

*“That was
the last
time I saw
my brother”*

**EXTRAJUDICIAL
AND UNLAWFUL
KILLINGS IN LIBYA**

Thematic Report

September 2022

The World Organisation Against Torture (OMCT) works with around 200 member organisations which constitute its SOS-Torture Network, to end torture, fight impunity and protect human rights defenders worldwide.

Together, we are the largest global group actively standing up to torture in more than 90 countries. Helping local voices be heard, we support our vital partners in the field and provide direct assistance to victims.

Our international secretariat is based in Geneva, with offices in Brussels and Tunis.



EXTRAJUDICIAL AND UNLAWFUL KILLINGS IN LIBYA

DOCUMENTATION OF THE LIBYAN ANTI-TORTURE
NETWORK FROM JANUARY 2020 TO MARCH 2022

THEMATIC REPORT
SEPTEMBER 2022





LIBYAN ANTI-TORTURE NETWORK

The Libyan Anti-Torture Network (LAN) was established in March 2021, with the support of the World Organisation Against Torture (OMCT), which resumed its Libya programme (originally launched in 2012) in 2020. The LAN brings together a group of civil society organisations from different cities and regions across Libya, including hard-to-access areas, working on the Reinforcing Stakeholders in Libya to Engage against Torture (RESILIENT) project. This initiative aims to document and highlight torture, arbitrary detention, enforced disappearance, unlawful killings and other serious human rights violations of Libyans and non-nationals (including migrants and asylum-seekers), with a larger goal of promoting greater respect for human rights. LAN members had been working independently prior to joining the network, and some data and cases collected before its establishment have been used both in this report and as part of RESILIENT.

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01

EXECUTIVE SUMMARY

This report highlights the pervasive practice of extrajudicial and unlawful killings in Libya from January 2020 to the end of March 2022. During this period, the LAN documented a total of

581 extrajudicial killings of civilians

(both Libyans and migrants) across the country.

The striking feature is the significant number of victims that have been subjected to torture and ill-treatment prior to being killed, or that have effectively been tortured to death. These figures are to be understood as the tip of the iceberg of the actual number of extrajudicial killings and deaths in custody that are soaring in Libya today.

The cases documented were perpetrated by various actors and militias across the country. They include fatalities and extrajudicial killings in a variety of contexts:



Indiscriminate shelling in residential locations



Executions in detention facilities



Deaths in custody under torture



Instances where bodies were found dumped in refuse sites or elsewhere

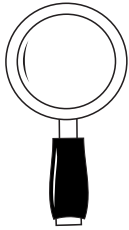
The unifying element in these diverse contexts is an environment of near-total disregard for the rule of law in which perpetrators can count positively on their full impunity, an environment in which justice is not only not done but actively prevented, and in which victims and their families have no place to turn to and enjoy neither protection nor access to support or rehabilitation. On the contrary, victims, their families or potential witnesses, lawyers, and those documenting violations face a ubiquitous and heavy risk of reprisals in an environment described to us as ‘militia rules’.

The cases and body of evidence

Of the 581 cases underlying this report, **487 deaths occurred in Libya’s eastern and western regions**, where most of the country’s population lives, whereas **83 extrajudicial killings were recorded in less densely populated southern Libya**. **The remaining 11 cases of extrajudicial killings took place in Tarhouna in 2019 but could only be documented by the LAN in 2021.**

Case numbers recorded by the LAN in 2020 indicate that most of these victims were Libyans. In the year 2020, these accounted for 400 instances. A second important category of unlawful and extrajudicial killings, including those tortured to death, are migrants (88 killings in 2020). The LAN recorded lower figures in 2021, when it received testimonies about 68 killings, 52 of which were Libyans. In the first three months of 2022, the LAN documented the extrajudicial killing of 14 migrants in police stations in southern Libya. However, the figures for 2021 and 2022 do not necessarily mean that the number of killings and torture practices did reduce. Rather they are the result of the additional difficulties in documenting cases for fear of reprisals and reflect external factors such as the Covid-19 pandemic, which limited access to both victims and other available information needed in the verification process.





The LAN members decided to **focus on torture and extrajudicial killing due to the alarming reports they received from the field**. These indicated that the **perpetration of these crimes has become endemic, both in detention facilities and beyond**.

For the purpose of this report, cases have been divided into **4** geographical areas: eastern, western, central, and southern Libya.

Despite their best efforts, the LAN members were unable to verify all allegations received, given the staggering number of violations reported and the greatly deteriorating security situation. As the LAN only accounts for cases it can verify through first-hand interviews with witnesses or survivors and corroborate or complement with its documentation or information, the numbers presented herein do not represent the actual total case numbers in Libya. The number of cases is believed to be much higher.

The LAN was, however, able to document thousands of cases of torture, alongside the hundreds of deaths of those arbitrarily executed or forcibly disappeared and later killed. The cases reflected in this report concern **crimes committed against civilians and outside of any legal processes**. The LAN also received information about the death of 99 civilians (both Libyans and migrants) in 2020 as a likely result of indiscriminate attacks with heavy weaponry in violation of the laws of armed conflict on residential areas in Tripoli, Zliten, Khoms, Sirte, Sabha and Ubari. Such killings are not discussed in this report due to the difficulty of verifying all information. This report focuses instead on extrajudicial killings and torture leading to death outside armed fighting and the various armed conflict scenarios.

Not accepting a 'new normal'

This report analyses cases of extrajudicial and unlawful killings in Libya, which appear to be routinely practised by state actors and the various non-state actors that have gained control over parts of the territory since 2011. It identifies trends and characteristics of such killings as they risk becoming an accepted "*new normal*" in Libya.

The prevalence of such crimes, most of which have not been investigated, let alone prosecuted or punished, leads to greater impunity for perpetrators and reinforces the overall sense of vulnerability in the general population.

As a result, victims and their families are left helpless and with no one to turn to. As long as this vicious cycle of violence and impunity is not broken and there is no baseline commitment to the rule of law, including the protection of the right to life and the right to be free from torture, any prospect for lasting peace, reconciliation, security and unity will be short-lived or meant to fail from the start.

Overall, LAN's cases indicate the involvement of both state actors holding official positions and non-state actors with authority over certain areas. State actors are those assigned by the state or in receipt of official state support, such as salaries or equipment, while non-state actors are not integrated officially into government forces or structures. Definitions are blurred by Libya's complex security and political landscape, which has facilitated the integration of former non-state actors into the official security apparatuses and enabled others to access state equipment such as weapons.

On several occasions, research indicates that non-state actors participate and collude with state actors in extrajudicial killings.

It is believed that a substantial number of violations committed in Libya in recent years have not been recorded anywhere in detail, if at all, given the threatening environment which renders both their occurrence and classification, as well as the potential accountability of perpetrators challenging.

Redressing the breakdown of protection

As illustrated by the cases documented, we currently observe the total breakdown of protection and accountability. Those responsible enjoy *de jure* or *de facto* authority and stand ostensibly and visibly above the law. In this regard, the report finds an urgent need for all those who exercise authority in the different Libyan regions to commit to a basic understanding of the rule of law.

Libya's current domestic legal framework for investigating and prosecuting suspected perpetrators of unlawful and extrajudicial killings is insufficient – the legislation does neither define nor refer to extrajudicial killings. **The report looks at the extent to which the legal framework aligns with international standards. It identifies important gaps in Libyan legislation and loopholes used by perpetrators to evade prosecution.** The prospect for successful investigations or the prosecution of extrajudicial and unlawful killings is also negatively impacted by limited in-country



forensics and medical facilities, lacking standard procedures in case of death in custody and grossly inadequate management of dead bodies. The absence of effective in-country scientific mechanisms to collect and secure sufficient evidence acceptable within international legal standards is believed to have resulted in the loss of vital information during the investigation stages. This is compounded by limited numbers of legal advisors and lawyers prepared to take on cases challenging armed groups, alongside a serious lack of local legal expertise in international human rights, humanitarian, and international criminal law.

Crucially, many violations covered in this report are believed to have been carried out by state groups or militias formerly integrated into law enforcement structures without any effective civilian control, further reducing the potential for effective prosecution.

Many members of both state and non-state armed groups were civilians before the 2011 uprising, who joined opposition forces to participate in the overthrow of former Libyan leader Muammar Gaddafi. After 2011, many fighters joined local armed groups, some of which were later integrated into a range of police, military, or other security forces, usually without any prior training on human rights or scrutiny for serious crimes, including torture. This has resulted in much of Libya's security being provided by unprofessional and inadequately trained armed personnel without meaningful oversight and control, greatly contributing to the considerable numbers of extrajudicial killings.

Recognizing victims and ending reprisals

The report offers a set of recommendations aimed at any current or future Libyan government and addressed to any faction that exercises de facto control over a part of the territory. The report reiterates the state's obligations toward the protection of victims and proposes recommendations to end the practice of extrajudicial killings. The recommendations also stress the importance of judicial and legal monitoring and inspection, alongside regulating and strengthening civilian control over the work of state authorities and improving investigations and the prosecution and punishment of perpetrators. **There will be no progress if there is no protection for victims, families, witnesses, and anyone defending their rights or reporting the abuse.** Fighting the "new normal" and the horrors documented by the LAN can only work if there is a break from the culture of threats and reprisals.

No room for complacency

This is not the first serious report about terrible human rights violations in Libya. In fact, in parts of the Libyan society and the international community, there is a sense that these practices are “normal” or are “to be expected” in the country’s reality.

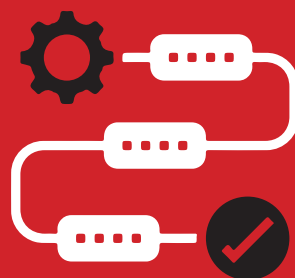
Yet each case documented in this report reflects the destruction of a promising life, negatively impacts families and communities, and tells the story of continuous trauma. They are more than mere case numbers. They not only speak of human tragedy, but they also attack the very essence of the rule of law.

Together, they represent the ordeal of a Libyan society that needs to overcome its divisions and conflicts. Each case merits recognition and protection and calls on all those exercising authority to act. This collective research shows that violations of this magnitude require a response locally, nationally, and internationally. This report aims at contributing to a broader goal, most notably fighting ongoing country-wide impunity.



02

METHODOLOGY



The research undertaken between 2020 and spring 2022 is based on testimonies gathered by the LAN, including via in-person interviews, telephone calls and calls through online app services, complemented with further research to corroborate the information received and additional examinations. First-person sources gathered through LAN's interviews include witnesses, relatives who reported violations, survivors, and former detainees. A handful of testimonies are from guards or members of other security forces who witnessed killings.

This research also draws on information from other partner organisations collected through interviews with eyewitnesses. It also refers – provided we were able to corroborate information – to incidents and violations which were sufficiently significant to have been either covered by local media or widely circulated on social media platforms, often alongside gruesome video footage or photos. While the report seeks to provide figures and trends where possible, it is beyond the scope of LAN's work to offer definitive overall statistics.

Access to justice for victims' families and witnesses is currently extremely limited due to several factors.

Firstly, the lack of in-country forensic knowledge, experience and expertise combined with unprofessional handling of sensitive and confidential documentation.

Secondly, a serious lack of trust in state institutions and fear of reprisals and persecution by perpetrators or their associates. This makes families reluctant to report violations or lodge formal complaints.

Thirdly, the fear of lawyers to accept cases or pursue litigation and the threats to activists and researchers who may struggle to access reliable information in scenarios where witnesses are afraid of speaking openly due to non-existent witness protection and in a culture of *"militia rule"*.

Despite this, witnesses and victims' families continue to turn to the LAN to report the loss of loved ones, sometimes just to register an injustice and, more often, in the hope of some eventual legal recourse. Libya's precarious security situation can make it extremely dangerous for people to speak openly, creating challenges for researchers to access and verify information comprehensively. All cases underlying this report have been subject to rigorous testing within the situation on the ground but cannot and do not intend to follow a criminal standard of proof. **Considering the exceptional threatening environment and continuous vulnerability of victims, their families and those documenting violations, this report does not disclose the victims' identities or name individual perpetrators.**

LAN's research to date suggests that the high prevalence of torture and killings in Libya greatly exceeds the limited documentation capacity of activists and researchers. Extrajudicial killings have been reported on Libyans and foreigners alike, including migrants and asylum seekers. Documenting and verifying violations targeting non-nationals is, in general, more complicated. Many of these occur in detention facilities that are not open to scrutiny. There is limited access by protection mechanisms or civil society organisations.

In the rare cases when visits are possible, they do not provide an environment for confidential interviews with victims or witnesses. Confidential interviews are normally not allowed in any detention centre run by the Department for Combating Illegal Migration (DCIM). Centre directors or guards usually insist on being present throughout visits. The LAN has been consistently told that detainees are threatened by guards before, during and after such visits.

Beyond the detention centre setting, migrants remain extremely vulnerable. The LAN observed migrants having high levels of fear, anxiety, or mistrust so they are loath to speak openly, not least because security forces and armed groups have been directly engaged in human trafficking.



03



INTRODUCTION

The right to a dignified life in a secure environment is a fundamental human right and, together with the absolute prohibition of torture, the cornerstone and foundation of universal human rights law.

This '*right to life*' is enshrined in key universal international treaties ratified by Libya, such as the International Covenant on Civil and Political Rights. International human rights law prohibits arbitrary and extrajudicial killings and sets out obligations to prevent such violations, investigate and prosecute them and ensure access to remedies, reparations, and rehabilitation for victims. The same goes for torture and other forms of cruel, inhuman, or degrading treatment which are absolutely prohibited under international law and are binding on Libya under any circumstances, be it in times of war or armed conflict or in times of peace.

It is important to recall that international human rights law continues to apply during armed conflict alongside international humanitarian law (dual application). Extrajudicial killings of civilians, torture and ill-treatment are equally prohibited under international humanitarian law and can constitute grave breaches of the Geneva Conventions in times of an internal armed conflict. They also constitute crimes under international law and, when part of a widespread and systematic practice, crimes against humanity.

The current reality in Libya shows a complex picture and a complicated context. Instead of being protected by the state, human rights and the rule of law are being eroded with security services and state actors or non-state armed groups resorting to violence, including torture and extrajudicial and unlawful killings, *“to impose their control”*. Such practices serve to intimidate society and lead to a climate of arbitrariness, vulnerability, and impunity.

The increasing number of conflicts in Libya with an overarching lack of accountability has resulted in significant numbers of deaths in custody, as well as other types of extrajudicial and unlawful killings. Many variables compound the human rights crisis in Libya, such as overcrowding in detention facilities, incompetent and untrained detaining authorities, and limited guard numbers, but above all, a culture of violence and lack of control or limits for those holding detainees. The lack of respect for basic standards is reflected in the treatment of the bodies of those killed. A striking feature observed is the illegal disposal of victims’ corpses and, broadly, inadequate management of dead bodies on a local level. It goes along with the perpetrators’ desires to send a message to society and erase any irrefutable evidence. **No evidence means no victims, and no litigation,** making it almost impossible to hold perpetrators accountable and adding challenges to the proper legal classification of killings.¹

Libya is at the forefront of this reality. In recent years, reports by local and international organisations have included statistics or references relating to victims of torture and deaths in official and unofficial detention facilities.² Although international covenants, human rights treaties and humanitarian law all prohibit unlawful or extrajudicial killing under any circumstances, as the situation in Libya has deteriorated, violations have increased. This is largely believed to be a result of the proliferation of weapons after 2011 and an increased presence of armed groups that are mostly alleged to have committed these crimes. Relevant international treaties and laws oblige all states to protect those living under their jurisdiction from any form of killing, hold perpetrators to account and guarantee fair trials to all detainees. **Although Libya is a party to all main universal human rights treaties, the lack of effective governance and the deteriorating political and military situation have made the country a stronghold for human rights violations, routinely committed with impunity.**³

1. “Humanitarian Debate: Law Policy Action.” *International Review of the Red Cross*, Vol. 98, No. 908 (2016).
2. “Libya Country Report: “A Human Rights Crisis.” Global Detention Project, 2018. “No Way Out: Migrants and Refugees Trapped in Libya Face Crimes Against Humanity.” *Lawyers for Justice in Libya et al.* November 2021. “Libya 2020 Human Rights Report.” United States Department of State, Bureau of Democracy, Human Rights and Labor, 2020.
3. “**Universal Declaration of Human Rights.**” The United Nations. Drafted by representatives from various legal and cultural backgrounds from all over the world, the UN General Assembly adopted the Universal Declaration of Human Rights in 1948 (Resolution 217) as “a common standard of achievements for all peoples and all nations.” (Articles 3, 4 and 5).
“**International Covenant on Civil and Political Rights.**” (Article 6)
“**African Charter on Human and Peoples’ Rights.**” (Article 4)
“**African Charter on the Rights and Welfare of the Child.**” (Article 5)
“**Protocol on the Rights of Women in Africa to the African Charter on Human and Peoples’ Rights.**” (Article 4)
“**Arab Charter on Human Rights.**” (Articles 5 and 6)
“**European Convention for the Protection of Human Rights and Fundamental Freedoms.**” (Article 2)
“**American Declaration of the Rights and Duties of Man.**” (Article 1)
“**American Convention on Human Rights.**” (Article 4)
“**Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women “Convention of Belém do Pará.”**” (Article 4)
“**Principles for the Effective Prevention and Investigation of Extrajudicial, Arbitrary and Extrajudicial Executions.**” Adopted by the Economic and Social Council in its resolution 65/1989 of 24 May 1989

04



CONTEXTUAL
BACKGROUND

Since the 2011 uprising, human rights in Libya have been assigned to a backburner, with the situation worsening as conflicts have burgeoned.

Militias, armed groups, and security forces continue to arbitrarily detain uncountable numbers of Libyans and foreigners, especially irregular migrants.

This has made Libya one of the world's deadliest countries, with total impunity for crimes committed. While local communities, often supported by local and international organisations, are trying to find ways to tackle such issues, the reality suggests that the road to the protection of rights and peace in Libya will be a long one.

Political division and corruption remain driving factors for the collapse of the rule of law and state institutions in Libya. For more than seven years, Libyan political and military factions based respectively in the East and West of the country have failed to reach any agreement to assign a unified government, but rather argue over the legality of election processes and the legitimacy of each party.

Recent economic, political, and military developments indicate serious failures in tackling corruption or demobilising militias, both of which have contributed to the deterioration of human rights in Libya.

Since 2014, Libya has been divided into East and West, with rival governments and associated military forces, both of which have left Southern Libya to largely fend for itself regarding local governance. On 10 February 2022, the House of Representatives (HoR) - the eastern-based parliament supported by its military wing, the Libyan Arab Armed Forces (LAAF) - appointed former Interior Minister of Libya's Western government, Fathi Bashagha, as Prime Minister. This followed the indefinite postponement of presidential and parliamentary elections, which had been scheduled to take place in December 2021 under the internationally recognised Government of National Unity (GNU) headed by Prime Minister Abdulhamid Dbeibah. Forces loyal to the two opponents clashed in the capital, during which several lives were lost.

These recent clashes in Tripoli indicate that Libya's precarious security situation - rooted in the absence of a unified political front - is likely to endure for the foreseeable future. With the creation of a unified government currently out of reach, any real move towards much-needed transitional justice is likely to remain a low priority.



The LAN documentation shows that forces affiliated with both rival governments have arbitrarily detained civilians and activists.

Violations of human rights and international humanitarian law continue, leaving civilians, journalists, activists and even government representatives and judges vulnerable to kidnapping or arbitrary detention.

Anyone can be forcibly disappeared, tortured, ill-treated, and even executed based on political affiliation, tribalism, racism, social media activism, as well as for other unclear reasons.



Recent conflicts and security incidents, too, between forces affiliated with the rival governing structures or feuding armed groups, result in civilian casualties. Indiscriminate attacks on residential properties have become normalised during hostilities by both state and non-state armed groups, often with each side blaming the other for associated civilian casualties. It seems likely that ongoing rivalries between the two governments and their military affiliates continue to contribute to the escalation of war crimes and crimes

against humanity, fuelled by the integration of perpetrators into law enforcement and state institutions, often serving politicians' ambitions to retain positions of power and authority.

Testimonies recorded by the LAN appear to confirm media reports claiming that some forces affiliated with both governments are involved in people smuggling and human trafficking networks.⁴ In addition, Libyan coastguard efforts to intercept migrants at sea, supported by the European Union, facilitate the return of vulnerable people to unhygienic and overcrowded DCIM-managed centres where they are sometimes denied access to fresh drinking water, adequate food, toilets, and medical care. Visits by local and international humanitarian NGOs to these centres are rarely allowed.

Migrants inside and beyond detention facilities remain vulnerable to torture, humiliation, rape, sexual exploitation, enforced labour and even death.

4. On the GNA and the LAAF, see: Jean-Louis Romanet Perroux. "Human trafficking, smuggling and governance in Libya: Implications for stability and programming." USAID, May 2020, p. 4: "In Libya, human trafficking, and smuggling, along with other criminal activities, have offered a large and easily accessible economic resource that constitutes a key factor in the destabilizing growth of organized crime. At a time when the Government of National Accord (GNA) and the Libyan Arab Armed Forces (LAAF) are engaged in an existential conflict, both camps officially endorse and legitimize well-armed and established traffickers and smugglers within their ranks. Over time, this "institutionalization" of corruption and organized crime leads to reverse take-over of state institutions by criminal organizations."



05



LEGAL FRAMEWORK

5.1. CRIMINALISATION OF KILLINGS AND MURDERS IN THE LIBYAN LEGAL FRAMEWORK

Libyans lived for 42 years under the dictatorship of Gaddafi. Throughout his rule, human rights violations prevailed, including extrajudicial executions, enforced disappearances, torture and other forms of ill-treatment.⁵ In addition, freedom of expression and many basic liberties and rights were curtailed. The Revolutionary Committees and intelligence apparatus of the former regime arrested civilians, banned demonstrations and peaceful protests, and prohibited any practices against the government. These authorities often used violent means including unlawful arrests, torture and killing, validated under the pretext of protecting the goals of the 1969 Libyan revolution and maintaining security.⁶ Before 2011, Libyan law was devoid of legislation criminalising torture or extrajudicial and unlawful killing and had no domestic regulations concerning armed conflicts or laws of war.

5. "Concluding observations of the Human Rights Committee: Libyan Arab Jamaheriya." Human Rights Committee, *CCPR/C/LBY/CO/4*, 2007.

6. UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), Article 3. The UN Universal Declaration of Human Rights, by itself, is not a treaty or a legally binding document. According to the UN, it is the foundation of international human rights law. It represents the universal recognition that basic rights and fundamental freedoms are inherent to all human beings including the right to life.

In mid-February 2011, families demanding to know the fate of their loved ones in detention staged demonstrations in Benghazi. The former regime responded violently, leading to several civilian deaths and the arrest of many more. Within a fortnight, the burgeoning violence in Libya prompted a declaration of a state of emergency. This rapidly escalated into an international armed conflict with the issuance of UN Resolutions 1970⁷ and 1973.⁸ This enabled the UN Security Council to impose sanctions on Gaddafi, his family members and other senior regime figures, authorised the International Criminal Court (ICC) to investigate crimes committed by loyalist forces against civilians, and authorised Member States to take all necessary measures to protect the civilian population in Libya. After the overthrow of Gaddafi in 2011, the NATO operations ceased and the armed conflict in Libya was no longer international.

Libya's first post-2011 governing body, the National Transitional Council (NTC), integrated most rebel militias (many of which were already opposing each other) into military and security institutions in an unplanned and haphazard manner. New governing bodies failed to settle basic issues, such as establishing adequate mechanisms for effective governance. They also failed to develop mechanisms or policies to regulate the recentralisation of government sectors and administrations based respectively in eastern and western Libya.⁹

The stability of the Libyan state depended on implementing proper Disarmament, Demobilisation, and Reintegration (DDR) programmes for armed groups, along with Security Sector Reform (SSR) programmes. However, no post-2011 governments have taken any serious steps in this direction.¹⁰ This has enabled armed groups across the country to be empowered, creating, and normalising a culture of "militia rule", under which human rights abuses have thrived.

The deteriorating humanitarian situation in Libya, largely due to a series of civil conflicts, has had a direct impact on civilians in general, as well as non-national migrants and asylum seekers.



Many armed groups accused of committing serious human rights violations have been legitimised by decrees and decisions issued by the rival governments in Tripoli and Tobruk and now dominate Libya's security sectors.

7. "The United Nations Security Council Resolution 1970." [UN Doc S/RES/1970](#)

8. "The United Nations Security Council Resolution 1973." [UN Doc S/RES/1973](#)

9. "Eleven years since the uprising, a deepening political crisis threatens rebuilding efforts." Norwegian Refugee Council (NRC), 16 February 2022.

10. Murat Aslan. *Security sector reform for Libya*. A crucial step towards state building. SETA, Chapter 2, section 6.



It is likely that this has, in turn, led to increased reported cases of torture and other cruel, inhumane, or degrading treatment or punishment in official and unofficial detention facilities, as well as a notable increase of deaths in custody and beyond.¹¹

Migrants and asylum seekers have long been vulnerable to such ill-treatment as Libya remains a prime location for people smuggling and human trafficking, along with the associated crimes of slavery and enforced labour. There have been numerous recorded cases of migrants and asylum seekers dying following torture, or because of ill-treatment or unbearable living conditions.¹²

Access to justice for victims or their relatives and the prosecution of security personnel, guards, police, and members of armed groups has become a major challenge.

Therefore, international bodies were mandated to access information and victims,¹³ and to work on documenting human rights abuses where they may constitute crimes against humanity or war crimes or crimes under international law, potentially prosecutable internationally.

Fears that prevent victims or witnesses from speaking out are another challenge, and one that limits researchers' and authorities' access to accurate information and statistics. This has created a vicious circle that has enabled widespread unlawful and extrajudicial killings to occur in official and unofficial secret detention facilities with impunity.

5.2 COMPATIBILITY OF LIBYAN LAW WITH INTERNATIONAL STANDARDS ON THE PROTECTION OF THE 'RIGHT TO LIFE'

Extrajudicial killings and arbitrary executions violate the right to life. Although there is no single legal definition of extrajudicial or unlawful killing, such cases are described as the killing of a person(s) by governmental forces or representatives outside official judicial process, usually marred by the dilution of fundamental 'due process' guarantees.¹⁴ Extrajudicial killings also occur when these are ordered by, or with the consent or acquiescence of, a state official or other person(s) acting in an official capacity.¹⁵ Unlawful killing covers all extrajudicial killings, such as murder, democide (government-sanctioned mass murder), and other forms of execution.

Death in custody can result from natural causes, negligence (unbearable living conditions) or torture and cruel, inhuman, or degrading treatment or punishment.¹⁶

11. "Libya Events of 2020." Human Rights Watch. 2020/2021

12. "Libya: 'No one will look for you': Forcibly returned from sea to abusive detention in Libya." Amnesty International.

13. "The United Nations Security Council Resolution 1973.", UN Doc S/RES/1973 (2011).

14. See OMCT. <https://www.omct.org/en/what-we-do/extrajudicial-killings>

15. "Minnesota Protocol Special Rapporteur on extrajudicial, summary or arbitrary executions." The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. 2016.

16. "Guidelines for Investigating Deaths in Custody." The International Committee of the Red Cross. 2013.

In the absence of safeguards, basic due process and clear guidelines and standard procedures on the mandatory notification, examination, and investigation of cases of death in custody, it is often difficult for investigative authorities, practitioners, and other relevant actors to ascertain whether an unlawful or extrajudicial killing has been committed and to initiate investigations into deaths in custody in line with international standards.

In the Libyan context, the legal assessment of deaths in custody is particularly challenging because of the surrounding circumstances, including lack of access (including to evidence) or accurate information. In addition, the political or military affiliations of perpetrators are rendering any investigation or fact finding particularly dangerous.

This challenges human rights documentation and can blur the legal classification of deaths in custody into unlawful killing, extrajudicial killing, death due to natural causes, intentional negligence, or other potential causes for deaths. It impedes the ability to determine whether such deaths might constitute war crimes or amount to crimes against humanity.

The characteristics of unlawful killings include intentional killings by organised armed groups against individuals incarcerated in or beyond state-managed detention facilities. Armed groups in Libya range from those integrated in the state to those operating beyond government control. In the cases recorded by the LAN, those allegedly responsible for extrajudicial and unlawful killings include groups exercising effective control over territory, but also groups acting in collusion with state actors.

From LAN's work, Libyan perpetrators are often reported to use the justification of protecting national security or combating terrorism to legitimise violent behaviour (abduction and torture) or killing. Likewise, some armed groups reportedly accused victims of spying for the benefit of opposing parties or militias rendering those reporting violations at grave and imminent risks of reprisals. Other unofficial armed groups ransomed migrants or used other methods, such as facilitating human smuggling operations, to extract money, as well as using migrants for forced labour.

Successive governments have failed to provide mechanisms to ensure accountability or codify suitable sanctions according to the severity of the crimes. More concerning still is that governing authorities and associated armed groups have often refused to reveal the identities of those deceased or the reasons for their deaths. Vague legal criteria in domestic law for unlawful killings have compounded a vacuum in the accountability process in Libya as legislation is devoid of reference to, or differentiation between, criminal murders and killings committed by the state, or in an armed conflict context.

Since any unlawful killing is prohibited according to international humanitarian law and human rights treaties, all violations - whether or not committed under the command,



knowledge, or consent of the state - are still in breach of the state's obligations to protect human life on their territory and jurisdiction.¹⁷ Obligations in treaty law include the state's obligation to adapt its legislation in line with its international obligations.

In this regard, while Libya is a party to a set of human rights treaties which prohibit any unlawful killing or extrajudicial killings, Libyan domestic law is far from being compliant.


Through LAN's fieldwork documenting torture and killings, the network has identified the following concerns in Libya's existing legal framework regarding extrajudicial and unlawful killings:

1. Since 2011, efforts to redress the deficiencies in Libya's legal framework have remained limited. Shortcomings relate to the criminalisation, punishment and legal responsibility over killings, and an insufficient review that would bring laws and regulations in compliance with international human rights law.
2. The Constitutional Declaration of 2011 failed to address the compatibility of Libyan legal provisions with international law, although the constitutional draft (issued in 2017) provided improvements in stipulating in article 13 that ratified international treaties and agreements are subordinate to the constitution but superior to ordinary domestic law.¹⁸ Article 13 also emphasised the importance of taking the necessary measures to enforce such treaties and conventions so as not to conflict with the provisions of this Constitution. However, as the draft constitution has not yet been endorsed by referendum, it remains, yet, unapproved.¹⁹
3. Numerous international treaties guarantee the right to life, adding that no one shall be arbitrarily deprived of this right, even during states of emergency or escalations of violence. International humanitarian law was established to regulate the conduct of hostilities and criminalise specific acts of killing to protect civilians not engaged in the hostilities. Libyan law has not incorporated the laws of armed conflict into domestic law, including unlawful killings of civilians and torture within its qualifications as grave breaches or war crimes. In addition, international law terminology includes 'unlawful killings', 'extrajudicial killings', 'arbitrary executions' or 'summary executions' to classify different forms of arbitrary deprivation of the right to life. These terms do not exist in Libyan law.
4. Libya has ratified the main universal and regional treaties that aim to protect the right to a decent secure life in human dignity and has the obligation to respect and protect those under its jurisdiction. These include the International Covenant on

17. "IHL data base Customary IHL, Rule No. 89 Violence to life." ICRC, the rules states "Murder is prohibited". Available at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule89

18. "2017 Proposal of a Consolidated Draft Constitution," 2017.

19. Zaid Al-Ali, "Libya's Final Draft Constitution, A Contextual Analysis," The International Institute for Democracy and Electoral Assistance.



Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights 1966, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment 1984, the Convention on the Rights of the Child 1989, the Convention on the Elimination of All Forms of Discrimination against Women 1979, the International Convention on the Elimination of All Forms of Racial Discrimination 1965, the Arab Human Rights Charter 2004, the African Charter on Human and Peoples' Rights 1981, and the Convention for the Protection of All Persons from Enforced Disappearance 2006. Libya has also ratified the four Geneva Conventions of 1949 and the two Additional Protocols of 1977. The right to life is also a principle of customary international law,²⁰ meaning that states are obliged to take necessary measures to protect this right in all circumstances of all persons residing on their territories, regardless of whether the state has ratified relevant international treaties or not. Therefore, states are obliged under international human rights law and international humanitarian law to enact appropriate domestic legislation and other legal measures to protect the right to life.²¹ States are also obliged to stipulate the enactment of appropriate penalties that reflect the seriousness of these crimes. Libya should review and remedy its legal framework including criminal law on the right to life to fully ensure compliance with international law.

5. Libyan law penalises murder with a death sentence in the case of proven premeditated murder with intent for adults (over the age of eighteen), with the condition of first proving sanity and not in a state of partial or total mental incapacity. The death sentence for pregnant women is postponed until two months after she has given birth. Perpetrators may also receive a pardon, according to the Libyan Penal Code. All these provisions are inconsistent with Article 6 of the International Covenant on Political Rights.²²
6. The crime of premeditated murder contained in the penal code does not explicitly apply to cases of extrajudicial and unlawful killings committed in the context of an armed conflict. When death results from torture, assassination or arbitrary execution, international law obliges state authorities to prosecute the two crimes - intentional murder as a crime committed in normal circumstances, torture and extrajudicial killing or unlawful killing in a state of war - independently, with clear provisions for each crime.²³ However, there is no explicit provision in the Libyan Penal Code regarding state agents who commit unlawful killings of civilians in the context of internal or international armed conflict. This absence lends to allowing excessive use of force by security and police in prisons and detention centres, which may lead to death. In addition, there is no Libyan Fatwa (advisory from the religious chamber of Islamic Jurisprudence in Libya), or any explicit text issued by the Dar al-Ifta (Islamic Jurisprudence within the Ministry of Religious Affairs) regarding unlawful or extrajudicial killing in Libya, which could fill this lacuna.

20. "Customary rule No. 89 on violence to life 'Murder is prohibited'." International Committee of the Red Cross, International Humanitarian Law Database.

21. "The UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions 1989."

22. "International Covenant on Civil and Political Rights." (Article 6).

23. "The domestic implementation of International Humanitarian Law. A Manual." The International Committee of the Red Cross 2015.



7. A particular concern are legal provisions that - broadly defined - function as de facto immunity provisions in contradiction to the absolute prohibition of torture and the right to life under international law – both do not allow any rules of superior orders to justify such practices.

The use of excessive force is specifically condoned, as Article 71 of the Libyan Penal Code stipulates that: *“a public official shall not be punished if he uses, orders or assists in carrying out an order to use weapons or other means of physical coercion when compelled to do so by the necessity of repelling force or overcoming the resistance to public authorities.”* The text goes on to state: *“the same provisions apply to any person who assists a state official in fulfilling a lawful request.”* Article 71 is so broadly defined that it lends to state officials and other parties assisting them evading legal responsibility, effectively facilitating perpetrators’ immunity from prosecution. Article 71 also disregards restrictions on the use of force as presented in international laws, which permit the use of force only in the event of an imminent threat to life. There are no specific other provisions regarding state officials who might commit unlawful killing in the course of their duties.²⁴

8. The criminalisation of torture is provided in the Law No. 10 of 2013 issued by the legislative authority for the first two years following the overthrow of Gaddafi - the General National Congress (GNC).²⁵ Concerning extrajudicial and unlawful killings and deaths in custody the text includes the following:

Firstly, regarding enforced disappearance, Article 1 of the law specifies: *“Whoever kidnaps, detains, imprisons or deprives a person in any way of his personal freedom by force, threat or deception shall be punished with imprisonment, and the penalty shall be imprisonment for a period of no less than seven years if he commits the act against the ascendants, descendants, or spouse, or if a public official commits this in violation of the limits of the powers related to his professional capacity, or if the act is committed with the intent of obtaining an advantage in exchange for release, or for the offender to achieve his purpose, the penalty shall be imprisonment for a period of no less than eight years.”*

The article marked an important advance in Libyan law. Yet it fails to capture when death is the consequence of detention or enforced disappearance, nor does it provide for its sanction and punishment. The article also fails to refer to any responsibility on the part of the state to search for those forcibly disappeared, nor does it address the obligation of enforcing legal procedures during arrest, interrogation, investigation, and follow-up stages, during which time the official detaining authority should be held responsible.

Secondly, Article 2 stipulates imprisonment for a minimum period of five years as punishment for *“anyone who inflicts or orders another person to inflict physical or mental*

24. “Libyan Penal Code.” (Article 71).

25. “Law No. (10) of 2013 on the criminalisation of torture, forced disappearance and discrimination.”

pain on a detainee under his control in order to extract a confession for any act that such detainee has or has not committed, or because of discrimination, regardless of its type, or revenge, regardless of its motive. The same penalty shall be inflicted on whoever conceals any act of torture despite his ability to stop it. The imprisonment sentence shall be not less than eight years if the torture results in substantial harm, and not less than ten years if the torture leads to serious harm. In the event of the torture victim's death, the penalty shall be life imprisonment."

The text of the article specifically refers to detainees (persons detained in state facilities), meaning it could be interpreted narrowly to extend to victims tortured only by state officials or in state detention facilities. This leaves room for unduly narrow interpretation and is concerning in the Libyan landscape where official and unofficial armed groups are widely present and often run both official and secret detention facilities. Considering this, the word "detainee" here poses a problem and must be understood to apply regardless of either perpetrators or venue.

In addition, the state's obligation to process reparations and compensation in cases of death under torture in line with Article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) should be reflected in the anti-torture law. There is also a flaw with the definition, which currently indicates that torture is committed via obtaining a confession of "what the person did or did not commit," which leaves the text open to interpretation. Interrogation and extraction of information via torture should never be permissible, regardless of any claimed rationale behind it.

Thirdly, Article 5 reads: *"The same penalty shall be incurred by any political, executive or administrative official, and any military leader or person acting in the capacity of a military leader when any employee or forces under the control and command thereof commit the crimes stipulated in the previous articles, if such official or leader does not take the necessary measures to prevent or uncover such crimes while being capable thereof, or prevents in any way the referral of such crimes to the authorities in charge of discipline, investigation or prosecution."* This article while constituting an important clarification for military forces and on the command responsibility, again is narrow and fails to directly address perpetrators of non-state armed groups having effective control over an area.

In addition, the responsibility of state-affiliated perpetrators who execute or kill persons outside places of detention should be explicitly established by the law to avoid any doubts.



06



**THE PAINFUL
REALITY**

6.1 SYSTEMATIC ILLEGAL PRACTICES IN LIBYA

The data collected by the LAN shows the extent to which extrajudicial and unlawful killing have become systematic and widespread patterns practiced by official and non-official armed groups. The research confirms that these take place absent any meaningful deterrence or legal retribution by government institutions responsible for the protection of civilians or for the protection of migrants.



The LAN research has shown that several **government ministries and other security agencies** appear to have directly contributed to the impunity of their affiliates who have **committed, ordered, or allowed killing**.

In addition, deaths resulting from torture, executions and wilful neglect by Libyan armed groups are prevalent across the country, be it in Libyan prisons, migrant detention facilities, police stations, military compounds, secret prisons, or be it in people smuggling and human trafficking hubs.

Testimonies documented by the LAN show that extrajudicial and unlawful killings in Libya over the past three years are characterised by the following:

1. A systemic lack of respect for legal procedures and basic due process rights throughout arrest, investigation and detention, and the absence of standard procedures in relation to death, burial, and the delivery of victims' corpses.
2. The LAN has reported - based on survivors and other witnesses' testimonies - cases of victims who died under torture or due to the injuries suffered, in addition to arbitrary executions in detention centres, prisons or beyond. Some victims were killed with weapons. Others were deliberately neglected despite the alarming condition of their health (often resulting from physical and/or psychological torture), or from starvation or inadequate detention conditions.



In some cases, those responsible locked victims in unventilated, overcrowded small cells leaving them struggling to breath properly, or forced them to sleep sitting, standing or on top of each other for hours, days or even months on end. Such unbearable conditions caused detainees health problems sometimes leading to their deaths, whether they were already suffering from chronic diseases or not.

3. In addition, our information indicates that those responsible were informed of the ill-health of detainees being fully aware they could potentially die, but still took no action to prevent this. In some cases, those responsible refused to provide medical care by deliberately blocking the access of healthcare professionals to detention centres and prisons, especially where torture or other forms of ill-treatment, including starvation, were allegedly practised.
4. None of the victims in cases documented by the LAN were allowed to access a lawyer at any stage including during arrest, investigation, or detention. Nor were they allowed to inform their relatives of their whereabouts or reasons for their arrest. In some cases, families could only find out information through local organisations or through contacts in the security services.
5. In some cases, the perpetrators and those close to them also threatened victims' relatives or witnesses to ensure that they did not follow up on any subsequent procedures, including the issuing of forensic reports. In some cases, perpetrators would send agents to follow witnesses and victims' relatives in hospitals, health centres and graveyards.
6. Perpetrators would also deliberately refuse to document or follow up on legal and medical procedures when returning dead bodies to families. In many cases, perpetrators or affiliates would, in fact, dispose of corpses independently to avoid legal burial procedures and destroy any evidence.



6.2. STATISTICS OF EXTRAJUDICIAL AND UNLAWFUL KILLINGS DOCUMENTED BY THE LIBYAN ANTI-TORTURE NETWORK

In total, the LAN documented the killing of 581 Libyans and non-nationals across the country during the period covered by the report. The LAN was able to obtain testimonies stating that 487 people were killed in the eastern, western, and central regions between January 2020 and March 2022, with 83 individuals killed in the southern region. In addition, the LAN recorded 11 cases of bodies found in Tarhouna mass graves in 2019, cases which could not be independently documented and verified by the LAN until 2021.

In the year 2020, the suspicious deaths of 400 Libyans and 88 non-nationals were recorded. Of those 400 Libyans, 367 cases (278 men, 56 women and 33 children) died in coastal Libya, from east to west, including central areas of the interior. In southern Libya, cases were fewer, totalling 43, including 24 men killed during clashes between the LAAF and GNA-affiliated forces in the city of Sabha. The identities and genders of the remaining 19 victims were not confirmed.

In the same year, the LAN documented 88 instances of the unlawful killing of migrants including 18 residents working with official papers (six Nigerians, two Moroccans, three Sudanese, one Egyptian, one Tunisian, one Ghanaian and a Syrian). In addition, three deaths of minors were reported: two Bangladeshi children and one Eritrean. Many of these victims were shot in secret warehouses and detention facilities in Tripoli and Zuwara. The LAN also documented the deaths of 40 other migrants (five Sudanese men and one woman, and an additional 34 unidentified migrants) in coastal areas. The network was able to document the killing of 24 Bangladeshi and six African migrants held in secret slum-like venues used by people smugglers in the southern town of Mizda in May 2020, after these migrants killed their Libyan smuggler.

The number of documented deaths documented by the LAN decreased in 2021 with a total of 68 cases recorded. However, this does not necessarily mean that the number of violations reduced, due to previously discussed challenges in recording cases. In addition, the Covid-19 pandemic affected the movement of migrants by restrictions intended to lower the spread of infection, as well as victims' inability to reach out to documenters during this period. In 2021, the LAN was able to document the deaths of 16 people in southern Libya including seven Libyans killed in Sabha and two in the town of Ubari. A group of people witnessed the killing of one Libyan woman in Murzuq. In addition, the network managed to document the killing of six Sudanese in Qatrun. Recorded cases indicate the deaths of an additional 52 Libyan civilians (41 men, four women and seven children) in other areas of Libya. These include deaths caused by indiscriminate shelling in civilian locations, executions in detention facilities, deaths under torture and cases where bodies were found dumped in remote locations including refuse sites.

From January to the end of March 2022, the LAN was able to document the killing of 14 migrants in Sabha police stations.



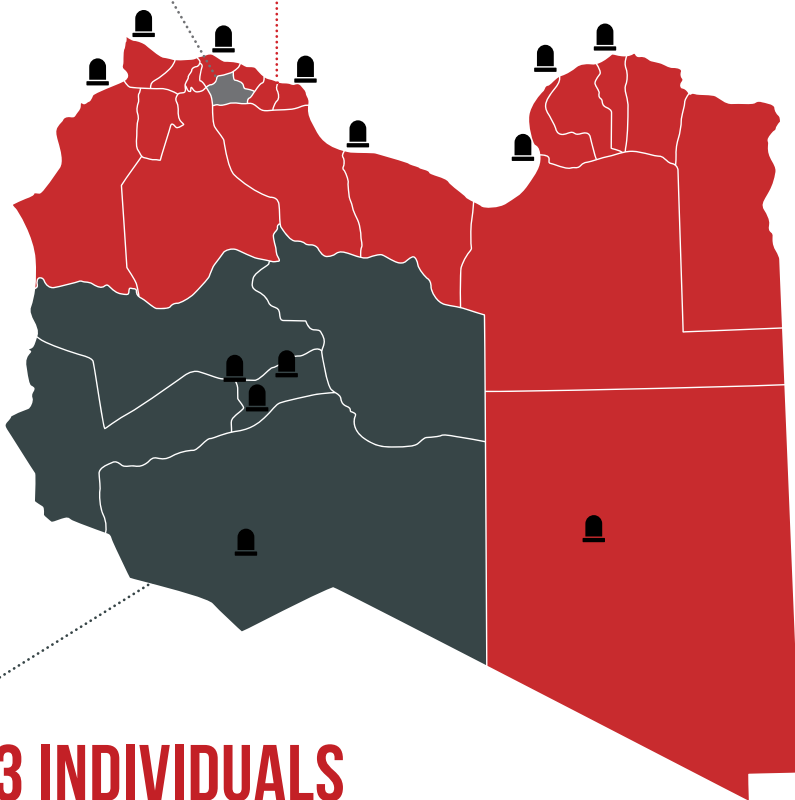
581 DOCUMENTED CASES

11 CASES
OF BODIES FOUND IN
TARHOUNA MASS GRAVES



487 PEOPLE

WERE KILLED IN THE EASTERN, WESTERN,
AND CENTRAL REGIONS BETWEEN JANUARY
2020 AND MARCH 2022,



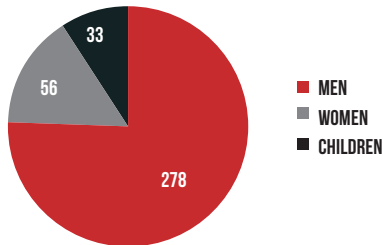
83 INDIVIDUALS
WERE KILLED IN THE
SOUTHERN REGION.

IN THE YEAR 2020

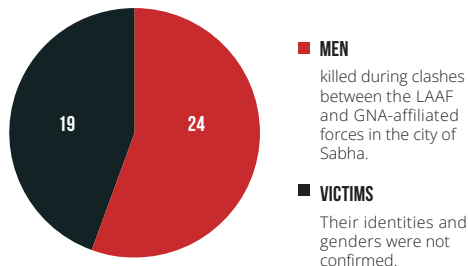


400 LIBYANS DEAD

COASTAL AREA FROM THE EAST TO THE WEST - 367 CASES



SOUTHERN REGION 43 CASES



88 NON-NATIONALS DEAD

18 RESIDENTS

Nigerians: 6 deaths
Moroccans: 2 deaths
Sudanese: 3 deaths
Egyptian: 1 death
Tunisian: 1 death
Ghanaian: 1 death
Syrian: 1 death




Bangladeshi children: 2 deaths
Eritrean child: 1 death

70 MIGRANTS

Sudanese: 6 deaths

 5 men

 1 woman

Died in coastal areas

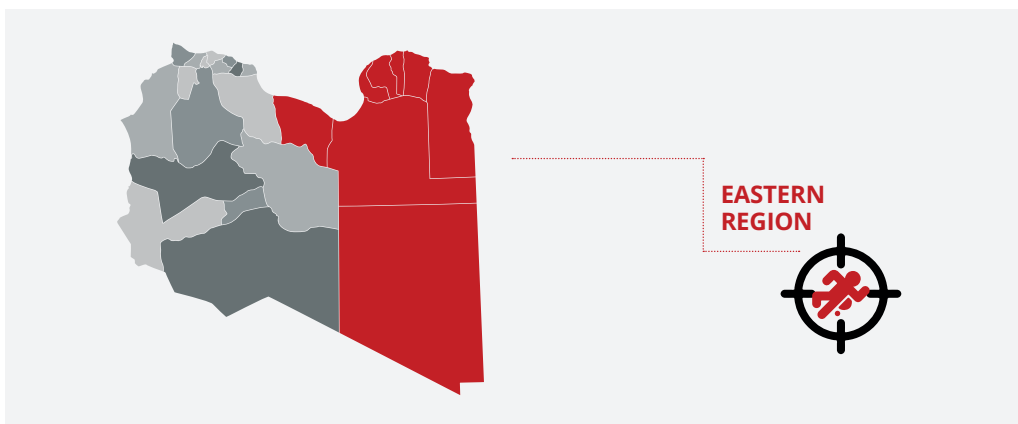


34 unidentified migrants
Bangladeshi: 24 deaths
African: 6 deaths



6.3 DATA ANALYSIS AND TESTIMONIES

6.3.1. EASTERN REGION – TORTURE, MURDER, EXECUTION, AND DEATH IN CUSTODY



- The eastern region extends from the borders of Egypt to Sirte, including Benghazi, Derna, Tobruk and some southern oases including Kufra, to the borders of Sudan in the south. Eastern Libya's security is currently under the control of the General Command of the LAAF, led by Field-Marshal Khalifa Haftar, who was appointed by the HoR (the official parliamentary body in eastern Libya at the time) in March 2015 before the western-based GNU was installed. The country's failures to form any centralised unified government due to ongoing political and military divisions resulted in wide disruption of the legal and judicial systems, affecting amongst others the ability to file complaints against perpetrators of crimes.
- The region has been the scene of numerous executions of well-known activists, lawyers, judges, military personnel, and humanitarian volunteers, including by terrorist entities. Most recent cases documented by the LAN have reportedly been carried out by armed forces affiliated with the LAAF or security forces affiliated with the eastern Ministry of Interior. Witnesses claimed that practices by LAAF affiliates during all stages of arrest and investigation took place outside legal procedures and devoid of any legal safeguards. Such illegal arrest processes are a violation of key international human rights standards and Libyan law, and hinder the tracking of evidence to prove abduction or later cause of death.
- Killings (including as a result of torture) committed by the LAAF and affiliates outside the context of armed conflict have often occurred without anyone being held accountable. Violations in the east have mostly targeted political opponents, journalists, human rights activists, politicians, bloggers, and some government officials and businessmen. The motive for these extrajudicial killings clearly appears to silence critics and intimidate activists, journalists, and human rights defenders for political reasons.

- ▬ Those targeted included the lawyer and human rights activist Hanan Al-Barasi, 46, who was shot dead in central Benghazi in November 2020, two days after her widely shared Facebook video criticising eastern officials was published. Implicated in these crimes, remain on the run, along with other suspects.

- ▬ Another assassination, in March 2021, in central Benghazi was that of Mahmoud Al-Werfalli. A Special Forces commander, Werfalli had become 'infamous' after featuring in a series of horrific 2019 video recordings showing Special Forces personnel carrying out mass executions of civilians.²⁷ Werfalli had not been held to account for these crimes, despite the ICC issuing an arrest warrant for him.

- ▬ In addition to such assassinations, the LAN has documented unlawful killings and deaths in custody in the following detention facilities in the east:
 - Al-Kweifiya Prison in Benghazi (for criminal, political, and military detention)
 - Gernada prison, east of Al-Bayda (for political and military detention)
 - General Command detention facility in Al-Rajma.
 - Police stations affiliated with security directorates, in various locations.
 - Rehabilitation and correction institutions in various locations.
 - Migrant detention centres in various locations.
 - Military prisons in various locations.

- ▬ Unlawful killings which took place in these facilities were often preceded by a series of cruel practices, which sometimes proved lethal. In cases reported to the LAN, the most common forms of torture included beating using plastic pipes (known as PPR tubes), beating on the underside of the feet (falaqa), kicking to the back and abdomen areas, lashing with electric wires (usually on the back), and punching to the face or genitals. Other forms of torture described included binding victims with wires, handcuffs or chains, suspension from cell doors for lengthy periods (known in Libya as 'the hanging'), the use of electric shocks, burning victims with cigarettes or hot rods, beard pulling, shooting in the legs, death threats and shooting in the air around victims. Starvation, not being permitted to use toilet facilities and other psychological torture practices such as humiliation, verbal abuse, and photographing or video recording of those detained without clothing (more occasionally during episodes of physical abuse including rape) were also reported.

- ▬ Where known, reasons for torture in cases documented by the LAN included the extraction of confessions, the concession of ownership of a private property and extracting ransom money, along with punishment for supposed subversive political activity or criticism of political and military officials in local or social media.

²⁷. "Libya - The motives and consequences of the assassination of Al-Werfalli on the path to a political solution" DW, 25 May 2021.



- Many detention facilities have small clinics, but detainees and relatives repeatedly told the LAN that medical services were extremely limited and of poor quality if provided at all. **In numerous documented cases, poor conditions of detention combined with deliberate medical neglect led to deaths in custody.** These included medical problems that could have been easily treated in a civilian setting. The necessary medical care was not provided, or symptoms and needs were deliberately ignored.
- Among these cases, the LAN documented three deaths of Libyan men in one day in March 2020, because of medical negligence in Al-Kweifiya Prison. Guards failed to provide necessary medication after several victims' health conditions had deteriorated as a result of pre-existing conditions, including high blood pressure and asthma. Another man, aged 52, was reported to have died from medical negligence in Al-Kweifiya prison in October that year. The LAN also documented the death of a 56-year-old man inside this prison due to a heart attack sustained whilst under torture. The victim had been missing since his abduction in August 2021 by four armed men wearing military uniforms in front of his Benghazi home, until his body was found in November 2021, at the Al-Jalaa Hospital mortuary. The victim's relatives said the victim had been suffering from heart disease and other treatable chronic conditions.
- In August 2020, a 34-year-old protesting over living conditions in Sirte was run over and killed by a military vehicle driven by members of the LAAF's Battalion Tariq bin Ziyad. In April 2021, a 30-year-old man was found near his home in Derna, three days after his abduction by the LAAF's 166th Brigade. After his body was taken to Derna's Al-Harish Hospital, forensic reports stated his death was the result of torture. In July 2020, the LAN documented the unlawful killing of two men, aged 30 and 28 respectively, under torture inside the prison of the LAAF's 128th Brigade in the town of Hun, after they had been abducted by brigade members in the town centre. One of the bodies was dumped in front of Hun's Al-Aafya Hospital and the other was delivered to the victim's family at the brigade's headquarters.
- In some instances, unlawful killings are only discovered when the bodies of people who have been abducted or otherwise disappeared are found, often in remote places or so called 'refuse sites'. The LAN has documented a considerable number of unidentified corpses found in remote places in the eastern region. According to forensic reports provided it appeared that, **in many cases, these unidentified dead had been subjected to physical torture, identified by fractures, broken bones, traces of bullet wounds and disfigurement caused by burning.**
- Dumping corpses in refuse sites, large dustbins or remote areas has become prevalent, and, in Benghazi, dead bodies are often found in the street or on the beach. The LAN documented corpses - showing signs of bullet wounds and torture - found in Benghazi's Shebna neighbourhood, where dozens of unidentified bodies

have been found over the years.²⁸ Benghazi authorities have not confirmed the identities of victims, nor shared the results of any investigations relating to these crimes, although some victims have since been identified. Another example reported to the LAN was a body found dumped on Al-Zayt Street in the Shebna district on 21 January 2021, bearing signs of torture and bullet wounds to the head, three days after the victim was abducted from his Benghazi home. On 18 March 2021, eight unidentified bodies - their hands bound and bearing traces of bullet wounds - were found near the cement factory in Benghazi's Hawaria district, the LAN was told. This incident was not reported by any media, the authorities failed to open any public investigations and the identities of the victims have never been revealed.

■ The LAN has documented cases of unlawful killings due to torture outside official detention facilities in the eastern region in or near the following locations:

-
- The headquarters and administrative premises of military battalions affiliated to the LAAF.
 - The headquarters and administrative premises of the security authorities of the Ministry of Interior.
 - Military and police security gates and checkpoints.
 - Unofficial detention facilities under the control of the Security Intelligence Agency.
 - Farms and homes owned by military leaders.
 - Warehouses and secret detention facilities used by people smugglers.
-

■ Irregular immigrants crossing the eastern region can be held inside warehouses used by people smugglers, where they are routinely forced to pay large sums of money in exchange for promises for transportation on boats destined for Europe, or ransoms demanded from relatives back home. The LAN recorded several cases where migrants who either refused or were not able to pay these amounts were tortured and killed. The network also documented three migrant corpses showing signs of torture which were found in January 2021, dumped in remote areas on the outskirts of Tobruk. In the same month, videos shared on social media showed 30 Egyptian migrants, who had been held in a people-smugglers' warehouse in the town, being liberated by Tobruk's Security Directorate. Later that month, the body of a 27-year-old Egyptian migrant was found by the roadside in the Al-Bardy area, near the Libyan-Egyptian border, also showing signs of torture. According to testimonies

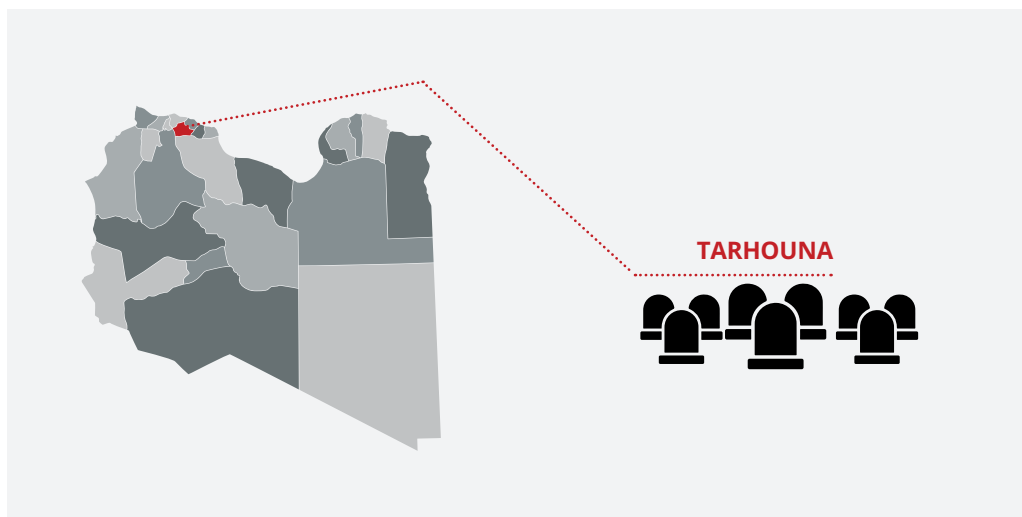
28 . "37 unidentified bodies found near Benghazi." France24. 28 October 2017.



received by the LAN, he was believed to have been amongst those 30 rescued. Later that month, the bodies of two further Egyptian migrants were found on the outskirts of Tobruk. Another victim, aged 21, was found handcuffed and with his feet bound, with burns and other signs of torture on his body. In December 2021, a video showing the death of a migrant under torture was published on Facebook. Undersecretary of the eastern Ministry of Interior Faraj Qaim claimed the video was found on the mobile phone of a people smuggler who had been keeping groups of migrants in secret warehouses.²⁹ In the same month, the United Nations Human Rights Office issued a warning about cases of the forced mass expulsion of migrants into the Sahara desert.³⁰ The LAN learned from a group of survivors that such forcible involuntary repatriation of more than 40 Eritreans and Sudanese had led to deaths among the group in the desert, as a result of the harsh conditions and a lack of food and water.

Despite its best efforts, the LAN was not allowed access to Qunfudah and Kufra migrant detention centres, from where detained migrants were reportedly forced to return across the desert on several occasions during 2021 and 2022, allegedly by LAAF-affiliated armed groups.

6.3.2 CENTRAL REGION – TARHOUNA MASS GRAVES



29. "The office of the Undersecretary of the Ministry of Interior, Faraj Qaim, releases video clips found on the phones of smugglers arrested west of Emsaed documenting horrific mass torture of migrants." The Libya Observer/Facebook. December 23, 2021.

30. "Following the "forced expulsion" of dozens of Sudanese from Libya, fears that other migrants will suffer the same fate." UN News. 10 December 2021.

- The central region includes towns and cities located along Libya's Mediterranean shores including Misurata, Zliten and Al-Khums, and stretching southwards to include Al-Jufra, and Bani Walid. Tarhouna, which lies between the western and the central regions, already infamous locally, became widely known as having been one of Libya's most terrifying cities after the discovery of mass graves in 2020. Between 2020 and 2021, the LAN focused on documenting extrajudicial killing cases that may constitute crimes against humanity committed by armed groups in Tarhouna, mostly targeting people from the town and the wider surrounding area. Excavations of several suspected mass graves started after Government of National Accord (GNA)-affiliated forces took back control of the area from the LAAF and its affiliates. Before 2020, local Al-Kaniyat Brigades (reportedly then loyal to LAAF but previously affiliated to western Libyan forces) were in full control of Tarhouna, as they had been since 2015.³¹
- Al-Kaniyat had ruled the town with an iron fist committing violations against its residents. After allying with the LAAF, members of Al-Kaniyat mainly targeted GNA-loyalists. The armed groups affiliated with Al-Kaniyat consisted of brothers from the Al-Kani family and their followers, who all enjoyed military power and control over Tarhouna. Al-Kaniyat forces were feared locally but, when GNA-affiliated forces entered the town, three of the brothers were killed, including Al-Kaniyat's leader Muhammad al-Kani and his brother Abd al-Rahim al-Kani. According to the testimonies of survivors and witnesses, these two brothers had previously given direct orders to arrest, torture and execute civilians. Three further brothers, also implicated in these crimes, remain on the run, along with other suspects.
- By January 2022, the spokesperson of the General Authority for Research and Identification of the Missing, Abdulaziz Al-Jaafari, announced that the authority's teams had recovered 232 bodies from mass graves around Tarhouna. **Police reports suggested the number of missing persons reached as many as 3,650, of which 350 were from the town of Tarhouna.**³²
- By 2021, the LAN had documented 11 extrajudicial killings from witness testimonies and other verifications, all of which accused the Al-Kaniyat Brigade. Witnesses reported similar practices in all documented cases, whether victims were killed or survived. These practices include the following:
 1. The arrest or abduction of victims without official warrants. Abductions were usually carried out in either remote areas or at private properties such as victims' homes to limit witnesses. Those carrying out the arrests never identified themselves, stated which entity they were affiliated with, or gave any reasons for the arrest.

31. "Libya: Militia Terrorized Town, Leaving Mass Graves. Hundreds in Tarhouna Reported Missing From 2014 to 2020." Human Rights Watch. 7 January 2020.

32. AA, Tarhouna, 23 October 2021.

2. Arrests often appear to have been pre-planned and designed to terrify victims and their families. To this end, Al-Kaniyat members would often first cut the electricity of properties they raided, while also ignoring the presence of, or any pleas from, family members or other witnesses.
3. According to witness testimonies, Al-Kaniyat members routinely accused victims of treason, loyalty to the GNA, or spying or otherwise leaking information about Al-Kaniyat to other parties.
4. During arrests, Al-Kaniyat members would often blindfold, insult, humiliate, slap, kick or hit victims in front of their family and friends.
5. Victims were not usually transferred directly to prisons or detention facilities but were instead taken to private farms to be tortured, intimidated, and interrogated in private. Survivors and witnesses reported repeated death threats, intimidation by shooting in the air, and being beaten with the stock of a Kalashnikov on the back and shoulders.
6. During investigations, Al-Kaniyat members would interrogate victims about their relatives and relationships with political and military opponents to Al-Kaniyat. They also seized mobile phones, money, and any possessions carried by the victim at the time of arrest and forced victims to unlock phones so these could be checked, all of which increased victims' fears. Victims in all documented cases were later transferred either to Tarhouna's Judicial Prison or to a secret detention facility named Al-Boxat Warehouse.
7. According to witness testimonies, Al-Kaniyat members made no official written record of these interrogations, at least not then and there. Guards would be ordered to transfer victims to cells designated for torture, which were small and equipped with torture tools, including falqa, PPR tubes, strappado (metal chains used to hang victims whilst being tortured) handcuffs, sticks, and metal chains. Torture rooms were stained with the dried blood of previous victims and stank.
8. Al-Kaniyat brigade members ordered and oversaw the infliction of severe bodily harm, torturing victims during all stages of arrest and investigation. They often did not give victims the chance to answer questions, respond to accusations or speak. Victims were also denied access to lawyers.
9. Methods of torture deployed by Al-Kaniyat members include the use of strappado to hang victims for hours on end, often causing extensive bruising or fracturing of bones in the upper body. Many victims ended up with broken shoulders.

- 10.** Torturers would also beat victims on their backs, legs, and sides with PPR tubes or metal rods, while they were in the strappado. After hours of interrogation and torture, victims were removed from the strappado and left, without food or water, in the same torture room. Perpetrators later threw tortured detainees into other cells, without access to toilet facilities, forcing them to urinate inside their own cell.
- 11.** Al-Boxat Warehouse guards called each other by numbers, rarely mentioning any names. However, witnesses and survivors were able to identify some perpetrators by name, sometimes because they recognised them as Tarhouna residents.
- 12.** During detention, victims could often hear the voices of other detainees being tortured. Survivors reported subsequent insomnia and other signs of trauma due to having heard people suffer. Survivors heard other accounts of people being shot or dying under torture inside both the Judicial Prison and Al-Boxat Warehouse. Witnesses and survivors knew many names of fellow detainees killed by Al-Kaniyat. Most victims accused Mohsen al-Kani - one of the six al-Kani brothers - of ordering arrests, torture, and executions at the Judicial Prison.
- 13.** According to LAN's documentation, no cases of extrajudicial killings of non-nationals were reported in Tarhouna. Al-Kaniyat arrests were specifically directed against Libyans with perceived loyalties to the GNA or affiliated forces opposed to the Al-Kaniyat Brigade due to family connections, surnames, tribal connections, or mere suspicion. Witnesses claimed that interrogation focused on extracting information about other armed groups or Libyan officials.





A survivor who witnessed his brother's death, who is believed to have been killed and buried in one of Tarhuna's mass graves, described the scene as follows:

"I was unconscious, then I woke up and found myself in the boot of a car. I don't know how long it had been for me there. Someone opened the trunk and put his hand on my nose to check my breathing to make sure I was alive, then he called to others saying: "He's still alive, come and get him out." They pulled me out of the boot of the car trunk and took me to a warehouse, where they removed the blindfold from my eyes and untied my hands. I heard my brother Abdo moaning in the next cell as he was apparently being tortured too. I saw him lying on the ground after they had pulled him down from the Strappado. The room was dark, but the men wore head-torches. That was the night of my arrest.

I heard the [guards] using coded numbers, not mentioning each other's names, but calling each other "double zero" or "zero one" instead. When we were in the cell, we always had to stay in the [army crawling] position. We could only sleep for few minutes at a time because of the anxiety, fatigue and the injuries caused by the torture. We slept back-to-back in sitting positions. I spent the first night without food or water.

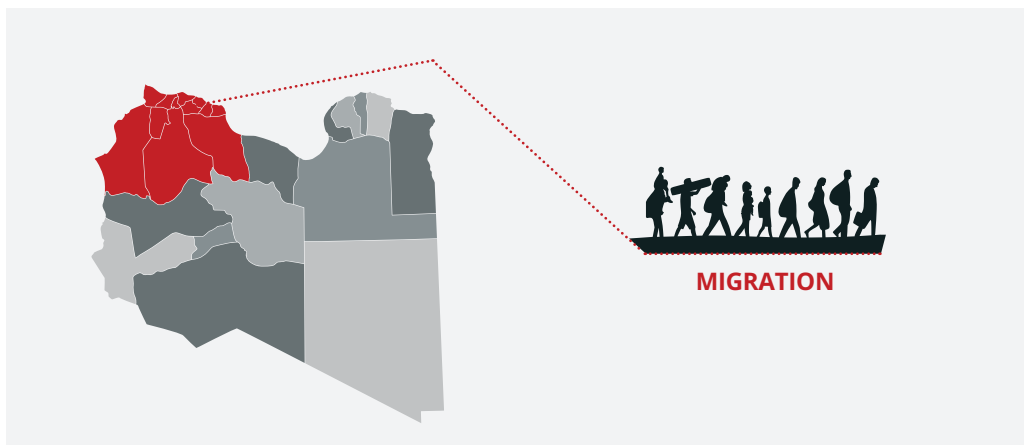
That night, I could hear my brother Abdo in the next cell. He screamed loudly from the pain. He was calling my name, saying: "Brother, I cannot take the pain in my head. My back hurts, my back is broken!" I used to reply: "Brother, remember Allah and make your final prayers." My brother remained in this condition until the next sunrise. Then there was silence, and I no longer heard his voice.

*I tried to reassure myself that he was sleeping, and I stayed awake that day, although I was suffering from the pain due of the beatings I had been subjected to. The cell was completely closed, without ventilation, and I was hardly able to breathe. During the day, I heard my brother's cell-mate, who was an old man knocking hard on his cell-door of the cell and shouting loudly: "Open the door! The man in here with me is dead." Then one of the guards came, whose name was "A. H.," nicknamed "Ajdaydah" and with him was another armed guard "Nasser Ramadan," nicknamed "Al-Duriyah." We know they were followers of [a senior figure in Al-Kaniyat] Mar'i al-Hash. They opened the door of our cell thinking I was the one who was calling, then they went to my brother's cell, leaving our cell door open. **I watched them drag my brother's body along the ground, taking it away. That was the last time I saw my brother.**"*

The LAN has also documented testimonies of survivors who believe that mass executions of detainees were carried out on the last day of Tarhouna's conflict. Another survivor said:

*"The same day Abd al-Rahim al-Kani was targeted during the clashes in the al-Dawun area, they executed six detainees from our cell. That day, the guards came to us around 12 pm. We heard shooting. We believe that they had killed these men and, until this moment, they have not been found. **It was usual that after 12 pm they either brought in new prisoners or took people out to execute them.**"*

6.3.3 TRIPOLI AND WESTERN REGION – TARGETED MIGRANTS AND ASYLUM SEEKERS



- The capital Tripoli has the largest number of migrant detention centres in Libya. The Ministry of Interior is responsible for matters relating to refugees and asylum seekers, under which the DCIM operates. As its name suggests, the DCIM's main mandate is to: *"Conduct the service affairs of anti-infiltration and smuggling centres and accommodate those who reside within the country in violation of legislation regulating residency, work, and entry and exit to the country and are referred to them by competent authorities."* Alongside this, the DCIM can: *"Deport people who have violated the conditions of entry,*



*exit, and residency of foreigners and take legal action against them.”*³³ It is concerning that Libyan laws relating to migration mainly stipulate the criminalisation of entry into Libyan territory for foreigners, without consideration of humanitarian exemptions or other exceptions such as political, ethnic, or religious persecution.

- The DCIM was established in 2014 to have independent financial liability.³⁴ This body has many branches working across the country under now-outdated laws issued before the 2011 uprising. **Many existing laws are no longer suited to the current needs of migrants and asylum seekers, especially since migration has increased significantly since 2011.** Some of these laws conflict with Libya's international obligations to protect vulnerable non-nationals.
- Financial and administrative corruption, mismanagement, lack of countrywide governance and weak border control have facilitated increased people smuggling, human trafficking and enforced migrant labour, leading to many migrant deaths during transit and inside detention facilities. Today, the situation for migrants in Libya amounts to a well-reported human rights and humanitarian crisis.
- In 2021, three decisions were issued by municipalities in the western region which seriously threaten the wellbeing and lives of migrants. Zuwara municipality's decision (announced in July 2021) to expel all migrants gave foreigners residing in the city ten days to settle their status or leave. The municipality warned migrants that it had agreed with the security authorities to carry out a major campaign across the town after this date.³⁵ In October of the same year, a decision was issued by the Libyan government to target immigrants and asylum seekers living in the Gargarish district in central Tripoli.³⁶ The LAN documented the extrajudicial killing of a Sudanese migrant, and the injury of at least 15 other migrants during the unrest that followed. It recorded the death of another Sudanese migrant, who was run over by a Ministry of Interior vehicle during a raid carried out by Libyan security authorities a week later.
- Armed groups have long taken control of people smuggling in the western region. Networks of human traffickers and people smugglers have permeated both the design and execution of migration policies, as well as having contacts in integrated entities and armed groups that have allied with state authorities to arrest, imprison, and kill migrants and asylum seekers in Libya. The following are some such example forces and incidents documented by the LAN:
 1. Stability Support Apparatus (SSA). This force was established by Presidential Council decree and assigned several tasks, including arresting migrants based on the pretext of violating Law No. 19 on combating illegal immigration. After being arrested in Tripoli or the wider western region, migrants are usually transferred to detention centres.

33. "Decree No. (145) of 2012 on adopting the organisational structure and powers of the Interior Ministry and the organisation of its administrative unit." (Article 11).

34. "Decree No. (386) of 2014 on establishing the Anti-Illegal Immigration Agency."

35. "In Libya, the coastal city of Zuwara seeks to expel migrants from its lands." Info Migrants. 9 September 2021.

36. "Libya: UN calls for investigation into reports of killings and use of excessive force against migrants and refugees in Tripoli's Qargareh area." UN News. 2 October 2021.

2. According to LAN's documentation, during arrests, transfers and detention, members of SSA may cooperate with the Libyan Coastguard and smuggling networks to either forcibly sell migrants into the Libyan labour market, or to demand payments in return for their boarding boats bound for Europe. Although migrant boats departing from Libya continue to arrive on European shores, according to LAN's interviews, many more do not reach Europe because they are apprehended by the coastguard, returned to shore and the migrants aboard transferred to detention facilities. **Some documented cases of migrants who survived mass shootings or sinking boats reported being brought back to Libya more than five times and being taken into custody. Some migrants died under torture or due to neglect and ill-treatment inside DCIM-run detention centres, including the SSA-managed one in Tripoli's Abusalim district.**

3. The National Security Agency (NSA). Between 2019 and 2020 NSA ran a secret detention centre inside the Tobacco Factory building in Tripoli to detain migrants and asylum seekers. Reports suggested that those running this venue

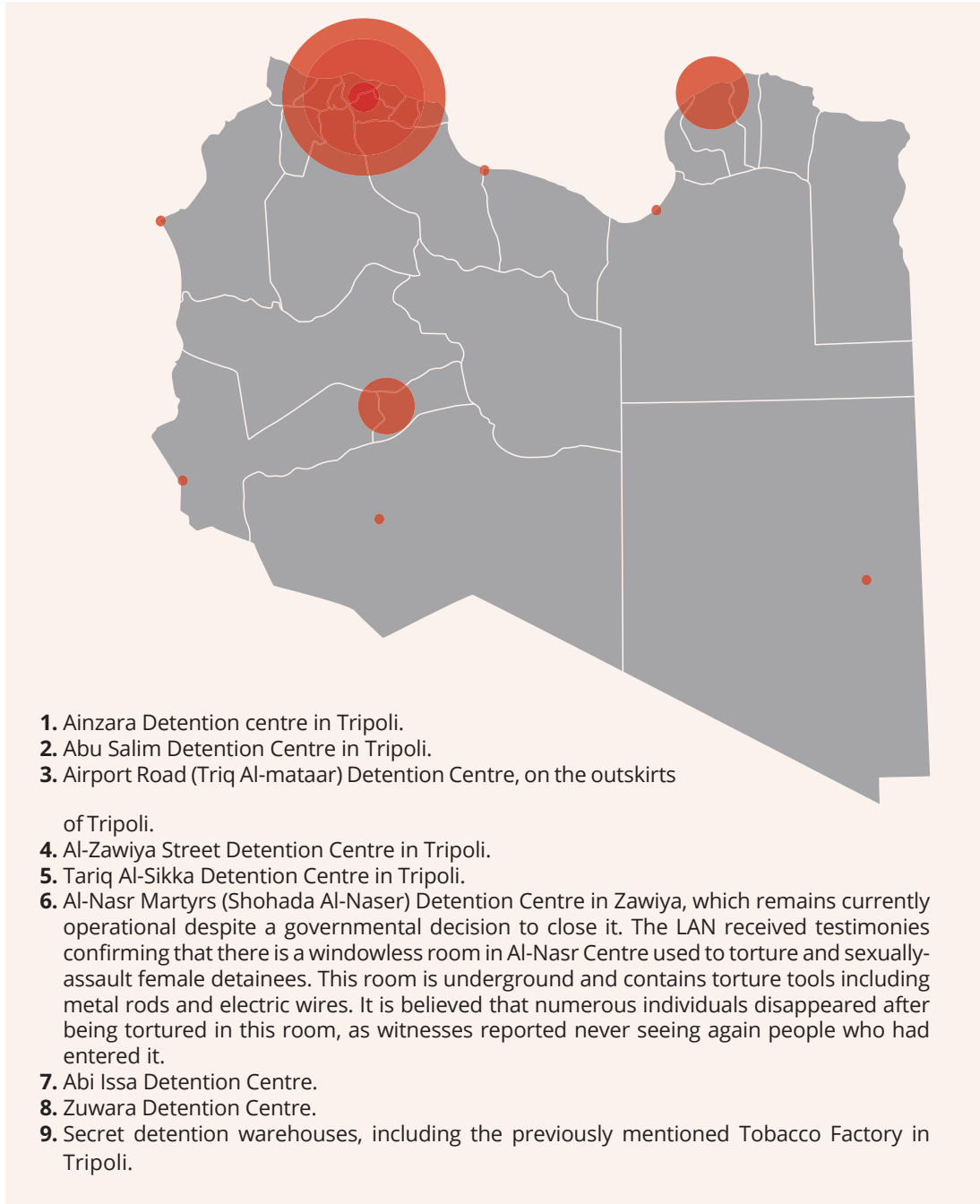
consistently offered release in exchange for money. By the end of 2020, a new migrant detention centre was established near the Tobacco Factory, called Tripoli's Gathering and Return Centre (also known as the Al-Mabani Centre). It is believed that moving the secret detention facility to Al-Mabani was intended to conceal long-term violations and abuses practiced against migrants there between 2019 and 2020.

4. Other governmental entities. Witnesses and victims, both migrants and asylum seekers, confirmed to the LAN that other parties benefit from people smuggling and have also been involved in arbitrary arrests of migrants in the western region. These entities include members of the Criminal Investigation Department of the Ministry of the Interior and members of Diplomatic Guard units tasked with protecting the headquarters of the Ministry of Foreign Affairs. Survivors reported particularly dangerous checkpoints where migrants have been arrested and sometimes subsequently tortured by these forces, including at Tripoli's Janzour Gate, the Al-Mayah area in Zuwara, and several checkpoints in Sabratha.



Detention facilities in Tripoli and the Western region

During the period covered in this report, the LAN received information about the unlawful killing of migrants in the western region in the following centres:



1. Ainzara Detention centre in Tripoli.
2. Abu Salim Detention Centre in Tripoli.
3. Airport Road (Triq Al-mataar) Detention Centre, on the outskirts of Tripoli.
4. Al-Zawiya Street Detention Centre in Tripoli.
5. Tariq Al-Sikka Detention Centre in Tripoli.
6. Al-Nasr Martyrs (Shohada Al-Naser) Detention Centre in Zawiya, which remains currently operational despite a governmental decision to close it. The LAN received testimonies confirming that there is a windowless room in Al-Nasr Centre used to torture and sexually-assault female detainees. This room is underground and contains torture tools including metal rods and electric wires. It is believed that numerous individuals disappeared after being tortured in this room, as witnesses reported never seeing again people who had entered it.
7. Abi Issa Detention Centre.
8. Zuwara Detention Centre.
9. Secret detention warehouses, including the previously mentioned Tobacco Factory in Tripoli.

- According to witnesses, photos and survivors' testimonies, large metal containers, previously used to store goods or weapons belonging to armed groups, are used at the initial stages of apprehending migrants, before victims are transferred to private farms or other venues. There are also prefabricated temporary structures featuring windowless rooms with heavy metal locked doors, specifically installed in remote places such as farms to detain migrants. These small buildings have no furniture, mattresses, or blankets. Migrants sometimes die trying to escape from these facilities.
- Others have reportedly died from malnutrition or starvation, often accompanied by degrading mistreatment. Women and children are not usually separated from men and testimonies occasionally described women being raped by other migrants, or by guards. Because of the high numbers of migrants and the worsening conditions, the LAN was only able to collect information from a few survivors of secret detention. Of these, however, witnesses were too fearful of retribution to detail cases of torture or unlawful killing with profile information or evidence. However, several victims stressed an urgent need to inform authorities and organisations of such incidents.



A Sudanese migrant described witnessing the killing of his friends on his way to Tripoli through Bani Walid, as follows:

"I arrived in Libya on 20 March 2020. From the Sudanese border, I headed to Al-Kufra. I wanted to get to Tripoli. We had agreed with several other migrants from Sudan, Somalia, Syria and two from Yemen to be transferred by a people smuggler in a four-wheel drive Libyan vehicle but, on the way when we were near the town of Bani Walid, all the Sudanese were instructed to disembark. We were then sold to a smuggler in Bani Walid, against our will. The second smuggler threatened us with a weapon and forcibly took us to a warehouse on the outskirts of the town.

We were held for seven months and were treated inhumanely. We were released at the end of October 2020 after I became ill because the smugglers feared I would die. They were also afraid they would lose someone to sell, so they decided to take me out. A Somali migrant minor and I were taken by car



to Tripoli, to a street called [S amba] in the Al-Karimiya area south of Tripoli. The young Somali helped me, and I stayed with him for several days until I was able to move again, when I decided to register at the United Nations High Commissioner for Refugees in Tripoli's Al-Gourji area.

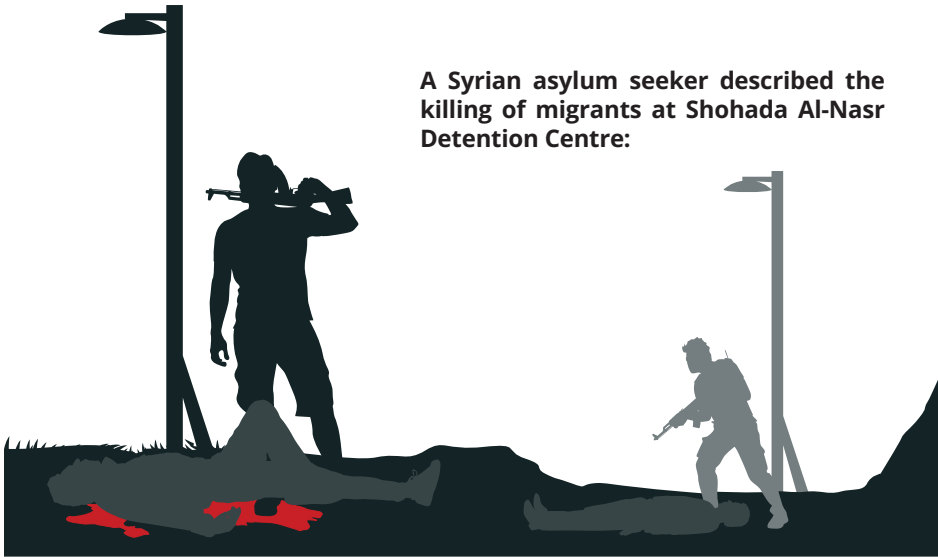
I got the registration papers but, within two days, we were arrested at the Gargarish roundabout, by armed men affiliated with the National Security Agency. They took us to Al-Mabani Detention Centre, which is now called 'The Gathering and Return Centre'. There were also men dressed in civilian clothes guarding the centre. The number of detainees was more than 1,800. The place was overcrowded, and the food was very little. I remember in April 2021, on a Friday, there was an agreement between the guards and some migrants for their release after they had paid a fee, with the amount being transferred some days earlier. The guard opened the gate at 3 am, and many migrants escaped. Then we heard shooting and the sound of police cars. In the rooms next door, many migrants were trying to open cell doors and we could hear them screaming and shouting. We went out into the yard of the building, and I think I heard that more than 150 people escaped that night.

We got trapped in the yard, so the civilian-clothed forces drove inside with weapons and started shooting in the air to frighten us at first. Other guards were hitting us with metal rods and sticks. What I confirm with my own eyes was the killing of five people, but my other brothers told me that they witnessed more killed. I carried a minor who was with us, as I thought he was alive. I tried to take him with us into the room, but he was bleeding terribly. They [guards] came back and beat me with a metal rod, so I left the child and went into another room.



They took the dead bodies, I am very sure that the boy was dead, and I still feel the warmth of his blood on my hands, and we don't know what they did with the rest. The blood was all over my hands. The next morning, MSF staff arrived at the centre, but everything was over, and those people were dead."

A Syrian asylum seeker described the killing of migrants at Shohada Al-Nasr Detention Centre:



"I am from Syria. I arrived in Libya in January 2021, landing at Benghazi's Benina airport in eastern Libya. My trip was with Cham Wings airline. I left Damascus after the Syrian regime allowed travel from Syria to Libya and relaxed procedures relating to mandatory military service. I was born in 1992 in Daraa city. My hometown was then besieged and destroyed, so I decided to head to Europe, and the only way I could find was via Libya. We were about 190 Syrians, including women and children, on the plane. Two of my friends were with me, and there was prior coordination with a people smuggler in Zuwara. He secured a car at the airport to take us to western Libya.

At Benina airport, it was clear that the Syrians' entrance was facilitated, and we only had to pay \$100 on arrival. The driver took us to a hotel near the airport and, in the morning, he drove towards the west, but then suddenly said he had to change our destination to southern Libya, because "the road to the west was dangerous". I remember that we arrived at an area called Al-Shweref where our car was stopped, and we were searched. The checkpoint took our mobile phones and asked us for money. We spent the night there. The next morning, we were allowed to leave, and the rest of the trip was two days of driving in the desert, until we reached Zuwara. We stayed about three days there until it was time for our boat trip. We were taken to the beach late night after each person had paid 2000 dollars.

The boat sailed for about six hours but was then intercepted by armed men belonging to the Libyan Coastguard stationed near Zawiya, not far from Tripoli. I did not know this at first, but after being captured we were forcibly returned to Zawiya. I knew who they were after we were taken to the Shohada Al-Nasr Detention Centre. We spent very bad days there as the place was

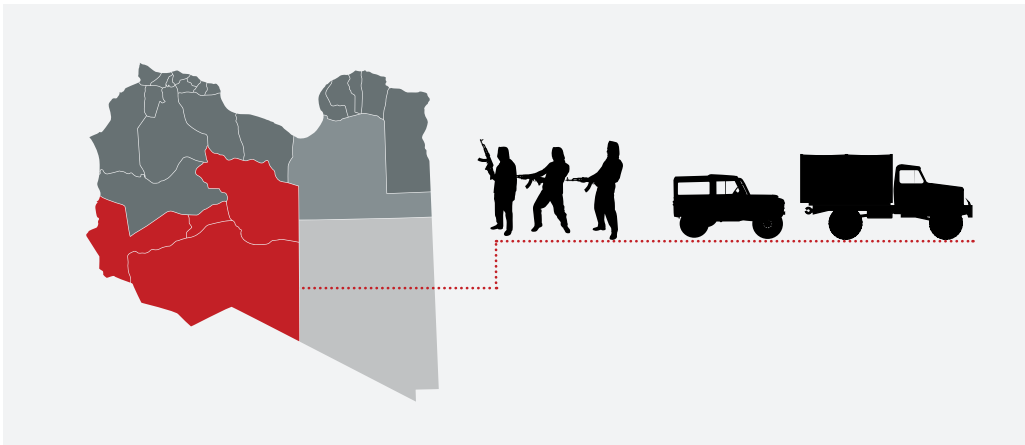


overcrowded. The treatment was inhumane and there was not enough food. The centre looked military rather than civilian.

We used to see armed vehicles entering in the evening. Armed men joined the guards and would sometimes come and take some of us for forced labour. A Syrian man in his fifties and his son were detained with us. On one unforgettable and horrible Friday, when a few Sudanese tried to riot inside the centre, refusing to be transferred to an unknown location by these armed men. The same men started beating us and tried to return us to our cells. Many detainees were beaten and were screaming. A lot of people were beating us and cursing us. A second group of armed men joined in less than 15 minutes. Some were wearing civilian clothes.

*When we heard gunshots, most of us lay on the ground, being afraid of the bullets. One of the guards had a pistol. He was cursing hysterically and shooting randomly. Two Sudanese were injured in the legs by gunshots. When the migrants saw these injuries, they became more fearful and tried to escape the detention yard, but the gunmen directly shot and killed the old Syrian man before hitting him on the head with a metal pipe [to ensure he was dead]. **Then, another Sudanese was shot in the chest and died. Everyone was terrified.** The number of gunmen increased, and we were put back in the cells. The guards tried to remove the dead bodies immediately. I stayed two more days, and then a Sudanese migrant who used to work for the gunmen offered to pay for us to be released. Indeed, my friends actually paid them \$1,500 in Tripoli. A car came to Zawiya, and I escaped. I am currently in Tripoli, and I do not leave the city. I registered with the UNHCR, but I am looking for any place of shelter and someone to protect me. They are still killing migrants in Zawiya. This is what I witnessed, and this is what I was told by the migrants who were detained there before.”*

6.3.4. SOUTHERN REGION – MERCENARIES, SMUGGLERS, TRAFFICKERS, AND ARMED GROUPS



- The collapse of Libya's political systems after 2011 eroded the rule of law, divided the country, and neglected the south in particular, which subsequently became one of the country's most dangerous areas. The situation in southern Libya is particularly complicated compared to other regions due to its great distance from either the eastern or western governments. This led to burgeoning insecurity and a proliferation of illegal activities such as people and weapons smuggling, kidnapping for ransom and drug-dealing. The spread of these crimes, exacerbated by Libya's civil conflicts and border security being left to local militias, also left the south open to uncontrolled migration flows, as well as the presence of Chadian and Sudanese mercenaries and other armed groups.³⁷
- The Libyan Sahara became a transit for sub-Saharan African migrants, who cross through specific routes and bypass checkpoints where they could be intercepted by armed groups. Human trafficking and people smuggling usually start in migrants' home countries such as Ghana, Nigeria, Senegal, and Sudan where traffickers, smugglers and middlemen take advantage of people wishing to migrate to Europe.

37. Alexandre Bish, "Chad: Soldiers of Wealth: The future of Chadian fighters after the Libyan ceasefire," Global Initiative Against Transnational Organized Crime. December 2021.



Migrants are unaware of interception points, so smugglers decide routes. Long journeys through the desert sometimes have dire consequences, as migrants may fall from smugglers' vehicles and die of thirst or hunger. However, although there can be accidents or unexpected route changes, many people smugglers are experienced and know the routes through the desert.³⁸

■ Chadian and Sudanese mercenaries, who originally entered Libya to fight for money, have reportedly become involved in a range of criminal activities. According to testimonies, mixed groups of both Chadian and Sudanese mercenaries are placed in remote desert areas (including deep in the Libyan desert or in remote mountainous regions). These groups are called “ransom-seekers” by the people of the south since they kidnap Libyans for money when they are not involved in military operations. In cases documented by the LAN where victims have been executed by Chadian and Sudanese mercenaries, it has been difficult to determine the motives behind abductions. However, in several testimonies, these practices seem to have been perpetrated by mercenaries due to a long-standing hatred of Libyans for historical reasons. For example, the Chadian-Libyan conflict of the 1980s, or more recent conflicts during which many mercenaries had lost relatives or friends. Others had reportedly not been paid the money they were promised for fighting so turned to criminality. Sudanese mercenaries sometimes served as intermediaries between victims and Chadian groups who mostly do not speak Arabic. Therefore, Sudanese mercenaries have often been reported as responsible for translation and the collection of ransom monies. Many abductions by such armed groups end up with victims being executed.

■ **Families of victims from the south told the LAN they decided to take revenge and fight the mercenaries, believing documentation to be useless and having no faith in traditional judicial systems.** Libya's chaotic security situation in the south has also made people fearful of reporting or helping document torture and unlawful killing. This has had a significant impact on access to information about violations in southern Libya and particularly about the perpetrators committing these.

38. Idemudia, E., Boehnke, K. "Social Experiences of Migrants. In: Psychosocial Experiences of African Migrants in Six European Countries" Springer, Social Indicators Research Series, vol 81, 2020.

However, the LAN was still able to document **some violations** through survivors, such as the deaths of 14 migrants detained in the following detention centres:

- Criminal Investigation Division facility in Sabha.
- Police stations in Sabha

- During 2020 and 2021, 83 Libyans and migrants were reportedly killed in different locations in the south. The LAN recorded the deaths of 43 civilians, including 24 Libyans killed in clashes in Sabha between the LAAF and GNA-affiliated forces.
- Non-nationals unlawfully killed included 11 Nigerians and eight Sudanese in Al Shati' and Qatrun at smuggling checkpoints set up by militias involved in the illicit movement of people. The LAN was also able to document the deaths of 24 migrants from Bangladesh and six African migrants held in a secret smuggling warehouse in the southern town of Mizda in May 2020, after they killed the Libyan people smuggler who was holding them.
- Of the extrajudicial deaths recorded in southern Libya, 16 took place in 2021, including seven Libyans killed in Sabha and two in Ubari. A group of people witnessed the killing of a Libyan woman in the Al-Majdul area of Murzuk, and another group the killing of six Sudanese men in Qatrun.
- The LAN recorded allegations received from Sabha residents about extrajudicial killings in unofficial detention sites such as the premises of the Salafist Battalion located in Sabha's Al-Wasaa Street. The Salafist Battalion has reportedly been detaining both migrants and Libyans, but witnesses were not able to give more details regarding the numbers of victims, or their identities or nationalities.



07

CONCLUSION AND RECOMMENDATIONS

7.1 CONCLUSION

Between 2020 and 2022, hundreds of Libyans and migrants were extrajudicially killed by both state and non-state armed groups in Libya. Most victims were exposed to different forms of torture or ill-treatment before their deaths, including those held in official detention facilities or illegal establishments managed by smugglers or human traffickers.

The actual number of these crimes cannot be effectively measured, as many are believed to have gone unrecorded. However, organisations such as the members of LAN have been able to access information about a significant number of cases that, considered together, clearly indicate the prevalence of state and non-state armed groups resorting to killing, alongside other methods of intimidation, harsh discipline, torture and ill-treatment of citizens and third-country nationals, including in detention. Far from being isolated cases, they lend to the conclusion that the practice of extrajudicial executions is widespread and may constitute crimes against humanity.

Torture has been recorded as widespread, with perpetrators using weapons, tools and torture methods that have resulted in severe injuries, including broken bones, deep wounds and blood pressure and circulation issues with lethal outcome, not to mention the severe and long-term psychological consequences of torture. Ill-treatment in detention has also led to several reported deaths, as detainees were denied access to essentials such as food, water, and sanitation or health. Detention conditions, either in DCIM centres or beyond, have been described by many victims and witnesses as grossly inhumane. Overall, cruelty and denial of the human person with its core human dignity are the signature pieces in most, if not all, the cases underlying this report.

Libya's current complex political and military landscape, combined with the absence of appropriate domestic legislation, has left effective prosecutions of such violations unlikely and overall impunity a sad reality. Victims clearly have no trust in the Libyan judicial and legal systems. On the contrary, they are often silenced because these crimes have sometimes allegedly been ordered, sanctioned, or ignored by the relevant authorities. In addition, the country's judicial and legal systems are not truly independent, with lawyers and judges left vulnerable to threats, coercion, or corruption.

Detainees are mostly arbitrarily arrested, have no access to lawyers or their rights or even to humanitarian support. Detainees are rarely afforded the right to any trial, fair or otherwise. Furthermore, the criminalisation of irregular migrants and asylum seekers under Libyan law, with no humanitarian exemptions, leaves them in an extremely vulnerable position and constantly exposes migrants to the risk of detention and multiple forms of abuse and torture.

Crimes that constitute grave violations of international human rights law and international humanitarian law, such as extrajudicial killings, human trafficking, torture, and enforced disappearance, must not be tolerated, and promptly investigated. Tackling root issues of torture and ill-treatment and criminalising all forms of unlawful killings would contribute to the development of a modern Libyan society that no longer places human rights on a back burner but instead prioritises these as a foundation stone for the future.

Once Libya's governing bodies and authorities address these issues through law and policy change, this will be a crucial step toward national reconciliation.



7.2 RECOMMENDATIONS

The violations documented in this report are of a staggering magnitude in scale, cruelty, and neglect for the basic respect to human dignity. They take place across the country and will not be redressed if there is no fundamental recommitment to the very essence of the rule of law and human rights, extending to anyone exercising *de facto* or *de jure* control over territory or people.

I. CORRECTIVE ACTIONS REQUIRED FROM THE LIBYAN AUTHORITIES:

Addressing the pandemic level of violations and impunity across the country requires action at all levels, locally, nationally, and internationally. The Libyan authorities should take into account the following five areas of action:

1. No authority outside the law:

- To prevent killings in all unlawful forms and torture wherever it occurs, any authority exercising *de jure* or *de facto* law enforcement, or detention functions must be subjected to clear legal rules, civilian and judicial oversight, be properly trained on basic professional rules and carefully monitored.
- Equally urgent, steps must be taken to close any ungazetted and secret places of detention, including warehouses, farms, or any other place that may be used to detain individuals, whether the detainees are Libyans or migrants. This must also cover places in which it is known that smugglers and traffickers detain individuals.
- The Libyan authorities and Government should establish a clear action plan implementing the recommendations of international bodies, most importantly of the Independent Fact-Finding Mission on Libya of the UN Human Rights Council.

2. Using and restoring the law:

- The authorities should investigate any form of arbitrary or summary executions, as well as extrajudicial and unlawful killings. Scenarios such as internal political instability and active conflict cannot be invoked as a justification for such executions. To this end, they should fully use the existing legal arsenal on torture, killings, and murder to bring those responsible to justice.
- Additionally, the Libyan Government - with international support – review legislation to fully cover all types of extrajudicial and unlawful killings by any actor having authority over territory or people. It should ensure that any such practice is criminalized

under specific criminal law provisions and punishable by sanctions reflecting the seriousness of the crime.

- This should include the full criminalization of extrajudicial and unlawful killings committed during an internal or an international armed conflict as grave breaches and war crimes.

3. Tackling impunity for perpetrators:

- The Libyan Government should ensure thorough, prompt, and impartial investigations into any suspected extrajudicial, arbitrary, or unlawful killings or execution, including cases where this has been claimed or suggested by relatives or via other credible reports. The competent authorities should preserve all documentation to aid subsequent investigations.
- Such investigations should include adequate autopsies, collection, and analysis of any physical or documentary evidence and witness statements. The Libyan authorities should improve current in-country forensics to this end. Investigations should, where possible, clarify the cause of death, distinguishing between different causes, such as natural death, death by misadventure, torture, suicide, murder, or execution.
- Given the lasting systemic political challenges to investigating extrajudicial and unlawful killings, including under torture, consideration should be given to setting up investigating structures that are able to work in a context of opposition:

This may consider the model applied in other jurisdictions to set up specialized and independent investigating and prosecuting authorities to investigate serious human rights violations such as extrajudicial killings and torture. Another model may be to establish an independent commission of inquiry to conduct proper and effective investigations.

The members of any such commission should be selected according to their integrity, competence, impartiality, and independence. Selected members should have no affiliation with any institution, body or person which might be the subject of an investigation. Such a commission should have the authority to obtain all necessary information to adequately pursue its investigations, and to provide protection measures for victims, witnesses, and lawyers. All financial and technical resources necessary for effective investigations, including qualified forensic staff, should be provided to such a commission, which should also have the power to compel witnesses and suspects to appear before it and testify, as well as to demand the production of evidence.

- In terms of legal reform, consideration should be given to a review, repeal, or amendment to provisions on superior orders and *de facto* immunity clauses, such as



article 71 of the penal code, to ensure they comply with international human rights law. It is also recalled that it is impermissible to grant amnesty or pardon to anyone who is responsible for extrajudicial killings or summary execution or responsible for torture and that such crimes should be exempted from any statute of limitations.

- The Libyan Government should ensure that perpetrators are brought to trial in-country but equally by facilitating extradition and full judicial cooperation with investigations in third countries and with any international jurisdiction.
- Key to improving the investigation of unlawful and extrajudicial killings are the introduction and enforcement of standard operating procedures required by any authority, law enforcement, military, or detention services, on the notification of deaths in custody and the treatment of dead bodies. It should not be allowed for any corpse to be buried until the circumstances of death have been assessed, including through an autopsy performed by a forensic doctor. Any data relating to the case should be accessible to such doctors, who should also have the right to access sites where bodies were found or where deaths are believed to have occurred.
- If investigations are launched only after burial, the corpse should be promptly exhumed for an autopsy. If remains are discovered, these should be carefully exhumed and studied according to systematic anthropological techniques. Forensic doctors should have access to victims' bodies for however long they need to conduct a thorough investigation, regardless of the victim's nationality or identity. The autopsy should seek to identify the deceased, the cause and manner of his or her death, and try to determine, where possible, the date and location of death. Each autopsy report should contain detailed photographs to properly document the case and support the investigation's findings, as well as a full description of any injuries sustained prior to death, including any evidence of torture.

4. Preventing torture and death in detention:

- It is also recommended to adopt a comprehensive law to protect detainees, including migrants, in any detention centre. Such legislation should provide appropriate sanctions, designate competent authorities to investigate torture and other crimes and implement a set of rules on how investigations should be conducted. It should ensure that all fundamental safeguards in detention are restored, independently on who exercises such authority.
- Considering the total disregard for legal safeguards to protect those detained - highlighted by this report - a concerted effort is required to restore the law and to provide full access to fundamental legal safeguards and judicial guarantees, including contact with relatives and access to counsel and medical aid. In the same way, questioning and investigation methods must prohibit any form of torture and provide proper judicial guarantees for fair trials, including allowing lawyers or doctors to be present at appropriate times.

- Any form of secret detention or detention in unofficial places is prohibited and must end. This includes any facilities used by people smugglers or human traffickers for detention or enslavement. The Libyan Government should ensure that those who have been deprived of their liberty are placed in officially recognized detention centres or prisons, allowing their relatives and lawyers to be updated and informed about their whereabouts, detention conditions and any possible transfers.
- The Libyan Government should prohibit torture in prisons, DCIM-run migrant detention centres, any premises under the Ministry of Interior or the Ministry of Defence, police stations, military headquarters, or any other locations where people are detained. There is an urgent need to ensure that migration detention is placed under an effective system of oversight and control and that conditions of detention, rules on healthcare and other support are clarified.
- The Libyan Government should implement comprehensive monitoring and inspection procedures, facilitating regular visits to all detention facilities by suitably qualified inspectors, doctors, or lawyers. Any such inspectors should be granted full legal protection to ensure independence and impartiality while performing such work, especially when undertaking unannounced visits. Inspectors should have unrestricted access to any individual held in detention facilities as well as unfettered access to relevant files, paperwork, and personal information, for effective documentation that can later be handed over to the relevant authorities. Further work is required to address the root causes of torture and death of migrants in detention, such as underlying racism.

5. Effective protection for victims, witnesses, lawyers, and human rights defenders:

- The authorities should guarantee effective protection for any individual facing death threats or when at risk of being tortured or killed, through judicial and other preventive means, including accessible, confidential urgent complaint mechanisms. Preserving the confidentiality of victims and witnesses throughout such procedures, as well as during investigations, is essential.
- The authorities should adopt a policy to ensure the effective protection of survivors, families, witnesses, lawyers, and human rights defenders to be free from reprisals and threats. They should provide for effective protection measures and investigate reprisals to bring perpetrators to justice. To this end, the authorities should seek the guidance of the Office of the High Commissioner for Human Rights and the UN Special Rapporteur on Human Rights Defenders.
- The protection from reprisals must encompass the right to communicate freely with the United Nations and its human rights protection mechanisms, or the ICC. The Libyan Government should take positive measures, such as publicly encouraging



seeking access to domestic and international judicial and quasi-judicial bodies to vindicate rights, in line with international law and procedures ratified by Libya.

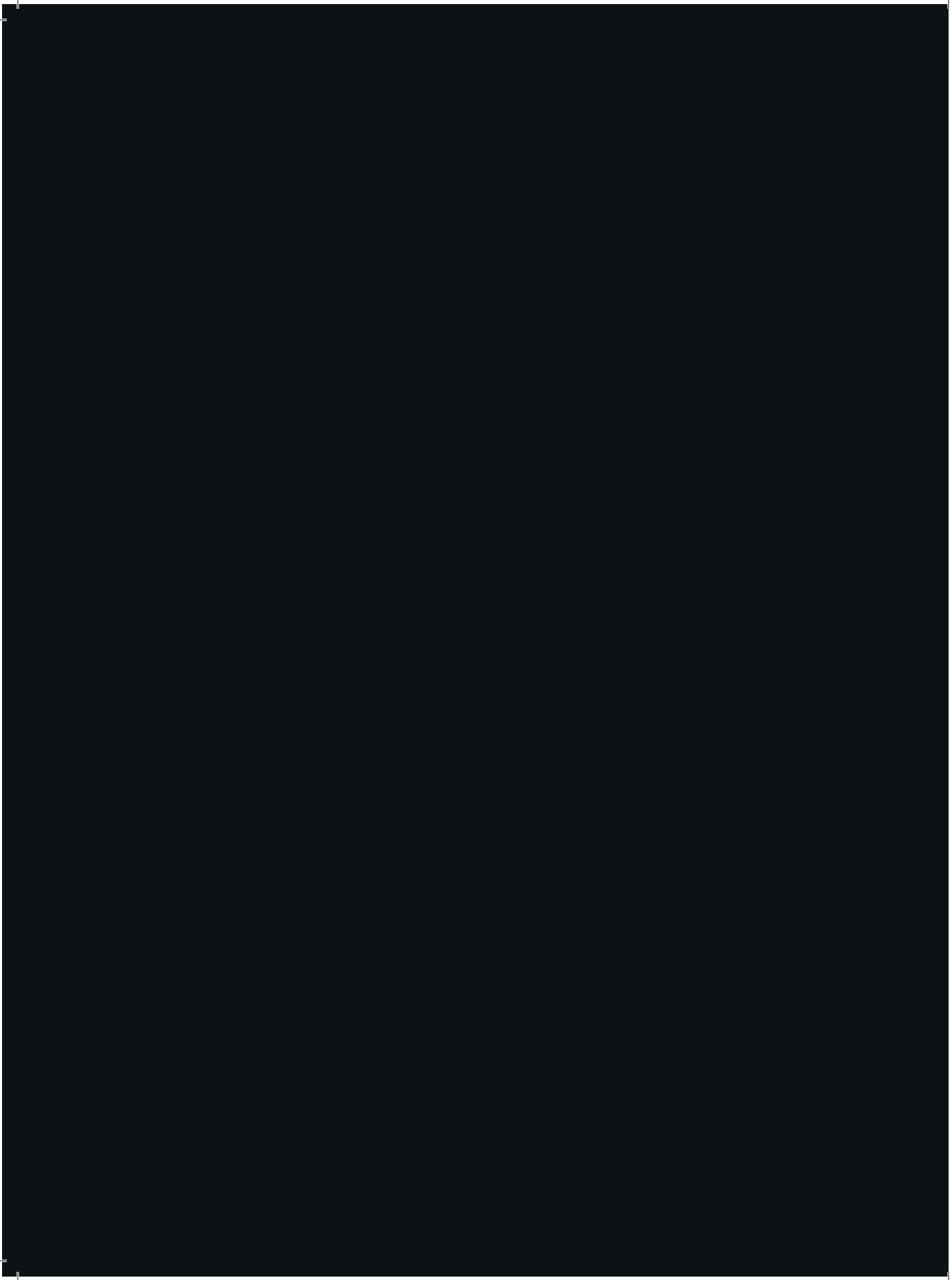
- More broadly, there is a need to replace the environment of threats with an enabling legal environment, including freedom of speech to allow public reporting and **denunciations**, petitions, and media pressure. Additionally, measures should be taken to ensure the sharing of information regarding the fate of detainees, including those who died in detention, and victims of enforced disappearance, including (for non-nationals) with their countries' embassies.
- The authorities should implement policies against hate speech and defamation orchestrated against human rights defenders and lift all the restrictions that impede their work and expose them to persecutions. The role and function of the Civil Society Commission should be to foster an enabling environment for civil society and the work on human rights.
- In addition, and where relevant, measures should be taken to ensure the sharing of information regarding the fate of detainees, including those who died in detention, and victims of enforced disappearance, including (for non-nationals) with their countries' embassies.

II. RECOMMENDATIONS ADDRESSED TO THE UNITED NATIONS AND INTERNATIONAL COMMUNITY:

- The United Nations Human Rights Council and its member states should provide full support to the work of the UN Independent Fact-Finding Mission on Libya, focusing on the political commitment to implement the FFM's recommendations.
- It should ensure an effective process to preserve evidence and to make it available to national or international investigations, and ensure a clear policy to protect victims, witnesses and human rights defenders and their right to defend rights. It should address the high risk of reprisals for anybody engaging with the UN human rights system.
- Considering the unabated magnitude of extrajudicial and unlawful killings and torture, it must reconsider its decision to end the mandate of the FFM in 2023, or alternatively create a more robust accountability mechanism as a follow-up.
- All UN actors involved in monitoring or resolving the security and political crisis in Libya, such as the office of the UN Secretary General, the UN Security Council, its Libya mandate, as well as the General Assembly, should ensure that human rights, accountability, and the rule of law are understood and supported as the basis for overcoming the present political deadlock.

- International organisations, UN agencies and bilateral support should allocate funding to strengthen the capacities of Libyan doctors and legal professionals on the forensic investigation of torture and killings, to ensure the quality of collected evidence and support initiatives for victims to access remedies and rehabilitation services.
- Any state with influence with any of the diverse factions in the conflict should use its influence to ensure basic compliance with international human rights and humanitarian law, notably the protection of the right to life and the absolute prohibition of torture, in line with its positive obligations not only to respect but to ensure respect for those prohibitions.
- In relation to migrant killings and detention, states – notably the European Union and its member states - must ensure that their policies on migration and cooperation with border and migration forces do neither constitute complicity nor be seen as an encouragement or implied recognition of torture or extrajudicial killings as being lawful.
- The European Union should end pushbacks to Libya and revisit its cooperation with any actor involved or tolerating the torture and killings of migrants and stop collaborating, whether directly or indirectly, with the Libyan coast guards and DCIM management, until protective actions for migrants are taken.
- The European Union should as well deploy better monitoring mechanisms to track the situation of the intercepted and returned migrants after their return to Libya. The European Union or any other state should engage in a dialogue with the Libyan authorities to take clear steps against killings and torture and condition its financial and logistical support upon Libya's compliance with the principles of the rule of law and human rights.





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Therefore, a special thanks goes to all LAN members and other civil society partners who continue to work in these difficult conditions. The OMCT hopes that the LAN's work will be used for the benefit of victims, to access justice through effective judicial and legal in-country systems, including transitional justice.

The OMCT is grateful to all those who have participated in or contributed to this research, including survivors and their relatives who provided LAN members with the information and testimonies that have been crucial to drafting this report.

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The OMCT acknowledges that, under Libya's current circumstances, sharing information about such crimes and recalling painful stories or horrifying events can be both emotionally challenging and potentially dangerous, and requires significant courage and determination. For the safety and security of all concerned, the identities of all contributors to this report, including interviewees, LAN members and the author, have been kept anonymous.

The content of the report, however, is the sole responsibility of the OMCT and should in no way be interpreted as reflecting the views of the institutions supporting it. The OMCT thanks its partners for their continued support and trust.





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