



United Nations Finds Libya Responsible for Torture and Orders Compensation to Victim's Family

In a landmark decision, *El Alwani v. Libya*, Communication No. 1295/2004, the United Nations Human Rights Committee has found that Libya committed multiple serious human rights violations including torture, disappearance and arbitrary execution. The case was filed by Mr. Farag Mohammed El Alwani whose brother was disappeared by Libyan security forces in 1995. He is represented by the World Organization Against Torture (OMCT) and Human Rights Solidarity, two Geneva-based human rights organizations.

This decision is of particular significance because it is the first decision by an international legal body relating to the notorious massacre at the Abu Salim prison in 1996 in which scores, possibly hundreds of political prisoners, were arbitrarily executed by the Libyan authorities. Although Colonel al-Gaddafi acknowledged for the first time in 2004 that the families of the victims have a right to know what happened to their relatives, the Libyan authorities have taken no steps to investigate or account for the killings and no legal remedies have been provided the victims and their families.

The case of *El Alwani v. Libya* was brought on behalf of Ibrahim Mohammed El Alwani who “disappeared” without a trace after his sudden arrest by Libyan security forces in the middle of the night on 27 July 1995. The Libyan authorities never confirmed or denied Mr. Ibrahim El Alwani’s arrest or his detention despite the inquiries made by his family. Through contacts, the family learned that Ibrahim was being detained at the Abu Salim prison, together with hundreds of other suspected opponents of the Gaddafi regime. In 2002, seven years after the arrest, the family was informed that he had died, but the authorities did not provide any further details. To this day, Ibrahim’s family still does not know when or why he died and where his remains are located.

The Human Rights Committee found that Mr. Ibrahim Mohammed El Alwani’s prolonged incommunicado detention constituted a violation of Article 9 prohibiting arbitrary detention; that his torture and disappearance (the Committee referred to the definition of “enforced disappearance” of the Rome Statute of the International Criminal Court) constituted a violation of Article 7 and that his unexplained death in custody constituted a violation of Article 6 prohibiting arbitrary deprivation of life.

The Human Rights Committee also found that the anguish and distress caused to the victim’s brother – Mr. Farag Mohammed El Alwani – by the Libyan authorities’ deliberate

and prolonged failure to account for what had happened to his disappeared relative constituted a violation of Article 7.

The Human Rights Committee has ordered the Libyan authorities to provide Mr. Farag El Alwani with compensation and to institute an effective investigation into the disappearance and death of his brother. Furthermore, it stated that Libyan authorities must prosecute and punish those found responsible for these human rights violations and to take measures to prevent similar violations in the future.

The Human Rights Committee has given Libya 90 days to provide the Committee with an account of the measures the Libyan authorities have taken to give effect to its ruling.

The Gaddafi regime has never given a complete and public account of the events at the Abu Salim prison in 1996 and has not provided the relatives of the victims an explanation of the whereabouts or fate of their next of kin. The relatives of the disappeared continue – more than 10 years after the events in question – struggling with the uncertainty of not knowing what happened to their loved ones or whether they are still alive. The World Organisation Against Torture (OMCT) and Human Rights Solidarity call upon the Libyan authorities to take the occasion of this decision to institute an effective and independent official inquiry into the events at Abu Salim, to take steps to inform victims' relatives of the manner and cause of death of their relatives, indicate the location of their remains and grant as full a compensation as possible to the relatives of the victims.

The United Nations Human Rights Committee is a body of 18 independent experts elected by States Parties to the International Covenant on Civil and Political Rights (the ICCPR). The Human Rights Committee is charged with monitoring States parties' compliance with the ICCPR, an instrument which constitutes the cornerstone of international human rights protection. Under the First Optional Protocol to the ICCPR, the Committee may receive and consider complaints by individuals concerning violations of their civil and political rights.

The decision [*El Alwani v. Libya, Communication No. 1295/2004*](#) was taken on 11 July 2007 during the Ninetieth Session of the Human Rights Committee, meeting in Geneva, Switzerland, and subsequently communicated to the parties in August.

For further information please contact:

Boris Wijkström
Legal Advisor, OMCT
bw@omct.org
+41 22 809 4939

Giumma El Omami
Secretary of Human Rights Solidarity
admin@lhhs.ch
+41 79 380 6789