League (*Ligue française des droits de l'Homme - LDH*) filed a complaint alleging the complicity of French company Amesys and its executive managers in acts of torture for having signed and executed a commercial agreement for the provision of surveillance technology to the Libyan regime in 2007.

FIDH and its Litigation Action Group (LAG) lodged the complaint in France on the basis of the principle of extraterritorial jurisdiction. FIDH's LAG is a network of lawyers, magistrates, and academics who represent the victims of international crime before national, regional and international courts in proceedings aimed at proving the legal liability of persons, businesses or States believed to have perpetrated such serious offences.

The application of the United Nations Convention against Torture 1984, and the principle of extraterritorial jurisdiction enshrined therein, gives French judges jurisdiction over crimes committed outside of France, regardless of the nationality of the perpetrator or the victim. In this instance, however, the fact that Amesys had its headquarters in France at the time that the alleged crimes were perpetrated, was enough to give the French courts jurisdiction over acts of torture committed outside France where the main perpetrators were non-French nationals – namely, agents of the Libyan State, who used surveillance equipment supplied by Amesys, who was thus rendered accomplice to their crimes, to the detriment of Libyan victims.

FIDH experience has been that complaints for serious international crimes should, as a priority, be lodged in the country where the crimes are perpetrated. However, the specific details of this

case and the state of the Libyan judicial system led FIDH and its LAG to lodge the complaint in France. Indeed, in this case a French magistrate is also better able to conduct investigations required on French territory.

Legal basis for the complaint lodged in France against Amesys

Article 221-1 of the French Criminal Code: “Submitting a person to acts of torture or barbarity is punishable by fifteen years of imprisonment.” (*Le fait de soumettre une personne à des tortures ou à des actes de barbarie est puni de quinze ans de réclusion criminelle.*)

Article 689-1 of the French Code of Criminal Procedure: “In application of the international conventions covered by the articles hereafter, any person on French soil guilty of committing the offences listed in these articles can be prosecuted and tried by French courts. The provisions of the current article are applicable for attempts to perpetrate any punishable offence.” (*En application des conventions internationales visées aux articles suivants, peut être poursuivie et jugée par les juridictions françaises, si elle se trouve en France, toute personne qui s’est rendue coupable hors du territoire de la République, de l’une des infractions énumérées par ces articles. Les dispositions du présent article sont applicables à la tentative des infractions, chaque fois que celle-ci est punissable.*)

Article 689-2 of the French Code of Criminal Procedure: “For the purposes of the application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment adopted in New York on the 10th of December 1984, any person guilty of torture as defined in article 1 of the Convention can be prosecuted and tried under the conditions provided for in article 689-1.” (*Pour l’application de la Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants, adoptée à New York le 10 décembre 1984, peut être poursuivie et jugée dans les conditions prévues à l’article 689-1 toute personne coupable de tortures au sens de l’article 1^{er} de la Convention.*)

Article 7 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment that was ratified by France on 18 February 1986: “The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.”

The agreement signed in 2007 between Amesys and the Libyan regime was for the supply of a communications interception system called EAGLE. The system sold by Amesys allegedly permitted the interception of all country-wide, on-line and off-line exchanges and the subsequent processing of collected data to target and identify a given group within the civilian population on the basis of criteria established by the system’s user.

In an interview published in the French newspaper *Figaro* in September 2011, a former official of the Libyan External Security Organisation explained that the system was able to find “*targets within the country’s massive flow*” and to identify “*individual suspects using key words.*” This witness summed it up as follows: “*We listened in on the entire country.*” The system was subsequently used

to create data analysis methods that were applied to the collected data to hone key words used for queries and to monitor the findings obtained collaboratively with Libyan authorities, in particular the Libyan military high command.

In the complaint, FIDH and LDH concluded that the system supplied by Amesys effectively enabled the Libyan regime to perfect their methods for oppressing the Libyan people. Given the sinister reputation of Muammar Gaddafi and his security structures – regularly criticised by international human rights organisations – Amesys must have known that the Libyan regime would use the technology as a means of oppression. This is especially so when one considers that Amesys’s interlocutor for signing the agreement was none other than Abdallah Senussi, the head of Libyan intelligence who had been convicted in 1989 by the Criminal Court (*Cour d’assises*) of Paris for acts of terrorism and who, at the time the complaint was lodged, was the subject of an International Criminal Court international arrest warrant for crimes against humanity.

As outlined above, the serious breaches of fundamental liberties committed by the regime, which had been widely covered by the media and by international human rights organisations, must have been known to the Amesys Group and to all who participated in the cooperation programme between Amesys and Libyan authorities. That programme was specifically aimed at modernising, perfecting and extending the durability of the system used for the identification, surveillance and elimination of opponents by intelligence authorities.

At a time when an increasing number of companies are being criticised for supplying similar systems to authoritarian regimes, FIDH and LDH wanted to seize the opportunity of lodging a complaint and of the subsequent opening of a criminal investigation by the Specialised War Crimes Unit within the Paris Tribunal (*Tribunal de grande instance*) to send a message to companies: it is impossible to enter into commercial agreements to provide operational, material and technological support to regimes committing serious human rights abuses, in total impunity.

The opening of a criminal investigation has met with opposition from the Prosecutor of the Paris Tribunal. The Prosecutor officially asked that the case be closed and appealed the order issued by the investigating judge who had chosen to disregard the arguments put forward by the Prosecutor and proceeded with the judicial investigation. On 15 January 2013, the Criminal Investigations Tribunal of the Paris Appeals Court (*Chambre d’instruction de la Cour d’appel de Paris*) denied the Prosecutor’s request for a reversal of the investigative judge’s decision to formally open a criminal investigation, thus confirming the opening of an investigation.

Connections with the fight against impunity in Libya and the involvement of Libyan victims as civil parties before French courts

In December 2012, FIDH organised a mission to Libya. One of the objectives of this mission was to build the capacity of Libyan human rights organisations committed to fighting impunity. Immediately after the fall of Muammar Gaddafi’s 42-year dictatorship – during which it was impossible for the victims of serious human rights violations to seek recourse before national courts – there were great hopes that recourse to an independent and impartial justice system would finally be possible. FIDH also promoted a national judicial mechanism for crimes committed in Libya and to that end met with Libyan authorities to discuss the administration of justice and the fight against impunity on several occasions, notably in 2012. In this context

the criminal investigation opened and conducted by an investigative judge in France was seen, and rightly so, as a way of elucidating on the crimes committed by the Libyan intelligence services under Gaddafi by looking into the use of torture by the Libyan intelligence services headed by Abdallah Senussi.

In January 2013, FIDH and the LDH introduced five Libyan victims as civil parties in the ongoing proceedings. In December 2012, the members of the FIDH mission had recorded these victims' accounts of their respective experiences. All of the victims had been arrested and tortured during the uprising against Muammar Gaddafi after having been identified through the monitoring of their electronic communications. In June and July 2013, with support from FIDH, five victims went to France to testify before the investigating judge in charge of the criminal investigation opened in January 2014 before the newly created Specialised War Crimes Unit within the Paris Tribunal (*Tribunal de grande instance*).

Major milestones in the proceedings

19 October 2011

Complaint lodged by FIDH and the LDH on behalf of civil parties seeking criminal indemnification for complicity in torture, and other cruel, inhuman or degrading treatment punishable under articles 222-1, and following, of the French Criminal Code and covered by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment ratified by France on 26 June 1987.

16 December 2011

Letter sent by FIDH to the senior investigating magistrate concerning the assignment of an investigating magistrate, attached to the recently created Crimes against Humanity and War Crimes Unit of the Paris High Court (*Tribunal de grande instance*), to conduct a criminal investigation.

29 February 2012

Submission of additional evidence to the investigating magistrate for the complaint filed on 19 October 2011. FIDH and the LDH submitted new evidence sustaining that both Amesys and its heads had prior knowledge that the surveillance system would be used for political ends, and that this objective – the tracking down of political opponents and, more broadly, of any form of dissidence – were censurable.

26 March 2012

The State Prosecutor issues an order not to open a criminal investigation, stating that there is no basis for a criminal investigation and, consequently, that the complaint lodged by the civil parties is inadmissible. The reasons provided were that: *“It would be difficult to consider the sale of equipment as constituting acts of complicity in crimes committed with said material by the buyers. The issue does not consist of establishing the facts or assessing the intentions of the sellers of the surveillance equipment but rather with establishing the possible existence of a criminal offence linked to the alleged facts. Even the possibility of a relation between the facts and the existence of an offence does not exist, because selling equipment to a State would not, as such, constitute an offence.”*

30 March 2012

FIDH submits additional evidence to support the complaint lodged on 19 October 2011.

23 May 2012

Formal criminal investigation is opened further to the decision handed down by the investigating judge, Céline Hildenbrandt, of the Specialised War Crimes Unit of the Paris Tribunal (*Tribunal de grande instance*). The explanation provided by the investigating judge is that the objective of the investigation is precisely to determine if the facts alleged in the complaint are acts of a criminal nature, and that there are consequently grounds for opening a criminal investigation.

29 May 2012

The State Prosecutor appeals the investigating magistrate's order to open a criminal investigation.

10 July 2012

The General Prosecutor issues a final statement asking the Court of Appeal to overrule the decision by the investigative judge to open an investigation, and contests the interests of FIDH and of the LDH as parties in the case.

1 October 2012

Order issued to replace the investigating judge and to appoint a new investigating judge from the Specialised War Crimes Unit. Investigating judge Hildenbrandt is replaced by judges Choquet and Ducos.

2 November 2012

Written communication submitted by FIDH to acknowledge the order dated 23 May 2012 to open a criminal investigation.

6 November 2012

Hearing before the Criminal Investigations Chamber of the Paris Court of Appeal (*Chambre d'instruction de la Cour d'appel*) is convened to hear the State Prosecutor's petition to reverse the decision made by the investigating magistrate dated 23 May 2012, to open a criminal investigation.

10 January 2013

Five Libyan victims become civil parties in the proceedings.

15 January 2013

The Chamber of Criminal Investigations of the Court of Appeal (*Chambre d'instruction de la Cour d'appel*) upholds the order dated 23 May 2012 to open the investigation.

4 February 2013

Submission by FIDH of evidence and additional information to substantiate the complaint filed on 19 October 2011, to the investigating judges.

June and July 2013

The five civil parties are heard by the investigating judges from Specialised War Crimes Unit who were assigned to the case.

The investigating judges order psychological evaluations to determine the extent of the harm suffered by the five plaintiffs.

The civil parties represented by FIDH: testimonies

Mrs. A was 32 years old and a student in Tripoli at the time she was arrested at 9:00 am on 16 February 2011. The arrest took place after she had been asked to report to the headquarters of the Internal Security Services in Tripoli. This was not the first time she had been asked to report to provide information on her activities, which had been qualified as “*incitement to demonstrate*.” It was for this reason that she had decided to go ahead and report. She was interrogated by officers working for Internal Security from the morning of 16 February until 2:00 am on the following day, without a break. The officers asked her about the content of Skype conversations that had been recorded by the security service, and also asked about emails exchanged via her Yahoo account and conversations on Facebook. The interrogators showed Mrs. A the contents of all of her private communications printed on sheets of paper and asked her to identify her interlocutors, the people hiding behind the user names. Mrs. A was tortured during the interrogation. The following day she was transferred to the Abu Salim prison. On several occasions she witnessed summary executions in the prison courtyard. She was threatened, insulted and beaten on several occasions.

Mr. B was 33 years old and a civil servant in Misrata when he was arrested by Internal Security officers on the 3 January 2011, at his office at the Ministry, at approximately 11:00 am. That same day he was transferred to an inland security interrogation centre in Tripoli. He was held in detention for 24 days. Over the first three days he was continuously tortured. He was placed in a windowless cell that measured 1m x 2m located in a corridor where there were 10 similar cells. His hands were kept handcuffed behind him. Agents regularly came to take him to another room where he was tortured with electricity by four or five men. He was questioned on the content of email exchanges, on the identity of his correspondents, namely political opponents living outside of Libya, and was asked for the password to enter his email account. After three days of torture he gave the security agents the password to his email account; according to Mr. B it was clear that they already had this information.

Mr. C was 42 years old and living in Misrata as an artist when he was arrested by Internal Security agents in the studio where he worked on 16 February 2011. He was transferred to premises in Tripoli. He was questioned and tortured for 24 hours, transferred to a police station and then to Abu Salim prison where he was held in inhumane conditions for exactly 185 days, until August 2011. He was tortured in Abu Salim prison. He was questioned about his exchanges on his email account, about “text messages” (SMSs), and about telephone conversations he had had that had been recorded. He was also shown screen shots of his Facebook profile, and printed copies of his emails. He was accused of being one of the organisers of the February 17th revolution.

Mr. D was a 42-year old civil servant living in Benghazi when he was arrested by inland security agents at their premises in Benghazi on 10 February 2011. He was kept in detention at these premises until 21 February 2011. During interrogation sessions, he was tortured and shown the last message he had posted on Facebook before his arrest, as well as other messages he had posted on Facebook calling for demonstrations against the regime and emails exchanged via his Yahoo account. He was questioned and tortured in a similar manner until the 14 February. On the 21 February 2011, he was released by an agent who told him that he had been ordered to kill him.

Mr. E was a 25-year old medical student living in Tripoli when, knowing that the authorities were looking for him because he was an activist, he left Tripoli and went into hiding in Misrata on 17 February 2011. He was found by the External Security Organisation, and told to report for questioning. He did so because inland security agents had assured his parents that he would only be held for the time required for questioning. He was tortured during the interrogation, and questioned on his activism over the Internet whilst being shown personal information taken from Facebook and Yahoo accounts. He was then transferred to Tripoli and held in the Abu Salim prison until the 24 August 2011.

Some of the civil parties recognised the agents interrogating them either immediately, or subsequently. Moreover, some of them were able, during the chaos that reigned in Tripoli after the fall of Gaddafi, to get a hold of their files and pass them on to the French justice system.

Impact of judicial proceedings on the regulation of ICT companies

The criminal investigation opened in France as a result of the complaint filed by FIDH and the LDH received wide media coverage and led to public requests for information addressed to the French authorities. In addition to expanding knowledge on the type of technology designed and sold by companies like Amesys, the case helped to expose the complete lack of regulation for this business sector.

The first observations made by the French justice system were the result of a preliminary investigation conducted in September 2011 as a consequence of a complaint filed for breach of the right to privacy by another organisation. Investigators established that:

- the Eagle equipment did not require authorisation to be exported because it was not considered war equipment; and
- it did not need to obtain the special clearance usually required for communication interception equipment because it was not going to be used on national soil, but exclusively destined to be exported.

These two conclusions were used in September 2011 by French investigators to drop the case against Amesys for violation of the right to privacy on the basis that no laws had been broken.

When the Minister for the digital economy, Fleur Pellerin, was questioned by the media about the Amesys case in the summer of 2013, she replied that the French government wanted to impose regulations on the export of surveillance technology and that France was going to propose amending the Wassenaar Arrangement's list of dual-use goods. The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies is a voluntary multilateral export control instrument drafted and signed by 41 countries aimed at coordinating the export of conventional weapons and dual-use goods and technologies.

In December 2013, the French government proposed amending the Wassenaar Arrangement to include the type of equipment sold by Amesys. The proposal was adopted by the State Parties and must now be transposed into national law. A milestone was reached in May 2014 when Germany banned exports of dual-use technology to Turkey on the basis that the equipment could be used to listen in on exchanges over the Internet and, potentially, to breach fundamental liberties.

This major accomplishment was welcomed by a large number of international human rights organisations as an essential step towards increased regulation of this type of commerce. However, these organisations also insisted on the need to transpose these provisions into

national law for it to be truly effective. France has not consistently updated its regulations for exporting companies since presenting its amendment proposal in 2013 and should be mindful of the changes that need to be made to national legislation quickly.

In April 2014, FIDH organised a seminar in Brussels attended by experts in the regulation of information, communication technology companies, representatives of NGOs working in these areas, and representatives of the EU Commission. The seminar also saw the announcement of the creation of the Coalition against Unlawful Surveillance Exports (CAUSE) and the public dissemination of the coalition's recommendations to regulate companies exporting information and communication technology.

Should this case meet with success, it will be an unprecedented step towards greater awareness for companies of the criminal liability linked to complicity in international crimes and it will also contribute to better and more efficient regulation of this technology sold to oppressive governments.

Additionally, the criminal investigation opened in France takes on even greater importance given recent developments in Libya – among them the emergence of ever greater difficulties in securing the administration of justice, and a judicial system that is paralysed and unable to act impartially and independently to meet the needs of Libyan victims for truth and justice. This is because the French proceedings will no doubt elucidate on the serious violation of human rights perpetrated by Libyan intelligence services with assistance from Amesys.

Annex

THE WALL STREET JOURNAL

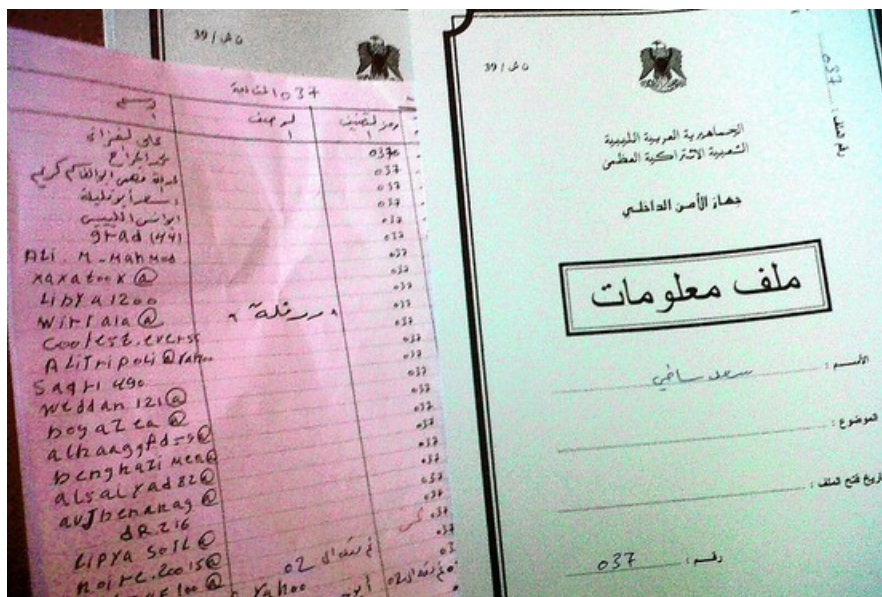
MIDDLE EAST NEWS

Firms Aided Libyan Spies

First Look Inside Security Unit Shows How Citizens Were Tracked

By PAUL SONNE And MARGARET COKER

August 30, 2011



One of countless files from Libya's internet surveillance center. *The Wall Street Journal*

TRIPOLI—On the ground floor of a six-story building here, agents working for Moammar Gadhafi sat in an open room, spying on emails and chat messages with the help of technology Libya acquired from the West.

The recently abandoned room is lined with posters and English-language training manuals stamped with the name Amesys, a unit of French technology firm Bull SA, which installed the monitoring center. A warning by the door bears the Amesys logo. The sign reads: "Help keep our classified business secret. Don't discuss classified information out of the HQ."

First Look Inside Security Unit

See photos of the building, explored Monday by The Wall Street Journal.

The room, explored Monday by The Wall Street Journal, provides clear new evidence of foreign companies' cooperation in the repression of Libyans under Col.



WSJ's Alan Zibel reports Libyan government officials relied on technology from western companies to spy on citizens. Photo: Edu Bayer for The Wall Street Journal

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[As Gadhafi Kin Flee, Rebels Try to Secure Oil](#)

[In Letter to Tripoli, Bomber States His Case](#)

using "proxy" servers, according to documents reviewed by the Journal and people familiar with the matter. Libya's civil war stalled the talks.

"Narus does not comment on potential business ventures," a Narus spokeswoman said in a statement. "There have been no sales or deployments of Narus technology in Libya." A Bull official declined to comment.

CENSORSHIP INC.

[Cisco Poised to Help China Keep an Eye on Its Citizens](#) 7/5/2011

[Mideast Uses Western Tools to Battle the Skype Rebellion](#) 6/1/2011

[Iran Vows to Unplug Internet](#) 5/28/2011

[U.S. Products Help Block Mideast Web](#) 3/28/2011

Gadhafi's almost 42-year rule. The surveillance files found here include emails written as recently as February, after the Libyan uprising had begun.

One file, logged on Feb. 26, includes a 16-minute Yahoo chat between a man and a young woman. He sometimes flirts, declaring that her soul is meant for him, but also worries that his opposition to Col. Gadhafi has made him a target.

"I'm wanted," he says. "The Gadhafi forces ... are writing lists of names." He says he's going into hiding and will call her from a [NEW PHONE](#) number—and urges her to keep his plans secret.

"Don't forget me," she says.

This kind of spying became a top priority for Libya as the region's Arab Spring revolutions blossomed in recent months. Earlier this year, Libyan officials held talks with Amesys and several other companies including Boeing Co.'s Narus, a maker of high-tech Internet traffic-monitoring products, as they looked to add sophisticated Internet-filtering capabilities to Libya's existing monitoring operation, people familiar with the matter said.

Libya sought advanced tools to control the encrypted online-phone service Skype, censor YouTube videos and block Libyans from disguising their online activities by

The sale of technology used to intercept communications is generally permissible by law, although manufacturers in some countries, including the U.S., must first obtain special approval to export high-tech interception devices.

Libya is one of several Middle Eastern and North African states to use sophisticated technologies acquired abroad to crack down on dissidents. Tech firms from the U.S., Canada, Europe, China and elsewhere have, in the pursuit of profits, helped regimes block websites, intercept emails and eavesdrop on conversations.

The Tripoli Internet monitoring center was a major part of a broad surveillance apparatus built by Col.

Gadhafi to keep tabs on his enemies. Amesys in 2009 equipped the center with "deep packet inspection" technology, one of the most intrusive techniques for snooping on people's online activities, according to people familiar with the matter.

Chinese telecom company ZTE Corp. also provided technology for Libya's monitoring operation, people familiar with the matter said. Amesys and ZTE had deals with different arms of Col. Gadhafi's security service, the people said. A ZTE spokeswoman declined to comment.

VASTech SA Pty Ltd, a small South African firm, provided the regime with tools to tap and log all the international phone calls going in and out of the country, according to emails reviewed by The Wall Street Journal and people familiar with the matter. VASTech declined to discuss its business in Libya due to confidentiality agreements.

Members of Libyan leader Moammar Gadhafi's family were reported Monday to have arrived in Algeria, a neighbor Libyan rebels have accused of supporting the ousted regime. Jeff Grocott has details on The News Hub.

Libya went on a surveillance-gear shopping spree after the international community lifted [TRADE](#) sanctions in exchange for Col. Gadhafi handing over the suspects in the 1988 bombing of Pan Am flight 103 and ending his weapons of mass destruction program. For global makers of everything from snooping technology to passenger jets and oil equipment, ending the trade sanctions transformed Col. Gadhafi's regime from pariah state to coveted client.

Journal Community >

Assuming Col. Moammar Gadhafi is captured, where should he be tried?

- International Criminal Court in The Hague
- Within Libya

The Tripoli spying center reveals some of the secrets of how Col. Gadhafi's regime censored the populace. The surveillance room, which people familiar with the matter said Amesys equipped with its Eagle system in late 2009, shows how Col. Gadhafi's regime had become more attuned to the dangers posed by Internet activism, even though the nation had only about 100,000 Internet subscriptions in a population of 6.6 million.

The Eagle system allows agents to observe network traffic and peer into people's emails, among other things. In the room, one English-language poster says: "Whereas many Internet interception systems carry out basic filtering on IP address and extract only those communications from the global flow (Lawful Interception), EAGLE Interception system analyses and stores all the communications from the monitored link (Massive interception)."

On its website, Amesys says its "strategic nationwide interception" system can detect email from Hotmail, Yahoo and Gmail and see chat conversations on MSN instant messaging and AIM. It says investigators can "request the entire [DATABASE](#) of Internet traffic "in real time" by entering keywords, email addresses or the names of file attachments as search queries.

It is unclear how many people worked for the monitoring unit or how long it was operational.

In a basement storage room, dossiers of Libyans' online activities are lined up in floor-to-ceiling filing shelves. From the shelves, the Journal reviewed dozens of surveillance files, including those for two anti-Gadhafi activists—one in Libya, the other in the U.K.—well known for their opposition websites. Libyan intelligence operators were monitoring email discussions between the two men concerning what

topics they planned to discuss on their websites.

In an email, dated Sept. 16, 2010, the men argue over whether to trust the reform credentials of Col. Gadhafi's son, Seif al-Islam, who at the time was widely expected to succeed his father as Libya's leader. One man warns the other that the younger Gadhafi is trouble. "I know that you hope that Seif will be a good solution," he writes. "But ... he is not the proper solution. I'm warning you."

Computer surveillance occupied only the ground floor of the intelligence center. Deeper in the maze-like layout is a windowless detention center, its walls covered in dingy granite tile and smelling of mildew.



Activist Heba Morayef's emails turned up at Libya's internet surveillance center. *Human Rights Watch*

Caught in the snare of Libya's surveillance web was Human Rights Watch researcher Heba Morayef, who handles Libya reporting for the activist group. Files monitoring at least two Libyan opposition activists included emails written by her, as well as messages to her from them.

In one email, dated Aug. 12, 2010, a Libyan activist implores Ms. Morayef to help him and his colleagues fight a court case brought against them. "The law is on our side in this case, but we are scared," he wrote. "We need someone to help." The email goes into specific detail about the plaintiff, who was a high-ranking member of a shadowy group of political commissars defending the Gadhafi regime.

Ms. Morayef, reached Monday in Cairo, where she is based, said she was last in contact with the Benghazi-based activist on Feb. 16. She said she believes he went into hiding when civil war broke out a week later.

Another file, dated Jan. 6, 2011, monitors two people, one named Ramadan, as they struggle to share an anti-

Gadhafi video and upload it to the Web. One message reads: "Dear Ramadan : Salam : this is a trial to see if it is possible to email videos. If it succeeds tell me what you think."

Across town from the Internet monitoring center at Libya's international phone switch, where telephone calls exit and enter the country, a separate group of Col. Gadhafi's security agents staffed a room equipped with VASTech devices, people familiar with the matter said. There they captured roughly 30 to 40 million minutes of mobile and landline conversations a month and archived them for years, one of the people said.

Andre Scholtz, sales and marketing director for VASTech, declined to comment on the Libya installation, citing confidentiality agreements. The firm sells only "to governments that are internationally recognized by the U.N. and are not subject to international sanctions," Mr. Scholtz said in a statement. "The relevant U.N., U.S. and EU rules are complied with."

The precise details of VASTech's setup in Libya are unclear. VASTech says its interception technology is used to fight crimes like terrorism and weapons smuggling.

The Fight for Tripoli



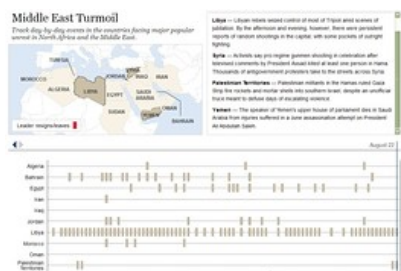
On Edge in Libya

Track fighting and city control around the country.



Map: Regional Upheaval

Track events day by day in the region.



[More photos and interactive graphics](#)

A description of the company's Zebra brand surveillance product, prepared for a [TRADE](#) show, says it "captures and stores massive volumes of traffic" and offers filters that agents can use to "access specific communications of interest from mountains of data." Zebra also features "link analysis," the description says, a tool to help agents identify relationships between individuals based on analysis of their calling patterns.

Capabilities such as these helped Libya sow fear as the country erupted in civil war earlier this year. Anti-Gadhafi street demonstrators were paranoid of being spied on or picked up by the security forces, as it was common knowledge that the regime tapped phones. Much of the early civil unrest was organized via Skype, which activists considered safer than Internet chatting. But even then they were scared.

"We're likely to disappear if you aren't careful," a 22-year-old student who helped organize some of the biggest protests near Tripoli said in a Skype chat with a foreign journalist before fleeing to Egypt. Then, on March 1, two of his friends were arrested four hours after calling a foreign correspondent from a Tripoli-based cellphone, according to a relative. It is unclear what division of the security service picked them up or whether they are still in jail.

The uprising heightened the regime's efforts to obtain more intrusive surveillance technology. On Feb. 15 of this year, as anti-government demonstrations kicked off in Benghazi, Libyan telecom official Bashir Ejlabu convened a meeting in Barcelona with officials from Narus, the Boeing unit that makes Internet monitoring products, according to a person familiar with the meeting. "The urgency was high to get a comprehensive system put in place," the person said.

In the meeting, Mr. Ejlabu told the Narus officials he would fast-track [VISAS](#) for them to go to Libya the next day, this person said. Narus officials declined to travel to Tripoli, fearing damage to the company's reputation.

But it was too late for the regime. One week later, Libyan rebels seized control of Benghazi, the country's second largest city, and the capital of Tripoli was convulsing in antiregime protests. In early March, Col. Gadhafi shut down Libya's Internet entirely. The country remained offline until last week, when rebels won control of Tripoli.

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Founded in France in 1898 during the Dreyfus case, **the French League for Human Rights (LDH)** defends the rights of the individual, fights against discrimination and undertakes the role of promoting political and social citizenship for all.

Currently, the LDH is campaigning for the abolition of restrictive laws relating to immigrants, for the regularisation of undocumented immigrants and for the right to vote in local elections for foreign residents. Along with the concept of social citizenship it fights against new forms of poverty and uncertainty. Attached to the defence of secularism against all fundamentalisms it defends the right to housing and healthcare for all and sexual equality. It denounces all forms of discrimination as well as police violence and fights for the observance of rights by the security forces.

With almost 9000 members and more than 350 departments, it operates using three complementary intervention methods: taking a stand and public actions; awareness, information and education ; discussions, research and expertise.

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Investigative and trial observation missions

Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed, rigorous and impartial procedures to establish facts and responsibility. Experts sent to the field give their time to FIDH on a voluntary basis.

FIDH has conducted more than 1 500 missions in over 100 countries in the past 25 years. These activities reinforce FIDH's alert and advocacy campaigns.

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FIDH organises numerous activities in partnership with its member organisations, in the countries in which they are based. The core aim is to strengthen the influence and capacity of human rights activists to boost changes at the local level.

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FIDH informs and mobilises public opinion. Press releases, press conferences, open letters to authorities, mission reports, urgent appeals, petitions, campaigns, website... FIDH makes full use of all means of communication to raise awareness of human rights violations.

**FIDH
represents 178
human rights organisations
on 5 continents**

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FIDH represents **178** human rights organisations on **5** continents



inhuman or degrading treatment or punishment. Article 6: Everyone has the right to recognition everywhere as a person before the law. Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Article 9: No one shall be subjected to arbitrary arrest, detention or exile. Article 10: Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. Article 11: (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty

ABOUT FIDH

FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

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FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights: civil and political rights, as well as economic, social and cultural rights.

A universal movement

FIDH was established in 1922, and today unites 178 member organisations in more than 100 countries around the world. FIDH coordinates and supports their activities and provides them with a voice at the international level.

An independent organisation

Like its member organisations, FIDH is not linked to any party or religion and is independent of all governments.

fidh

Find information concerning FIDH's 178 member organisations on www.fidh.org