



Tripoli, 1 October 2013 – A report is issued jointly by the UN Support Mission in Libya (UNSMIL) and the Office of the UN High Commissioner for Human Rights, in implementation of UNSMIL’s mandate of assisting Libyans in promoting human rights. The mandate includes supporting Libyan efforts against arbitrary detention and torture, by monitoring abuses in detention centres, advocating for remedial action, advising on judicial reform and building the capacity of Libya’s corrections system.

The report, “Torture and Deaths in Detention in Libya”, said that such abuse of detainees continues despite the Government’s efforts, and recommends swift action to transfer detainees held by armed brigades to effective State control and renewed efforts to build the capacity of the criminal justice system.

It added that prolonged detention and interrogation at the hands of armed brigades without experience or training in the handling of detainees or conducting criminal investigations and no effective judicial oversight create an environment conducive to torture or other ill-treatment. On the other hand, when detention facilities have been handed over to trained officers of the Judicial Police, there have been marked improvements in the condition and treatment of detainees.

The report is based on information gathered first-hand during UNSMIL’s visits to nearly 30 detention centres over two years, including information from detainees, family members, officials and civil society, as well as documentation such as medical reports.

The report indicates that torture is widespread and most frequent immediately after arrest and during the first days of interrogation to extract confessions and other information. Detainees are usually held without access to lawyers and with only occasional, if any, access to families. The vast majority of the estimated 8,000 conflict-related detainees are also being held without due process.

The report records 27 cases of death in custody, where significant information suggests that torture was the cause of death, since late 2011. The UN also received information on several other such cases during this period but was not able to fully document them. Eleven (11) deaths in custody detailed in the report took place in 2013 in detention centres that are under the nominal authority of the Government but, in effect, are run by armed brigades which emerged during the 2011 revolution. In some cases, members of the armed brigades freely admitted, and even tried to justify, the physical abuse of detainees.

In the report, the UN notes that Libyan authorities are committed, at the highest level, to securing the handover of detainees to the State, to ending torture, and to ensuring the proper functioning of the criminal justice system. Since 2012, the Government has sought to bring armed brigades

involved in detentions under the official authority of the State by affiliating them to specific ministries, even though in many cases the armed brigades have retained actual control of the detention centres. In April 2013, Libya also adopted a law criminalizing torture, enforced disappearances and discrimination, providing for terms of imprisonment ranging from five years to life, and in September 2013 Libya adopted a new law on transitional justice which requires conflict-related detainees to be screened within 90 days.

The UN recommends that Libyan authorities and the armed brigades accelerate the process of handing over detainees to the effective control of State authorities, and in the meantime take measures to protect detainees against torture or other ill-treatment. The UN further recommends that Libyan authorities adopt a strategy to screen and, where appropriate, release or charge and prosecute conflict-related detainees, in implementation of the Law on Transitional Justice. They should also build the capacity of the criminal justice system to safeguard detainees against any form of abuse and end impunity for on-going violations.

The Special Representative of the Secretary-General for Libya Tarek Mitri said that the prevailing situation of arbitrary detention and torture “runs against the very goals of the 17th of February Revolution of making a clean break with the systematic human rights violations of the former regime. In accordance with Libya’s national priorities, all Libyans should unite to put an end to the abuse of detainees and contribute to establishing the rule of law in the country,” Mr. Mitri added. “I welcome the proper transfer of detainees already carried out by some brigades.”

UN High Commissioner for Human Rights Navi Pillay said that torture was a key tool of the previous repressive regime in Libya and called for full accountability for the crimes of the past and for ongoing abuses. “Torture is illegal, under any circumstance, with no exceptions,” Ms Pillay said. “The situation of detainees in Libya is alarming and while there has been some progress, there is an urgent need to renew efforts to prevent torture, investigate allegations of torture and prosecute those responsible.”