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Libya: New patterns of human rights violations and absence of accountability

Observations of the Libyan Anti-torture Network from January 2022 to early June 2022

Tunis, June 28 – In the wake of the International Day in support of victims of torture, the Libyan Anti-torture Network (LAN) and the World Organisation Against Torture (OMCT) come together to unveil new and troubling patterns of human rights violations and to stress the pressing need for accountability in Libya.

Political instability and government fragmentation following the postponement of December's presidential elections have created a particularly tense environment where insecurity continues to prevail, with fear of a new open conflict looming. In this context, the Libyan Anti-torture Network (LAN) and the OMCT express their deep concern over human rights violations and abuses that have occurred since January 2022.

Human rights violations in Libya have been a consistent issue for years despite the cessation of the armed conflict. However, since the beginning of this year, new widespread and systematic patterns of violations have emerged across Libya in the absence of any accountability mechanisms. Perpetrators of such violations and abuses are not only not prosecuted, but they are often well integrated into the Libyan State structures and allegedly mostly funded by the State budget¹. These armed groups commit grave violations of international law, such as unlawful killings, torture, interception, and arbitrary detention of Libyan civilians, migrants, refugees, and asylum seekers². Moreover, the blurred lines between State and non-State armed groups and the precarious security environment severely impede proper access to justice for victims of such violations and constitute a serious obstruction to the transitional justice process.

Expulsions and collective deportations of migrants, refugees, and asylum seekers

The LAN and the OMCT firmly condemn the practice of forced expulsions and collective deportations of migrants, refugees, and asylum seekers by the Libyan authorities across the desert in the southern region leaving immigrants stranded on the Chadian and Sudanese borders with no food, water, or shelter. These operations appear to be on the rise with close to 500 migrants forcibly expelled since January 2022. Since the beginning of the year, the Libyan Anti-Torture Network has documented systematic operations of summary expulsions from Shahat, Al Baydha and Ganfouda detention centres in the Eastern region to the Southern region in Al-Kufra. The last known operation of mass deportation of migrants occurred in early June 2022, when over 200 migrants were transferred in trucks to the southern borders in the Libyan desert after being exposed to ill-treatment and abuse during the removal operation. After enduring a harrowing journey and going through smuggling, detention, torture, and enforced labour, the victims were abandoned in the deadly desert. These collective expulsions perpetrated by Government leaders in the region create a vicious cycle of abuse and perpetuate a culture of impunity and lack of accountability.

Libyan law criminalizes irregular migration in ways that are incompatible with international law concerning humanitarian exemptions for migrants with protection needs. This makes it impossible to challenge the unlawfulness of these systematic expulsions as migrants are denied any type of assistance - whether legal or procedural -, adding another layer of complexity to the situation.³

¹ [Report: Dbeibah is using his influence to remain in power in Libya](#), 218 News, paragraph 3, March 2022

² [Amnesty International, Libya: Hold Stability Support Authority militia leaders to account](#), May 2022

³ [Unsafe and Undignified: The forced expulsion of migrants from Libya](#), OHCHR, November 2021

Extrajudicial and unlawful killings

Extrajudicial and unlawful killings in Libya are yet another chilling example of impunity. About 100 cases of extrajudicial killings have been documented by the network throughout Libya from January to June 2022. This is just the tip of the iceberg when it comes to the real number of cases. Indeed, the LAN documented the killing of Al-Tayib Jaballah Mustafa Al-Shariri, 27 years old, after he was shot in the back and leg in downtown Misrata⁴. A shocking video of a surveillance camera shows the victim being shot by gunmen from the Joint Forces Brigade which is affiliated with the Libyan Government. The shooting happened after the victim criticised them on Facebook.

Unlawful killings of Libyan civilians, migrants, and other vulnerable groups in broad daylight or in detention centres have become a common practice by State and non-State arm bearers and often occur in the context of mass shootings or specific targeting. Libyan security forces violently dispersed a sit-in by 2000 migrants, refugees, and asylum seekers, including women and children in front of UNHCR's Tripoli office, arresting and detaining 600 of them. Security forces fired live ammunition at the protesters, causing the death of six migrants and injuring an unknown number of people. For those arrested and detained, the risk of being added to the statistics of victims of extrajudicial killings becomes even higher. In January 2022, the LAN documented five cases of extrajudicial killings in the Al Mayah detention centre; three of them were migrants⁵.

Due to the rise of extrajudicial and unlawful killings in Libya, the LAN and the OMCT will address this extremely concerning issue in a detailed report to be launched later this year.

Migrants' forced labour

Detained migrants are not only subjected to inhumane and degrading conditions, torture, and abuse in detention centres, they are also exposed to enforced labour. In Ain Zara, a detention centre in Tripoli, migrants are exploited to carry out several tasks varying from maintenance and cleaning to building new prison infrastructures for 10 dinars (approximately \$2) a day or in exchange for specific benefits like purchasing phone credits or buying cigarettes. They are exploited by officers and security personnel in their own houses and farms to perform the same tasks for small amounts of money and sometimes for free.

Detainees are mostly unaware of their rights and are deprived of basic judicial guarantees and safeguards such as the right to access lawyers, to file complaints as well as the right to a fair trial. Conditions in Libyan prisons and detention centres are inadequate. Even relatives are not able to visit detainees to provide the needed support and essential care. Official detention centres don't execute release orders from courts. Victims who manage to survive these violations (inside or outside of detention) are threatened and harassed alongside their families, to prevent them from talking about what they have witnessed or experienced. The government has failed so far to acknowledge and criminalize the existence of secret detention centres and illegal migrant slums that are completely outside the administrative and judicial systems.

The prevailing system reinforces and encourages racism, xenophobia, and impunity since perpetrators are never brought to justice. For fear of reprisals, victims are afraid to report the violations they were subjected to, which over time may amount to crimes against humanity.

⁴ [Libyan Crime Watch Report: Human rights violations in Libya in March 2022](#), R/03/2022, March 2022

⁵ [Libyan Crime Watch, Report: Human rights violations in Libya in January 2022](#), R/01/2022, January 2022

Local authorities have led a campaign against human rights defenders creating a hostile environment where members of civil society organisations are specifically targeted. Several death threats circulated on social media against human rights activists, creating additional pressure on local civil society organisations working on the documentation of torture. Seven young human rights defenders were arbitrarily arrested and detained between November 2021 and March 2022. The subsequent situation highlighted the quasi-absence of judicial guarantees for detainees as their confessions - obtained through coercion - were widely shared by the authorities on social media.

These human rights defenders were not granted access to a lawyer and a fair trial due to the lack of independence of the judiciary, the absence of effective investigative mechanisms in Libya, and the fragile institutional framework. The documented case of the kidnapping and incarceration of lawyer Adnan Abdelkader El Arfi for filing a lawsuit against the Deputy Governor of the parallel Central Bank on charges of corruption⁶ is the perfect example. He was detained in Al-Kuwayfiah prison for 13 days.

The LAN and the OMCT call on the Libyan Government to:

- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and strengthen the control mechanisms of detention centres and arrest procedures to prevent and deter from the practice of torture.
- Ensure the independence, transparency, and efficiency of the judicial system and fair trial guarantees for all persons accused and/or brought to trial.
- Ensure freedom of expression and allow human rights defenders and activists to carry out their work without fear of reprisals.
- Promptly, thoroughly, and independently investigate extrajudicial killings committed outside and inside detention centres and bring perpetrators to justice.
- Take the necessary measures to protect migrants, refugees, and asylum seekers from forceful deportations without legal grounds.
- Establish proper mechanisms and procedures to hold perpetrators accountable for human rights violations committed against migrants during deportation operations, specifically those crossing through the Chadian and Sudanese borders, and in the Libyan desert.

The LAN and the OMCT call on the international community and the UNHCR in Libya to:

- Support the reform of the judicial system and monitor the implementation of proper complaint and investigative mechanisms to hold perpetrators accountable.
- Hold the Libyan authorities accountable for the grave violations that occur on their territory.
- Support legislative and institutional reform of immigration regulations.
- Ensure that access to humanitarian services, including the registration of asylum seekers, is provided to migrants outside Tripoli, where UNHCR's only office is located⁷.
- Ensure that international organisations and humanitarian actors provide protection to migrants, take all necessary steps to meet their needs and continue their efforts in securing the release of illegally detained migrants in all detention centres or at least better living conditions.
- Support the renewal of the mandate of the UN Independent Fact-Finding Mission on Libya.

⁶ [Libyan crime watch, Report: Human rights violations in Libya in May 2022](#), R/07/22, June 2022

⁷ Since the reach of UNHCR's office only extends as far as the centre of Tripoli, this puts asylum seekers and migrants in great danger as they must cross the extensive territory of Libya in order to get to the capital where safety is not even a certainty.