

Libya: Addressing the Derna dams disaster in Eastern Libya

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The catastrophic collapse of the two Derna dams on September 10th and 11th, 2023, has left an enduring mark on Libya's history, ranking as one of the country's most significant disasters. The Libyan Anti-Torture Network deeply mourns the lives lost and the city's extensive devastation, extending our heartfelt condolences to the affected families.

As we stand with the affected communities, our network remains committed to providing support. We emphasize the need for Libyan authorities and the international community to address the serious allegations, especially given the lingering uncertainties around the dam collapse. Survivors, grieving families, and civil society members continue to demand accountability from Libyan governments and other involved parties.

The questions and allegations currently circulating in Libya involve a spectrum of critical concerns that demand immediate attention from the government and the international community:

Libyan authorities' ineffective response to disaster and its consequences

The government's foremost responsibility is to protect citizens and minimize human and material losses from natural disasters. Regrettably, the Libyan government failed to provide the necessary support and strategies to address the hurricane and dams collapse effectively. The governance lapse also delayed crucial humanitarian aid delivery. As a result, international search and rescue teams and humanitarian organizations were needed urgently to provide essential assistance.

Additionally, there is an urgent need to centralize data on missing persons, displaced individuals, arrivals, and casualties in a government-managed database. However, political divisions have impeded progress in this regard. The absence of official data systems has made finding missing persons and providing aid challenging, hindering civilians' ability to engage with the relevant authorities.

Despite extensive efforts by civil initiatives like local charity organizations, the Libyan Red Crescent, and the Ministry of Social Affairs to collect information, the governments' lack of coordination hampers effective tracing. The Libyan government must proactively guide citizens and channel their efforts toward reliable sources of information to address this issue.

Lack of transparent and reliable communication channels

Limiting access to official media and reliable information sources can have detrimental effects on the mental well-being of survivors. It also creates an opportunity for the spread of rumours and false information, leading to fear and anxiety among the population. Unfortunately, the Libyan authorities have contributed to this problem by withholding crucial and accurate information that could offer reassurance during this crisis.

Continuing campaigns of arbitrary arrests and limiting freedom of expression

In Derna, the Libyan Arab Armed Forces continued to curtail freedom of expression, as confirmed by reliable sources. Internal security forces interrogated and arrested demonstrators in Derna on September 18, 2023, because the demonstrators were advocating for an international inquiry into the dam's collapse. Any arrests or persecution of civilian activists and peaceful demonstrators must

immediately cease. It's vital to allow civilians the freedom to assemble, voice their opinions, and exert pressure on their governments for unified political efforts that safeguard citizens and those affected.

Proliferation of corruption and its immediate influence on the crisis

Libya grapples with entrenched corruption, a widespread issue spanning the country. Among the most significant problems are the systematic violations against Derna's residents, with shared responsibility attributed to successive governments, the House of Representatives, and the Libyan Arab Armed Forces in the east. Ongoing inquiries by civilians, civil society, legal entities, and humanitarian organizations hint at a link between corruption and the deliberate neglect of vital Derna infrastructure. This neglect exacerbates the dams' deterioration, while discriminatory treatment towards Derna residents compounds these issues.

The Libyan Network Against Torture underscores the importance of the Libyan Attorney General's Office's steps in investigating institutional entities and individuals implicated in financial corruption and negligence, as outlined in the 2021 Audit Bureau report. However, utmost transparency, impartiality, and integrity must characterize these investigations, adhering to due judicial procedures. Importantly, the probe into financial corruption, while critical, represents only part of a broader spectrum of violations that could potentially constitute systematic war crimes or crimes against humanity.

Breakdown of the Libyan legal system and its implications for the inquiry into the dams' collapse

The Libyan government must ensure transparency, integrity, and thorough investigations into intentional violations, corruption, and negligence. Given the current political division and local judiciary limitations, establishing an independent international mechanism is crucial. This mechanism should identify those responsible, offer secure channels for evidence submission, and ensure fairness.

To further enhance transparency, the Public Prosecutor's Office should facilitate international committees' entry to the country. These committees should have complete oversight to ascertain the nature of violations and identify those responsible. Accused individuals should then face appropriate prosecution, whether domestically or internationally. Additionally, independent assessment and fact-finding mechanisms, involving local and international experts, are vital for evaluating preventive measures taken by both governments during the incident and evacuations.

Neglecting the protection and care for migrants and foreign workers

Libyan authorities have shown limited concern for non-Libyan victims of the disaster, raising concerns within the Libyan Anti-Torture Network. The network emphasizes the government's responsibility to protect all individuals within its territory, providing essential life necessities, accurate information on deceased and missing migrants, and necessary medical and psychological support. The Libyan State must also coordinate the Collaboration among authorities, government agencies, embassies, and international organizations to maintain communication with migrants' families, ensuring transparency and reassurance during these challenging times.

Concealing information regarding deaths in Garnada prison during and following the disaster

The government should verify reports of casualties in Garnada prison, substantiated by sources after flooding in some of its facilities. Libyan authorities must reveal the hurricane's impact on the prison, as current information implies at least one fatality due to storm damage.

In this context, the Libyan Anti-Torture Network calls on the Libyan authorities and the international community to urgently take the following measures:

1. **Facilitating swift cooperation with international aid and relief missions:** Both eastern and western governments must ensure safe and efficient entry for these missions in the coming months and years, as the disaster's impact on affected communities will persist and require ongoing support beyond the capacity of Libyan authorities.
2. **Addressing the missing persons issue promptly, legally, and humanely:** There's a pressing need for coordinated efforts among officials, relief organizations, humanitarian associations, and civilians to manage the disaster's aftermath and streamline information exchange to expedite the search process effectively.
3. **Establishing transparent official communication channels:** Authorities should regularly provide accurate updates to inform the public and the survivors about their efforts to assist those affected and the resources available to manage the crisis comprehensively.
4. **Ensuring freedom of expression and peaceful assembly:** Security forces in eastern Libya should promote an environment conducive to peaceful expression and demonstrations while swiftly intervening to halt any intimidation or arrests of civilians and activists.
5. **Urgent creation of an impartial international investigation mechanism for the Derna dams collapse:** The international community, including the United Nations and relevant stakeholders, should evaluate the Libyan state's efforts to protect the local population in Derna before and after the dam's collapse.
6. **Taking effective measures for accountability in cases of financial corruption:** Financial corruption should be considered part of a wider range of crimes. An international mechanism, along with international experts, should be deployed to identify those responsible for financial corruption.
7. **Addressing the situation of missing and affected migrants and foreign workers and coordinating with their families at the national and international levels:** Intensified efforts are required to locate missing foreign workers and migrants, manage the deceased, and assist survivors, particularly women and children who require special care. Official authorities should release accurate data to count and identify them.
8. **Monitoring prison conditions during the disaster:** Eastern Libyan authorities should issue public statements to verify reports of deaths in prisons and detention centres and provide clear instructions for investigations. Humanitarian treatment of these cases and informing relatives of missing detainees about their status are crucial. Regular monitoring of prison conditions throughout Libya is also essential.