Testimony of Clare Gillis
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Senate Judiciary Committee
"Fulfilling Our Treaty Obligations and Protecting Americans Abroad."

I was working as a freelance journalist in eastern Libya, reporting for The Atlantic and USA Today, among other publications, when I learned what it was like to be a prisoner. On April 5, 2011, I was with three other journalists at the front line when we came under fire from Qaddafi's troops. One of our party, the South African Anton Hammerl, received what we believe were fatal wounds, and the rest of us were captured. The soldiers punched us and hit us with the butts of their rifles, tied our hands behind our backs and threw us in the back of their pickup truck. We were blindfolded and interrogated several times - one of my sessions lasted for six hours. We went before prosecutors and judges with only a translator to assist us. Our requests for a lawyer were not honored. Our captivity lasted for 44 days, when we were finally freed, with the stipulation that if we were to be caught again by Qaddafi's forces, we would have to spend a year in prison.

As we lay awake at night, we listened to NATO planes and the bombs they dropped, occasionally feeling the building shake with their impact. We knew that we were being detained in a military facility, and worried that the bombs could even be targeting our building. We wondered if anyone knew where we were, or even that we were alive. Our guilt at what we were putting our families through back home was tempered only by fear - we did not know if the Libyans were acknowledging that we were in their custody, and especially since we had witnessed the murder of a civilian, we assumed we were at the mercy of our captors.

We also wondered who could possibly secure our release. We were two US citizens and one Spanish. The US embassy in Tripoli closed up shop February 25th, the day that I had crossed the Egyptian border to enter the rebel-controlled eastern part of the country. Based on the example of the New York Times team which had been captured in circumstances very similar to ours a month earlier, and whose release was eventually secured by the Turkish embassy, since they were the protecting power for US citizens in Libya, it seemed that the Turkish embassy would be the ones to step in.

Indeed, when I was finally allowed a phone call, after being held for 16 days, my mother asked me if the Turks had visited me. I hadn't even known that they were trying, but it was tremendously reassuring to hear my mother tell me that the State Department was putting great efforts into my case even though they were no longer on the ground in Libya. I also learned that our media outlets were working more than full-time to publicize our case, which was especially gratifying because as a freelancer, I had assumed that I would be more or less on my own. When we were eventually transferred to a private guesthouse and had access to television, we watched with dismay as the news was broadcast that the Turkish embassy in Tripoli had also closed. Who is looking after our case now? we wondered.

After 35 days we received a surprise visit: the Hungarian ambassador and consul, and the Spanish deputy ambassador. Upon the departure of the Turks, the US State Department enlisted the Hungarians as the protective power for US citizens in Libya. Within several days, they managed to secure access to visit us. Consular access is vital for people in our situation: they were able to get a sense of how we looked and acted, if we were being treated well, and we hoped, though we could not know for sure, that they would be able to inform NATO pilots of our location so that we would not suffer friendly fire.

When we went before the judge and got formally released, we still had no permission to be in the country: the charges that we were held on were illegal entry, since we had entered through the rebel-controlled eastern border and did not have Tripoli-issued visas, and reporting without permission from Tripoli. And we still had to get out.

The Hungarians managed to get our passports back from the Libyans, and they drove us through the dozen or so checkpoints to the Tunisian border. There they waited with us for three and a half hours as border officials struggled with paperwork to let us pass.

Without consular access, I do not know when we would have been released or who would have negotiated the delicate process of actually getting us to that border.

If the US continues to ignore its obligations under the Vienna Convention on Consular Relations, that makes it easier for foreign governments to ignore their obligations to imprisoned American citizens abroad. If we expect other nations to take our concern for human rights seriously, we should honor the terms of a treaty we have already signed.