

General allegation

116th session (10–14 September 2018)

Libya

7. The Working Group received information from sources concerning reported violations of the Declaration on the Protection of All Persons from Enforced Disappearance in Libya.

8. According to the sources, 1,161 detainees of the Abu Salim Prison had been victims of a mass enforced disappearance between 28 and 29 June 1996 in the aftermath of a mutiny which took place on 28 June 1996. Since then, there has been no official public account of the crime, no definitive official list of the missing detainees, and no trial for those accused of involvement in committing the crime.

9. It was reported that during the years of 2007 and 2008, several families of the missing detainees undertook legal proceedings to know their whereabouts. On 8 June 2008, the Benghazi North District Court ordered the State to reveal the fate of the disappeared detainees.

10. The sources also reported that on 1 October 2011, the District Attorney Office (DA) of Abu Salim district started an investigation into the case. The accused were held at the Hadhba Prison.

11. According to the sources, on 26 June 2013, the General National Congress (GNC) issued a Decree setting up a special commission to identify those who were disappeared and proposed measures of reparations, directing the General Attorney (GA) to take the legal measures to investigate the case, identify the perpetrators and bring them to justice.

12. On 18 December 2013, the GNC issued law No. 31, which defined the massacre as a crime against humanity, required the State to investigate, define provisions for reparations and establish a fact-finding commission to investigate the massacre. Yet, no investigation or fact-finding commissions have been established.

13. It was reported that on 12 March 2017, the Office of the GA of Libya completed the investigation started by the DA and prepared the indictment of 172 individuals in the case.

14. On 26 May 2017, the “Tripoli Revolutionaries Battalion” militia attacked the Hadhba Prison, and reportedly moved the detainees to an undisclosed location. Among the detainees taken, were those accused of the Abu Salim Prison massacre who were awaiting trial.

15. On 29 May 2017, the GNA reportedly celebrated openly the operation, which it said had been carried out by “forces belonging to the government’s security institutions”. According to the sources, the “Tripoli Revolutionaries Battalion” militia works under the Government of National Accord (GNA).