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## Human Rights Council

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### Technical assistance and capacity-building

## **Written statement\* submitted by World Organisation Against Torture, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 August 2022]

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\* Issued as received, in the language of submission only.



## **Libya: Extrajudicial and Unlawful killings on the rise in an environment where accountability is non-existent**

The OMCT and The Libyan Anti-torture Network (LAN) are concerned over the continually rising numbers of extrajudicial and unlawful killings taking place in Libya in the last two years and condemn these practices. In order to highlight the severity of the situation both inside and outside of places of detention, both organizations drafted together a thematic report based on the documentation gathered by the Libyan Anti-torture Network.

Since the beginning of the armed conflict in 2011, many international and local organizations' reports mention statistics of cases of people being tortured, enslaved, and/or killed in detention centers, prisons, military compounds, and secret detentions in Libya. These locations are witness to a plethora of documented human rights violations. Although international covenants, human rights treaties, and international humanitarian law all prohibited extrajudicial and unlawful killing under all circumstances, the situation has not improved in recent years. In fact, it even worsened with the Libyan state's political, and the failure to restructure and rehabilitate the security institutions and the army. Furthermore, the integration of armed groups into state structures is a major factor regarding the deterioration of the security situation in the country, to the blurred lines between state actors and non-state actors in addition to impeding proper access to justice for victims of such violations and constituting a serious obstruction to the future transitional justice process. It has also led to the creation of an environment where perpetrators can commit these types of crimes in total impunity.

In the last two years, the LAN documented hundreds of cases of extrajudicial and unlawful killings and thousands of cases of torture including cases of arbitrary executions and enforced everywhere in Libya. Despite efforts made by the network's documenters, they were unable to reach out to all the victims' families or witnesses of these grave violations due to the staggering number of cases, how widespread they are throughout the country, and the added difficulty of the high security risks facing them.

The data collected by LAN members clearly shows the extent to which extrajudicial and unlawful killings became systematic and widespread patterns of consistent behavior practiced by official and unofficial state actors on a regular basis without any legal deterrence by governmental institutions and/or ministries responsible for the protection of civilians and migrants in Libya. On the contrary, authorities such as the Ministry of Defense, the Ministry of Interior and other security agencies directly and intentionally contribute to the impunity of their affiliates who commit, order, or allow the killings.

The report focused on the documentation of extrajudicial and unlawful killings in official and unofficial places of detention and prisons in the eastern region, some documented cases from mass graves in Tarhuna city in the central region, migrants' cases in official and unofficial detention centers in Tripoli and the western region, and documented cases in the southern region.

The aim of the report is to analyze the phenomenon of extrajudicial and unlawful killings in Libya to understand its patterns, its consequences, to identify its causes, and to further investigate the reasons behind the prevalence of such a dreadful trend that has been not only normalized and but has also led to impunity. The report is based on information collected through the recording of testimonies of victims who survived and who witnessed the killings and/or executions of Libyans and migrant civilians after being subjected to torture. In addition, this report summarizes and describes the nature of these violations, identifies repeated occurrences of violations in specific sites and their surrounding circumstances, and uses only first-hand information gathered from the LAN's documentation.

The alarming statistics compiled from the documentation collected by the LAN highlight the worrying normalization of this phenomenon which is practiced by different perpetrators including state and non-state actors who act within their capacities as official representatives of the Libyan authorities or in the case of armed groups, those who gained effective control over locations where such violations occurred.

Both organizations can only express their deep concern over the domestic legal framework in Libya, its incompatibility with international standards and the many legislative voids regarding extrajudicial and unlawful killings in the context of an armed conflict and the absence of the state.

OMCT and the LAN call on the Libyan Government\ and judicial authorities to uphold its obligations towards the victims, to amend the existing legislations to address the legal voids concerned with the crimes classified as extrajudicial and unlawful killings in the Libyan context.

Finally, we would take this opportunity to stress the importance of judicial and legal monitoring, documentation, and regulation of the work and proceeding of the concerned authorities in order to provide an environment where it is possible to bring perpetrators to justice and fight impunity in Libya.

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