

# LIBYA ACCOUNTABILITY UPDATES

Welcome to the second edition of Libya Accountability Updates. This is a quarterly look at the accountability situation in Libya, brought to you by Lawyers for Justice in Libya (LFJL), with the support of Libya Crimes Watch (LCW).

In September 2023, the catastrophic onset of Storm Daniel in eastern Libya that caused the collapse of two nearby dams, shook the region and put Libya back in the global spotlight as victims and onlookers asked who was to blame for the scale of destruction and staggering death toll. In the political arena, new electoral laws drafted by the 6 + 6 Joint Committee were reportedly recently approved by the House of Representatives (HoR), indicating that Libya's road to national elections may soon reopen after two years of delay. Meanwhile, sporadic pockets of violence and ongoing human rights violations continue to take place across the country with near total impunity.

In this second edition, we provide information on violations documented in Libya and analyse developments on the international stage. To contribute to future editions of this update, please contact LFJL at: [accountability@libyanjustice.org](mailto:accountability@libyanjustice.org)

## A SNAPSHOT ON THE GROUND – IN COLLABORA- TION WITH LCW



LIBYA CRIMES WATCH  
رصد الجرائم في ليبيا

Below is a snapshot of human rights violations, potentially amounting to serious international crimes, committed in Libya between July and September 2023, as documented and verified by LFJL and LCW.<sup>1</sup>

The below cases signal to the ongoing use of abduction and arbitrary detention, primarily perpetrated by the Internal Security Agency (ISA) and other militia and security factions.

### *Abductions and arbitrary detention*

- On 28 July, armed men from Stability Support Apparatus (SSA) abducted [Walid Mohamed Alhadid Altarhouni](#) from his home in Al-Hadhba, Tripoli. According to eyewitnesses interviewed by LCW, armed men wearing SSA uniforms and driving SSA cars conducted the operation. The armed men took Mr. Altarhouni to an undisclosed location. The family are still seeking to understand the reason for the abduction. On 12 August, LCW confirmed that Mr. Altarhouni's body was identified in Tripoli's morgue. According to a

<sup>1</sup> This list is not exhaustive and it does not seek to portray a complete picture of the violations and crimes committed.

preliminary medical forensic report consulted by LCW, he died of a heart attack and his body had signs of injury on his back, thighs and legs due to physical violence and ill-treatment allegedly due to torture he endured during his detention. There has been no investigation into his death.

- On 31 August, armed men from the Internal Security Apparatus (ISA) abducted [Salim Salem Alchibhl](#), a 32-year-old photographer, in Tripoli after he participated in protests against the Government of National Unity (GNU) organised by the “Youth Movement of Al-Hadaba District”. The ISA took Mr. Alchibhl to an undisclosed location. He was not able to contact his family or a lawyer during his detention and was never formally charged. After his release, Mr. Alchibhl confirmed to LCW that he was detained by the ISA because of his criticism of the GNU’s foreign minister.
- On 6 September, four armed men wearing civilians’ clothes and driving in two black Hyundai cars, abducted [Al-Mabrouk Saad Hassan Al-Mughrabi](#), 57 years old, near his home in Ajdabiya, east Libya. The armed men took him to an undisclosed location. Al-Mabrouk’s family informed LCW that they received credible information that he was detained by the ISA. He was unable to communicate with his family or a lawyer. Al-Mabrouk is a former army official, renowned for his opposition to Gaddafi and his advocacy around the victims of the Libyan-Chadian war. In recent social media posts, he talked about Khalifa Haftar’s role and his failure in the war. On 23 September, after 17 days in arbitrary detention, Al-Mabrouk was released without charge.
- On 6 September, a dozen masked armed men abducted the activist and media figure [Abdul Malik Almadani](#) from his car in front of his home in Mistrata. A security camera video recording was [published](#) by his family showing the moment of his abduction. According to his family, Almadani was taken to a prison at the ISA headquarters in Tripoli. He was accused of inciting a rebellion against the GNU after he posted criticism of the ‘secret meeting’ of the Minister of Foreign Affairs with her Israeli counterpart on his social media platform. Mr. Almalik was released on 17 September without charge.

#### Migration

- On 29 August 2023, The Guardian published graphic [footage](#) of a woman lying dead on the floor of Abu Salim migration detention centre – under the authority of the Department for Combating Illegal Immigration (DCIM), Ministry of Interior – in Tripoli, Libya. The 30-second video, reportedly verified by Médecins Sans Frontières (MSF) and a UN source, is believed to have been filmed two weeks prior to being published. The deceased woman in the video, believed to be of Somali origin, lies amongst a crowd of other female detainees who desperately call out for help.

Sources say she may have died from tuberculosis. While further information about this case is yet to be confirmed, it is consistent with a pattern of grave human rights violations and crimes committed every day against women, men and children inside and outside of migration detention centres in Libya, with complete impunity. These widespread and systematic crimes against migrants, asylum seekers and refugees, could amount to [crimes against humanity](#).

#### Indiscriminate attacks against a civilian population

- On 14 and 15 August, armed clashes [occurred](#) in Tripoli between 444 Brigade and Special Deterrence Force (Rada). The fighting took place near Mitiga Airport, in the al-Hadbha and Khalet al-Furjan areas of Tripoli. Both armed groups used heavy weapons in densely populated areas. LCW documented the case of [Ziad Muhammad Al-Mazoughi](#) who died as a result of a bombshell hitting his house in Al-Zuhur neighbourhood. According to the [Special Representative of the Secretary-General for Libya](#), 55 civilians were killed and over 100 were injured during these armed clashes. Both the 444 Brigade and Rada failed to respect fundamental rules of international humanitarian law, including those related to the prohibition of indiscriminate attacks, distinction between civilian and military objectives and failed to take the necessary precautions as the likelihood of civilian deaths and injury could have reasonably been anticipated.

#### STORM DANIEL FLOODS IN EASTERN LIBYA

On 11 September, Storm Daniel hit Derna and other nearby towns and cities in eastern Libya, causing two dams upstream of Derna to collapse. Experts estimate that 30 million cubic metres of water were released when the dams broke. A month later, the death toll is still disputed, indicating the possible manipulation of statistics by state actors. Over 8,500 persons are still reported missing, and more than 40,000 are displaced.

In a recent UN Security Council [briefing](#), Special Representative Abdoulaye Bathily told ambassadors the disaster had revealed “severe governance deficits”. Yet despite protests by the Libyan people, little has been done to advance accountability for the gross negligence and corruption of the Libyan government that led to this scale of damage and loss of life. Protesters were also met with a wave of arrests that targeted journalists and civil society, holding them under conditions that may amount to enforced disappearances.

## INTERNATIONAL ANALYSIS

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*In this section, LFJL delves deeper into developments on the international stage regarding Libya and the role of international actors in bringing tangible and meaningful justice on the ground.*

In the direct aftermath of Storm Daniel when all eyes were on Libya and people began to ask for responsibility and accountability for the scale of the disaster, it quickly became clear that decades of negligence and corruption may have significantly contributed to, if not caused the destruction witnessed.

In 2021, Libya's audit bureau reported that nearly 2.3 million euros had previously been appropriated by Libya's Ministry of Water Resources, with the purpose of maintaining these dams. A company was contracted to carry out the necessary work, but this work never took place and the dams were not maintained, despite warnings in a research paper as recently as November 2022 stating that "immediate measures must be taken for routine maintenance of the dams, because in the event of a big flood, the consequences will be disastrous for the residents of the valley and the city."<sup>2</sup>

As this information came to light, on 18 September 2023, hundreds of protestors called for truth, justice and accountability for the disaster and its consequences, and compensation for the damage caused, among other demands. While the forces of Khalifa Haftar quickly focussed on preventing any further protests through arbitrary arrests and detention, the calls for accountability and reparation did not lessen.

Under international human rights law, states have an obligation to take measures to prevent and protect against consequences of disasters, and to prepare for and address natural and man-made disasters.<sup>3</sup> Where this does not happen, an independent and impartial official investigation must take place. Such an investigation must be prompt, effective and aimed at identifying the circumstances in which the incident took place, potential shortcomings in preparing for potential disasters, and the officials or authorities involved. It should further include a comprehensive register of loss, harm and damage suffered, to ensure that victims are able to obtain adequate and tailored measures of reparation, designed not only to repair, but also to guarantee non-repetition of similar disasters in the future.

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2 Abdelwanees A.R. Ashoor, Estimation of the surface runoff depths of Wadi Derna Basin by integrating the geographic information systems and Soil Conservation Service (SCS-CN) model, in *Sebha University Journal of Pure & Applied Sciences* Vol.21 No.2 2022.

3 See for example the human rights obligations set out by UN experts in response to the Beirut blast in 2020: OHCHR, *UN human rights experts call for justice and accountability in response to Beirut explosion*, 13 August 2020, available at: <https://www.ohchr.org/en/press-releases/2020/08/un-human-rights-experts-call-justice-and-accountability-response-beirut?LangID=E&NewsID=26163>

While Libyan authorities initiated some domestic investigations into the causes of the disasters, the crackdown on voices demanding accountability clearly puts into question their will to hold those responsible to account. The collapse of the Libyan justice system, allegations of endemic corruption and long-standing attacks against lawyers and judges also mean that Libya does not currently have the capacity to carry out an independent and impartial investigation.

In response, Libyan civil society groups, including LFJL, have formed the [Accountability Action Group](#) to advocate for the establishment of an independent international mechanism to investigate the state's responsibility for the disaster and to establish individual responsibility for the dams' collapse. Officials responsible need to be held to account. Victims need to obtain reparation.

This is uncharted territory for international accountability. For example, calls by civil society in Lebanon and beyond for the establishment of an international investigation into the Beirut Port Explosion have yet to be heard. However, widening the mandate of more traditional international investigative mechanisms to also encompass state failure to adequately respond to disasters should be urgently explored as the destructive power of climate change, corruption and negligence are only likely to become more and more intertwined in the future.

## EXPERT INSIGHTS

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*LFJL spoke to Zena Wakim, international lawyer and president of the board of Accountability Now,<sup>4</sup> on Lebanese civil society's quest for accountability for the 2020 Beirut Port Explosion<sup>5</sup> and what lessons can be drawn for the Storm Daniel disaster.*

**The 2020 Beirut Port Explosion, as the recent Storm Daniel dam collapse in Libya, allegedly resulted from years of alleged corruption and negligence. Looking at this from a human rights perspective, what does this mean in terms of state responsibility for those who were killed, displaced and who lost property?**

Referring to "state" responsibility creates a level of abstraction as to whom is really responsible. We are talking here about a group of individuals who captured the state and turned it into a host on which they can feed. In my perspective, responsibil-

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4 Accountability Now is a Swiss foundation whose mission is to support Lebanese civil society in its desire to put an end to the impunity of leaders who have promoted their private interests to the detriment of that of the Lebanese people.

5 Massive explosion in the port of Beirut on 4 August 2020, resulting in at least 170 people killed and more than 300,000 homeless. Lebanese officials were allegedly implicated in the [explosion](#), which was followed by widespread calls for an independent international investigation.

ity should be individualised and specific. It's difficult to bring a state or regime to court, but those who seize control of the state to benefit themselves or the regime, at the expense of the population, can and should be prosecuted.

Victims of severe human rights violations must pursue the perpetrators, putting a face and name to each one. It can be a collective quest for justice, but individual efforts can be just as effective. A very recent example is the criminal complaint filed by Omar Abou Nabout in France to seek justice for his father's killing in a barrel bomb attack in Syria. French magistrates issued arrest warrants against Syrian military officials, including two former defence ministers in an unprecedented move of the French judiciary. *Accountability Now* has also supported individual quests of victims of the Beirut port explosion to initiate proceedings in France and in the United States, and both are very promising. Similar strategies could be considered by the victims of the Storm Daniel dam collapse.

#### **Why are accountability, and reparation for victims, so important in the context of such disasters?**

The declaration of *Basic Principles of Justice for Victims of Crime and Abuse of Power of the United Nations* embodies the universal principle that victims should be treated with compassion and respect for their dignity, and that they should be entitled to access to justice and to prompt redress. Both in Lebanon and in Libya these principles remain a mere concept. Three years after the Beirut port explosion, no victims have yet been heard by any state authority, and those who survived their loved ones have no judicial recourse whatsoever. How can we expect them to heal without justice?

Judgements are also a determinant of trust in authorities, and both in the case of the Beirut port explosion and in the Storm Daniel dam collapse, the population has been abandoned by those in power. Mounting calls for international investigations into both disasters reflect the deep public mistrust in state institutions and this is why in the context of such disasters, accountability becomes even more important. It will trigger a change in behaviour and in the culture of impunity, and pave the way for a state governed by the rule of law.

#### **What is the biggest challenge you have faced so far in seeking accountability for the Beirut Port Explosion?**

Lebanese civil society initially hoped for justice in the aftermath of the blast, believing even the most corrupt judges will return to reason and abide by their code of conduct, given the barbarity of the crime. But after three years, the stark reality in Lebanon asserted itself: business always comes first.

The vast majority of the victims of the blast are also struggling with the logistics of survival and have this deep desire for their lives to go back to normal, at the expense of justice. This is

neither a financial nor a legal challenge but a human one and it has certainly been the most complex one we had to deal with. The determination of the victims is key, and it is only the determination of the victims that makes history.

#### **What in your view are some of the lessons learned from the domestic investigation into the Beirut Port Explosion that could be usefully applied in the context of Libya, also in light of how corruption impedes accountability efforts?**

Seeking justice demands creativity and resourcefulness for avenues both within and outside the country. There is often a weak link in these cases which allows us to obtain solid evidence, be it from an insider holding key information and willing to blow the whistle, or from a corrupt politician offering tips in exchange for immunity.

When facing a politicised judiciary at the national level, it is often possible to explore legal avenues in Europe, where jurisdiction could be given based on a dual citizenship of a perpetrator, on the residence or nationality of the victim, or even at the place of location of ill-gotten assets. For example, in the case of Riad Salameh, the ex-Governor of the Lebanese central bank, he is a dual Lebanese and French citizen, which facilitated the launching of an investigation by the French authorities. Also, we discovered that he owned real estate and companies in Europe for several hundreds of millions of dollars which then allowed us to file criminal complaints in Switzerland and the UK and have his assets seized. This approach could serve, indirectly, to seek justice for human rights abuses, embodying the spirit of the French saying, "If the door is closed, come in through the window."