**Report: The Phenomenon of Abduction and Forced Disappearance and the Future of the Electoral Process in Libya.**

**To: The Working Group on Enforced or Involuntary Disappearances.**

**From: Libya Crimes Watch**

# Introduction:

During the rule of the former Libyan President, Muammar Gaddafi, Libya witnessed the systematic commission of enforced disappearance and torture against political opponents, students, journalists, and human rights defenders. After the fall of the regime in 2011[[1]](#footnote-1), the security and human rights situation deteriorated, especially with the onset of political division in 2014[[2]](#footnote-2). Armed groups affiliated with successive governments and conflict parties in eastern and western Libya continued to commit widespread and systematic acts of abduction, enforced disappearance, and torture. Often, victims have limited to no access to judicial recourse or redress, while members of armed groups frequently enjoy complete impunity.

Armed groups typically carry out the abduction of targeted individuals from the streets, security checkpoints, their homes, or workplaces, subjecting them to enforced disappearance while depriving them of the right to communicate with their lawyers and family members, and isolated from any judicial or administrative oversight. These armed groups often deny holding the disappeared person or having any knowledge of their whereabouts when families attempt to inquire about their fate. Detainees are often subjected to enforced disappearance in secret prisons until they are transferred to an official detention facility, such as those under the control of the Government of National Unity or the Libyan Arab Armed Forces in eastern Libya and its allied government. Armed groups usually target individuals for adopting political opinions or positions conflicting with their interests, or for their civil society activities, religious or sexual orientation, particularly concerning human rights. Additionally, civilians and influencers on social media platforms are targeted. We have observed an increase in abductions and arbitrary arrests during the preparation and execution phases of elections. Therefore, the Libya Crimes Watch Organization[[3]](#footnote-3) seeks to invite the Working Group on Enforced or Involuntary Disappearances to examine the current situation in Libya, provide information about it, and highlight the restrictions imposed on human rights, freedom of thought, expression, political participation, and activity on social media platforms.

# First: Legislative, Legal, and Procedural Context within the Libyan Electoral Process:

Within the framework of the electoral process in Libya, it is notable that Libya has neither signed nor ratified the International Convention for the Protection of All Persons from Enforced Disappearance, which came into force on December 23, 2010, despite 98 countries having done so by 2018[[4]](#footnote-4). However, it must be emphasized that Libya is bound by the International Covenant on Civil and Political Rights, in addition to other international instruments related to human rights, such as the Convention against Torture, among others. Enforced disappearance is considered a violation of a range of human rights stipulated in these instruments, such as the right to freedom, the right to protection under the law, and the right to life. Therefore, Libya exploits its non-signatory status to the convention in systematic practices against political activists and human rights defenders in Libya.

Regarding the electoral situation in Libya and its intersection with human rights, the LCW organisation has not observed any improvement in the human rights situation, nor has there been any tangible progress in activating the role of the judiciary or any progress toward a democratic transition. On the contrary, political parties have continued to postpone the implementation of the (6 + 6)[[5]](#footnote-5) agreement, which calls for developing an electoral plan leading to presidential and parliamentary elections. Instead, the situation has regressed due to the usual political disagreements. There have been no election campaigns throughout the year, and issues of transitional justice and national reconciliation have not been seriously addressed. There have been no serious efforts to support judicial independence in Libya; rather, measures have been taken to conceal violations and war crimes, while others prevent and hinder the work of civil society organizations and international organizations in documenting crimes and violations, without providing national or international alternatives to replace the independent international mission to investigate the facts in Libya, for example.

# Second: Arrests, Enforced Disappearances, and Lack of Consensus on the Legal Framework of the Electoral Process in Libya:

Violations targeting civil society organizations, human rights activists, and political activists in Libya persistently continue. According to the records of the LCW organization, the number of cases of abduction and enforced disappearance in Libya reached 292 cases from the beginning of 2020 until November 2023[[6]](#footnote-6). Currently, the organization is monitoring 13 cases of enforced disappearance. Reports from the LCW organization documented a rise in security campaigns and arbitrary arrests in several cities, including Zawiya, Benghazi, Sabha, Bayda, Sirte, Tripoli, and Derna during 2023. Libyan authorities have contributed to issuing repressive legislation and decisions against civil society organizations and human rights activists, such as Law No. 5 of 2022[[7]](#footnote-7) concerning combating cybercrimes, which security agencies have used as a pretext for conducting arrest campaigns and silencing dissenting voices.

In this context, local authorities have deliberately erected technical and administrative barriers hindering the work of international organizations and humanitarian teams in Libya. These obstacles include complicating visa procedures, denying visas, delaying visa issuance by the Ministry of Foreign Affairs, and obstructing or denying access to humanitarian organizations in certain locations requiring urgent response. Furthermore, the work of media institutions supporting the electoral process has been restricted to Libyan citizens. Violations have continued in prisons and detention centers, where many individuals are arrested without legal procedures, subjected to torture, humiliation, and mistreatment, and denied access to lawyers, doctors, and their families. Secret prisons still exist.

In 2023, political activists and members of a political party were targeted in the city of Sirte, where five party officials were arrested for attempting to organize an awareness seminar about elections or participating in protests to demand improvements in their conditions. In Benghazi, a political activist affiliated with a political party was arrested twice within a week and then released. Arbitrary arrest campaigns escalated during the latter half of the year, with 12 activists arrested in Benghazi and detained in the Kuwafiya[[8]](#footnote-8) Prison, a branch of the Internal Security Agency in Benghazi, without any formal charges. Moreover, activist targeting intensified in the latter half of the year, with "LCW" documenting arbitrary arrests targeting four activists in Benghazi by the Internal Security Agency and the Tariq bin Ziyad Battalion, concurrent with a military operation in the Salmani neighborhood of the city conducted by a group affiliated with the Libyan Arab Armed Forces targeting a group affiliated with former Defense Minister Mehdi al-Barghathi.

In October 2023[[9]](#footnote-9), the Internal Security Agency in the eastern part of the country abducted six political activists, including academics and party members from Benghazi, based on malicious reports submitted against them regarding their activities and holding meetings to discuss the political situation in Libya without prior authorization from the agency. They remain arbitrarily detained in the Kuwafiya Prison, a branch of the Internal Security Agency in Benghazi. Regarding local elections in municipalities, particularly in eastern Libya, the LCW documented numerous violations affecting the electoral process's freedom, integrity, and transparency. This includes the restriction of a candidate's activities in Derna in the eastern part of the country, where he was detained twice within one week in August[[10]](#footnote-10) last year, to force him to withdraw. Additionally, the electoral process in Ajdabiya was directly influenced and deliberately sabotaged by military leaders affiliated with the Libyan Arab Armed Forces led by Field Marshal Khalifa Haftar due to the initial election results not favoring the candidate supported by the commander of 166Battalion.

Moreover, in mid-August in Tripoli, a journalist and at least five protesters were arrested by the Internal Security Agency affiliated with the Libyan Presidential Council after peaceful protests against the government. They were released after pledging not to participate in any future protests. Additionally, mass arrests conducted by both the Internal Security Agency under the Prime Minister's Office in the eastern part of the country and the Tariq bin Ziyad Battalion, affiliated with the Libyan Arab Armed Forces, targeted protesters demanding the formation of an international investigation committee to investigate the circumstances that led to the catastrophe of the collapse of two dams in Derna. It is worth mentioning that these cases are just examples and do not reflect the true extent of the violations.

The issues of impunity and corruption persist as rampant scourges necessitating international intervention to hold those responsible for serious violations accountable, some of which may amount to war crimes and most of which constitute crimes against humanity, including numerous crimes committed in secret prisons and unofficial headquarters. This adversely affects the electoral process in Libya.

Based on the preceding analysis, the Libya Crimes Watch recommends the following:

1. We urge the legislative authority in Libya to join the International Convention for the Protection of All Persons from Enforced Disappearance and commit to its provisions. Effective measures should be adopted to prevent enforced disappearances and hold those responsible accountable.
2. We recommend that the United Nations Human Rights Council exert more pressure on Libyan authorities to ensure respect for and protection of human rights, freedom of expression, peaceful assembly, and association in Libya. This can be achieved by urging them to enact legislation that enhances these rights and ensures their implementation on the ground.
3. We call on Libyan authorities to enhance respect for and protection of human rights, freedom of thought, expression, peaceful assembly, and association in Libya through the enactment of legislation and issuance of decisions that promote these rights and ensure their implementation on the ground. Restrictive legislation and decisions should be repealed.
4. We demand that Libyan authorities track and close all secret prisons and detention centers.
5. We call on Libyan authorities to improve the conditions of official prisons and detention centers in line with international human rights standards. Efforts should be made to end the practice of torture or other forms of cruel, inhuman, or degrading treatment or punishment. This includes allowing visits by lawyers, doctors, and humanitarian and human rights organizations to prisons and detention centers.
6. We urge the Human Rights Council to provide international and technical support for the electoral process in Libya. Independent international observers should be sent to monitor the elections to ensure their fairness and transparency. This includes providing training for civil society organizations to educate voters and create an environment conducive to political participation freely, fairly, and transparently.
7. We recommend that the international community intensify pressure on Libyan authorities and relevant international investigative mechanisms to investigate all committed violations and war crimes. Efforts should be made to prosecute those involved and bring them to justice, as well as to provide redress and justice for victims and survivors
1. [ليبيا: 12 عاماً على سقوط معمر القذافي والأزمة مستمرة - BBC News عربي](https://www.bbc.com/arabic/articles/clezge80xepo) [↑](#footnote-ref-1)
2. [ثمانية أعوام من الصراع والانقسام في ليبيا ولا بوادر لحل | اندبندنت عربية (independentarabia.com)](https://www.independentarabia.com/node/383321/%D8%A7%D9%84%D8%A3%D8%AE%D8%A8%D8%A7%D8%B1/%D8%A7%D9%84%D8%B9%D8%A7%D9%84%D9%85-%D8%A7%D9%84%D8%B9%D8%B1%D8%A8%D9%8A/%D8%AB%D9%85%D8%A7%D9%86%D9%8A%D8%A9-%D8%A3%D8%B9%D9%88%D8%A7%D9%85-%D9%85%D9%86-%D8%A7%D9%84%D8%B5%D8%B1%D8%A7%D8%B9-%D9%88%D8%A7%D9%84%D8%A7%D9%86%D9%82%D8%B3%D8%A7%D9%85-%D9%81%D9%8A-%D9%84%D9%8A%D8%A8%D9%8A%D8%A7-%D9%88%D9%84%D8%A7-%D8%A8%D9%88%D8%A7%D8%AF%D8%B1-%D9%84%D8%AD%D9%84) [↑](#footnote-ref-2)
3. It is an independent, non-governmental, non-profit human rights organization established in 2019, registered in the United Kingdom. It operates on the ground throughout Libya through a network of monitors and specializes primarily in monitoring, documenting, and reporting crimes and human rights violations against civilians in Libya. Its aim is to promote a culture of human rights, hold perpetrators accountable, and combat impunity. You can visit the organization's official website through the following link: [Libya Crimes Watch (lcw.ngo)](https://lcw.ngo/en/)Top of Form [↑](#footnote-ref-3)
4. You can refer to the list of countries that have signed and ratified the convention by visiting the following link: Committee on Enforced Disappearances | OHCHR [↑](#footnote-ref-4)
5. [لجنة "6 + 6" الليبية توقع اتفاقيات صياغة القانون الانتخابي الليبي | Euronews](https://arabic.euronews.com/2023/06/07/libyas-6x6-committee-sign-agreements-drafting-libyan-election-law-bouznika-moroccan) [↑](#footnote-ref-5)
6. You can access the monthly reports and documentation of all violations committed by the organization from inside Libya by visiting the following link: [LCW NGO](https://lcw.ngo/)

Top of Form [↑](#footnote-ref-6)
7. [قانون رقم 5 لسنة 2022 م بشأن مكافحة الجرائم الإلكترونية - المجمع القانوني (lawsociety.ly)](https://lawsociety.ly/legislation/%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%B1%D9%82%D9%85-5-%D9%84%D8%B3%D9%86%D8%A9-2022-%D9%85-%D8%A8%D8%B4%D8%A3%D9%86-%D9%85%D9%83%D8%A7%D9%81%D8%AD%D8%A9-%D8%A7%D9%84%D8%AC%D8%B1%D8%A7%D8%A6%D9%85-%D8%A7/) [↑](#footnote-ref-7)
8. You can access the monthly reports issued by the organization, relying on field monitoring from inside Libya, through the following link: [LCW NGO](https://lcw.ngo/%22%20%5Ct%20%22_new)Top of Form [↑](#footnote-ref-8)
9. You can access the report on human rights violations in Libya during October 2023 through the following link: [LCW NGO](https://lcw.ngo/) [↑](#footnote-ref-9)
10. You can access the report on human rights violations in Libya during August through the following link [LCW NGO](https://lcw.ngo/) [↑](#footnote-ref-10)