

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

Index: MDE 19/4291/2016  
17 June 2016

### **Libya: Killing of 12 detainees after court orders their release must be investigated**

Twelve former detainees were shot dead on 9 or 10 June 2016, shortly after an order by the Libyan Supreme Court for their 'release under supervision' from the al-Baraka prison (commonly known as al-Ruwaimi) in Tripoli. Amnesty International is calling on Libyan authorities to immediately act on their pledge to conduct an investigation into the killings and break Libya's endemic cycle of impunity by holding to account those found to be responsible. The investigation must be thorough and impartial and have the necessary powers and resources to be effective.

The bodies of the 12 men were dumped in different parts of Tripoli and found by passers-by who alerted the authorities. The men belonged to a larger group of 19 detainees due for release on 9 June, some of whom have been in pre-trial detention since 2011. They were accused of being former members of the al-Gaddafi government's revolutionary guard and being involved in the brutal crackdown on demonstrators during the 2011 Libyan uprising.

According to one of the victims' family members, following the announcement of the detainees' release, the families were contacted and advised to produce for the authorities the passport of their detained relatives, in order to process their release. The prisoners were never handed over to their families, however. One of the family members interviewed by Amnesty International alleged that the detaining authorities opposed their release. He said, "they [the prison authorities] weren't happy with the decision to release them, so they made sure they didn't leave that prison alive".

The bodies of the victims, Othman al-Wash, Mohamed al-Wash, Marwan Anbiya, Wajdi Abugasim, Akram Nassr, Mohamed al-Riyahi, Ashraf Lamloum, Mohamed Abdalati, Ali al-Trabils, Salah al-Swa'ai, Rabe'a al-Snaid, Ali al-Wa'ar, were brought to the morgue at Tripoli Medical Centre on successive days following 10 June, having been discovered at different times and locations in Tripoli. According to a source at Tripoli Medical Centre, they were all riddled with bullet wounds throughout their bodies including to the chest and head, but there were no signs of their hands and feet being tied or of torture. "This may be an indication that they were unrestrained and perhaps even unaware of what their fate would be", the source added. "They were all killed no longer than 48 hours from when they were scheduled to be released".

Amnesty International has not been able to verify widely reported allegations that the men were tortured. One of the victims who was brought to the Tripoli Medical Centre morgue had marks on his body that a family member described as signs of torture, including extensive burns and dog bite marks. However, according to the source at the Tripoli Medical Centre, the marks may have in fact

been a result of the natural discolouration of parts of the body following death, which can be mistaken for bruising.

The al-Baraka Corrections and Rehabilitation Institution in Tripoli officially operates under the authority of the Ministry of Justice. The internationally-backed Government of National Accord (GNA), based in Tripoli since 30 March 2016, has slowly been extending its authority in the capital by taking over the ministries of Health, Interior, Education and Foreign Affairs. It has yet to exert full control over the Ministry of Justice, however.

Since 2011 Amnesty International has documented several cases where detainees were abducted, re-arrested or shot at following their release, by militias opposing release orders. The organization has also documented the prevalence of torture and other ill-treatment carried out with impunity in detention centres under the control of militias and successive governments in Libya, including al-Baraka prison. Amnesty International is not aware of anyone suspected of being responsible for torture or other ill-treatment being prosecuted since the end of the 2011 conflict. Thousands of people detained in connection with the 2011 conflict remain held without due process. Many have been detained without charge or trial, judicial review or access to lawyers.

The killing of the 12 men highlights the continuing prevalence of lawlessness in Libya. The lack of a central authority and the absence of law enforcement and a functioning justice system in Libya has created a pervasive atmosphere of impunity which has allowed perpetrators of such acts to evade prosecution and accountability. The UN-brokered political agreement that led to the formation of the GNA includes strong provisions on human rights and accountability, but they can only be implemented if the GNA is able to consolidate its power and restore the rule of law. These provisions include the release of all persons held without charge or trial, and the prosecution and punishment of perpetrators of murder, torture and other crimes under international law.

Though it is unclear, pending the outcome of the investigation, who is behind the killing of the 12 former prisoners, the al-Baraka prison authorities as well as the Ministry of Interior as a whole had a clear responsibility to protect the former detainees from harm until such time as their relatives were able to receive them following their release. In this regard, the authorities had gravely failed in their obligation of due diligence to protect the right to life and physical integrity of the detainees.

Amnesty International notes Prime Minister Fayeza al-Sarraj's condemnation of the killings, and the Presidential Council's call for a formal investigation to be opened by the relevant bodies. The United Nations' Support Mission in Libya (UNSMIL) has also expressed its condemnation, calling for the establishment of a joint national-international investigation into the case.

According to statements made by the Head of the Investigations Department at the Public Prosecutor's office, Siddiq al-Sur; a committee to investigate the killings has been established by the Public Prosecutor with the aim of identifying those responsible and bringing them to justice. It must be made clear however, and in sufficient detail, what measures of investigation are actually being taken to investigate these killings, which appear to bear the hallmarks of extrajudicial execution. The investigations must be impartial, thorough and effective, as required by international law, and capable of identifying and leading to the prosecution of those suspected of being responsible. The family members of the victims must also be kept informed of the progress of the investigations, and witnesses must be protected.

Despite its continued jurisdiction over Libya and the scale of documented abuses, the International Criminal Court (ICC) has so far failed to expand its investigations into ongoing crimes under international law perpetrated, citing a lack of resources and instability. Amnesty International continues to call on the International Criminal Court (ICC) to investigate crimes under international law committed by all sides with complete impunity since 2011.

So far, there have not been any meaningful investigations, leading to prosecutions, into crimes allegedly perpetrated by armed groups affiliated with successive governments in Libya. In light of these concerns, Amnesty International urges Libya to request assistance from the international community in conducting this investigation. States must also be willing to provide such assistance if requested.

The Libyan authorities must show they are willing to take action to break through the culture of impunity and lawlessness by ensuring that impartial, thorough and effective investigations take place into the killing of these 12 former detainees, and that those suspected of responsibility are brought to justice in fair trials without resort to the death penalty. This is just one example of how immediate action must be taken by the Libyan authorities to restore the rule of law, bring an end to the cycle of revenge and abuses, and show a commitment to respecting human rights.