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WATCH

DECEMBER 2, 2015

# Libya: Long-Term Arbitrary Detentions

Widespread Arbitrary Detention May Constitute Crimes Against Humanity



Thousands of people, including *children*, have been detained without charge in Libya for more than a year. Some have described:

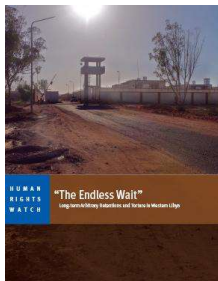
**Beatings,  
Electric shock,  
Suspension from ceilings,  
Solitary confinement for weeks.**

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✕ r more than a year,  
ematic nature of

The 34-page report, “

,” documents long-term arbitrary detention and torture and other ill-treatment in four prisons in Tripoli and Misrata that are administered by the Judicial Police and controlled by the Justice Ministry of the Tripoli-based self-proclaimed government. The report is based on individual interviews by Human Rights Watch with 120 detainees. Since 2011, consecutive interim governments and authorities have detained thousands of people without presenting them to a judge or charging them with a crime. Judicial authorities have neither provided a legal basis for these long-term arbitrary detentions nor taken action to end the practice.



**DECEMBER 2, 2015** | Report

## **The Endless Wait**

Long-Term Arbitrary Detentions and Torture in Western Libya

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“The authorities in control of western Libya haven’t put an end to the incarceration of thousands of detainees who are being denied their basic rights for four years and counting,” said

, Libya researcher. “Libyan authorities operating detention facilities under the veneer of the law need to end this ongoing injustice or risk international investigation and possible prosecution.”

International humanitarian law applies to the situation in Libya since July 2014, in view of the intensity of the conflict and the level of organization and command control of the parties to the conflict.



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**The authorities in control of western Libya haven't put an end to the incarceration of thousands of detainees who are being denied their basic rights for four years and counting. Libyan authorities operating detention facilities under the veneer of the law need to end this ongoing injustice or risk international investigation and possible prosecution. ”**

**Hanan Salah**  
Libya Researcher

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Libya's Tripoli-based general prosecutor should order the immediate release of all detainees who have been detained for over a year without charge or whose detention is not approved by a court, Human Rights Watch said. Detaining authorities in western Libya should also end widespread torture and other ill-treatment in prisons under their control. The United Nations Security Council should step up pressure for compliance with its resolutions on Libya, and the International Criminal Court (ICC) prosecutor should open an additional investigation into ongoing abuses under her jurisdiction.

Libya has been engulfed in armed conflicts since July 2014, between the internationally recognized government, based in the eastern cities of Tobruk and al-Bayda, which has the support of the Libyan Army, and a self-proclaimed entity that calls itself the National Salvation Government, supported by an armed militia alliance, which controls Tripoli and most of western Libya. A year-long attempt by the UN to broker a deal for a unity government has failed to bring an end to the fighting.

Between September 16 and September 20, 2015, Human Rights Watch visited four detention facilities in Tripoli and Misrata and interviewed 120 detainees individually, without guards present. The prisons are Ain Zara and al-Baraka (formerly al-Roueimy) in Tripoli, and al-Jawiyyah and al-Huda in Misrata. Detainees said they had been detained for years without any judicial procedures, and described torture and other ill-treatment; forced confessions; lack of due process, including lack of access to lawyers; long-term solitary confinement; and in some cases, poor detention conditions. The detainees included children under 18, held with adults.

Of the 120 detainees interviewed, 96 were in pre-charge detention, five had been charged and were on trial, and 19 had been sentenced, including five who had been sentenced to death. Seventy-nine described treatment that amounts to torture, and 63 said they had witnessed torture in prison. None of those interviewed had been granted access to a lawyer upon arrest or during interrogation, and those who had access to lawyers during their judicial proceedings were not allowed to meet with them privately.

Detainees described beatings with plastic pipes as the most common torture method, and some said they had been beaten with electrical cable, sticks, and fists. Some said they had been suspended from doors or ceilings for hours and given electric shocks. Detainees also described being held in prolonged solitary confinement, which may amount to torture in certain circumstances. Detainees said the torture was intended to extract confessions and to serve as “punishment” for perceived infractions of prison rules.

Many of those interviewed had been suspected of supporting Muammar Gaddafi, Libya’s leader who was ousted in 2011. Some had been detained for common crimes, and others had been suspected of “terrorism” or of belonging to extremist groups, such as the Islamic State (also known as ISIS).

“I have repeatedly asked the prison administration to present me to a judge, but despite multiple promises, it hasn’t happened,” said a detainee at al-Jawiyyah prison in Misrata, who said he had been held for four years without seeing a prosecutor or judge on an accusation of possessing a

machine gun without a license during the 2011 revolution. “Here at this prison it only takes the slightest mistake and you will be beaten.”

On June 17, 2015, Human Rights Watch widespread torture and arbitrary detentions in prisons under the control of the internationally recognized government and allied forces in eastern Libya and called on authorities to put an end to abuses, punish perpetrators, and ensure detainees are granted their full legal rights, including the right to a prompt, fair, and open trial.

The lack of a central government authority has led to a widespread breakdown in law and order and the collapse of an already dysfunctional justice system in many parts of the country, including a near stand-still of legal procedures.

During a meeting with Human Rights Watch on September 22, Ibrahim Bashiya, Libya’s general prosecutor based in Tripoli, acknowledged the dysfunctional state of the judiciary and the problem of arbitrary detentions, and maintained that detainees should be prosecuted rather than held in prolonged detention without charge.

Mustafa al-Gleib, justice minister of the self-proclaimed government in Tripoli, told Human Rights Watch at a meeting on September 19 that he tolerates no act of torture in the prisons, and maintained that torture is not systematic but rather isolated acts by individuals.

Certain serious violations of international humanitarian laws, such as torture, and passing sentence on a detainee without a fair trial, when committed with criminal intent by any party to the conflict, are war crimes. Certain crimes, when committed on a widespread or systematic basis as part of a state or organizational policy to commit the crime, can constitute crimes against humanity during conflict or peace. These crimes include torture and arbitrary detention.

Those who commit, order, assist, or have command responsibility for war crimes or crimes against humanity are subject to prosecution by domestic courts or the ICC.

The ICC prosecutor, Fatou Bensouda, should into ongoing violations in Libya, Human Rights Watch said. The prosecutor has jurisdiction over war crimes, crimes against humanity, and genocide committed in Libya since February 15, 2011. She has not opened a new investigation into ongoing serious crimes, citing instability in Libya and her office’s lack of resources as obstacles.

In August 2014, the UN Security Council adopted [REDACTED], which threatens those responsible for serious crimes in Libya with sanctions, including travel bans and asset freezes. Given the virtually complete impunity for abuses by all sides in the conflict, Security Council members should accelerate implementation of the resolution, which could help keep the crisis from deteriorating further, Human Rights Watch said.

In March 2015, the UN Human Rights Council [REDACTED] an investigative mission, under [REDACTED], with a mandate to investigate serious abuses and violations of international Humanitarian Law – the laws of war – with a view to hold perpetrators to [REDACTED]. The investigative fact finding mission deployed by the high commissioner in July should include in its investigations the patterns of arbitrary detentions, torture, and other ill-treatment in detention facilities in Libya.

“Authorities in Libya have torn up the rulebook on rights of detainees and continue to ignore ongoing torture and other ill-treatment,” Salah said. “Governments and Security Council members should press Libyan authorities to hold those responsible to account and release all detainees held arbitrarily without a legal basis, or face a possible inquiry themselves.”

**Region / Country** Middle East/North Africa, Libya

**Topic** Detention Centers

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