

DOCUMENTATION GUIDE

The Practical Guide to Documenting Serious International Crimes in The Libyan Context



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L C W
LIBYA CRIMES WATCH
رصد الجرائم في ليبيا

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We dedicate this work to all victims and survivors who deserve justice, and to all human rights defenders in Libya.

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INTRODUCTION

Since its establishment in 2019, Libya Crimes Watch (LCW) has operated as an independent human rights organisation led by survivors. LCW follows a rigorous methodology consistent with international law and standards and relies on a vast network of field researchers, documenters, and collaborators covering multiple regions across Libya. This has enabled LCW, in a short period, to become one of the leading organisations in monitoring and documenting human rights violations and international crimes in the country.

The vision for this guide emerged after LCW reviewed its field experiences and assessed the needs of both local and international actors working in the human rights field in Libya. LCW also conducted consultations with documenters, researchers, and local and international networks, in addition to reviewing other training manuals and adapting them to the Libyan context. Its key themes were identified following discussions with representatives of several local

organisations from the Libya Crimes Watch local network and its partners.

This guide responds to an urgent need created by the continuous commission of grave violations and international crimes in Libya alongside a prevalent climate of impunity and the widening gap in independent monitoring and documentation, amid limited expertise and the scarcity of suitable resources tailored to the Libyan context. This comes in addition to restrictions on freedom of expression and association, as well as attacks targeting civil society organisations and human rights defenders. This guide aims to provide a practical methodology and applicable tools to build coherent documentation files that support advocacy, accountability, and litigation efforts at national, international, and regional levels, while preserving memory and preventing the disappearance of truth.

This guide is addressed primarily to activists and human rights defenders, as well as workers in human rights organisations. It is also beneficial for lawyers, journalists, researchers, and documenters concerned with the

Libyan situation, as well as for students, academics, and international organisations monitoring the human rights situation in Libya.

The first part covers the most relevant international laws and standards to human rights, including International Human Rights Law and State obligations; International Humanitarian Law and the duties of parties to armed conflicts; an introduction to international serious crimes; as well as International Criminal Law and its mechanisms for enforcement and jurisdiction. The second part presents the documentation processes and methodologies across different stages, including ethical and objective standards, classification and legal analysis of violations according to applicable laws and standards, analysis of information and ensuring its credibility and accuracy, professional and ethical engagement with victims, survivors, and witnesses, and analysis of the national legal frameworks and its compatibility with international law and standards.

The guide also includes case studies from the Libyan context that show the research methodologies to be followed for the documentation of violations committed by various actors, including armed groups and security agencies in eastern, western, and southern Libya targeting groups such as minorities, women, youth, internally displaced persons, and migrants. These case studies are situated within a broader context in which legislation is often used to restrict freedoms and legalise repression. It further highlights, through contextual remarks, the challenges faced by practitioners in the Libyan context and offers practical guidance to address them. This work is grounded in LCW's conviction that documentation is the first and most crucial step in the pursuit of justice, and that building a shared knowledge base enables a new generation of documenters and researchers to contribute to achieving justice for victims and to combating and ultimately ending impunity in Libya.

PART ONE

The Legal Framework and Standards

This section provides the essential foundation that every researcher and documenter needs to understand the international legal context when documenting violations. It introduces and explains the sources of international law, International Human Rights Law, International Humanitarian Law, and International Criminal Law, while clarifying the obligations imposed on Libya and armed actors. Its aim is to serve as a concise, accessible reference that provides documenters and researchers with the necessary background on relevant laws and standards, enabling them to analyse violations and classify documented incidents under the appropriate legal provisions.

INTERNATIONAL LAW AND ITS SOURCES

When we speak about international law, its origin differs entirely from that of domestic laws. Its sources can be summarised into five main categories, as set out in the Statute of the International Court of Justice, with the possibility of addition. **These are international treaties or conventions, Customary International Law, general principles of law, judicial decisions, and the opinions of prominent scholars.** These are the tools needed to classify violations and crimes and to link them to the appropriate legal provisions during the documentation process.

First: International Conventions

Also referred to as conventions or protocols, these are agreements between States or between States and international organisations. They are considered one of the principal sources of international law and a source of legal obligation. A treaty is binding only on

those States that accept it and become parties to it through signature and ratification or accession.

It should be noted that non-accession to a particular treaty does not mean that the prohibition of certain serious crimes does not exist, as such prohibitions remain in force when they are established under Customary International Law.

In the Libyan context, this applies, for example, to enforced disappearance. Although Libya is not a party to the International Convention for the Protection of All Persons from Enforced Disappearance, the legal prohibition of enforced disappearance remains binding under Customary International Law. It obliges Libya to take immediate measures to search for forcibly disappeared persons and to disclose their fate and whereabouts. This leads us to the second source of international law, which is Customary International Law.

Second: International Customary Law

After treaties, which impose obligations on States that become parties to them, there remains another avenue when no applicable treaty exists, such as the prohibition of enforced disappearance in the Libyan context, as mentioned earlier. This avenue is Customary International Law.

International Customary Law is not a written text, yet it is binding on States. For a practice to qualify as custom, two interrelated elements must be present, neither of which can exist without the other:

- **Widespread and consistent State practice:** The majority of States follow a similar course of conduct on the same issue, as is the case with the prohibition of torture.
- **Belief in legal obligation (opinio juris):** Evidence that States act in a certain way because they consider it a legal duty, not merely a matter of courtesy. This is reflected in official statements, judicial

decisions, legislation, and diplomatic practice.

It is important not to confuse Customary International Law with standards that complement international law. Customary international law, as noted, is binding on all States, whereas international standards are not legally binding, such as the Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) or the general comments issued by treaty bodies. Nevertheless, although these standards are non-binding, they are an important and essential part for interpreting international law and States' obligations.

Third: General Principles of Law

These refer to **well-established principles applied in most national legal systems.** They are used as a supplementary source when neither a treaty provision or nor a customary rule is sufficient to address a specific issue. Their role is to interpret or complement an international rule only to the extent necessary, without creating a new rule

or altering the hierarchy of sources of international law. They provide a coherent legal foundation in areas where treaty law and International Customary Law leave no clear answer, while preserving consistency with the existing international legal framework.

Fourth: Judicial Decisions and the Opinions of Prominent Scholars

Judicial decisions and the opinions of scholars are considered **subsidiary** means for determining and

understanding the rules of international law, rather than sources that create those rules. International law does not operate based on binding precedent in the same way as in some domestic legal systems; a judgment of an international court is binding only on the parties to the dispute in which it is rendered¹. Nevertheless, international courts frequently cite prior decisions, and national courts and international bodies rely on scholars' opinions to clarify the content of legal rules and the direction of their development.

The Supremacy of International Obligations over Domestic Law

The 1969 Vienna Convention on the Law of Treaties establishes a clear rule: a state may not invoke its domestic law to justify the failure to perform its international obligations. By ratifying a treaty, a state undertakes to implement it before the international community and must align its domestic laws with those obligations in case of any conflict. This principle preserves the stability of the international legal system, as allowing states to rely on domestic law would undermine treaties and erode mutual trust between states.

In the Libyan context, this principle is fundamental given Libya's commitments under human rights treaties, such as the International Covenant on Civil and Political Rights, the Convention Against Torture, the African Charter on Human and Peoples' Rights, and the Palermo Protocol on Trafficking in Persons. If domestic legislation conflicts with these international obligations, invoking domestic law is not accepted as a justification for violating rights. Instead, the state must review its legislation and ensure its alignment with the standards it has committed to internationally.

INTERNATIONAL HUMAN RIGHTS LAW

After reviewing how the rules of international law are formed and the main sources on which they rely, we now move to the branch most closely linked to documentation, which is International Human Rights Law. This branch of law consists of a set of rules and standards aimed at protecting and promoting the rights of all individuals, without discrimination based on race, colour, religion, language, nationality, national origin, place of residence, gender, political opinion, or any other status. **These rights are universal, interdependent, interrelated, and indivisible,** and this branch is founded on the sources previously discussed.

First: When does it apply?

International human rights law **applies at all times, whether in times of peace or during armed conflict,** as is the case in Libya. When an armed conflict arises, International Humanitarian Law does

not replace human rights law but complements it. Human rights protections remain in force while considering the practical dynamics of the conflict.

Although in situations of emergency, a State may, under the International Covenant on Civil and Political Rights (ICCPR), restrict certain obligations under strict conditions, this must never affect non-derogable rights, such as:

- the right to life,
- the prohibition of torture and slavery,
- recognition before the law,
- and freedom of thought and conscience².

Second: Who does it address?

This body of law **addresses States,** not individuals. It establishes the State's responsibility to respect, protect, and fulfil human rights for all persons under its jurisdiction. It does not establish individual criminal liability; this falls within the scope of International

Criminal Law, which will be presented later in this guide.

For example, if an international or regional human rights mechanism finds that someone in Libya was subjected to torture or enforced disappearance under International Human Rights Law,

the responsibility lies with the State, which would be required to take steps such as stopping the violation, investigating and ensuring accountability, providing reparation, and aligning its legislation and practices with its international obligations.

Application to Non-State Actors

Non-State actors are entities that are neither States nor official organs of the State, yet still have a real impact on individuals' enjoyment of their rights. This primarily includes organised armed groups that possess a political and leadership structure, exercise control over territory and population, and operate outside the formal chain of State authority.

Although International Human Rights Law applies to States, international practice has evolved its scope. Armed groups are under an obligation to respect human rights when the objective criteria of structure and control are met, which render them functionally similar to States. This development is supported by UN Security Council resolutions and findings from UN mechanisms, which have called on all parties to conflicts, whether State or non-State actors, to respect International Humanitarian Law and International Human Rights Law, and to take measures to protect civilians.

However, when such armed groups do not reach this required level of structure and territorial control, the responsibility remains imposed on States. **Both situations apply to the Libyan context;** in some areas, certain armed groups exercise effective control over territory and population. These groups are therefore expected, alongside their obligations under International Humanitarian Law, to respect fundamental rights under International Human Rights Law. In areas or situations where such control or structure is insufficient to trigger responsibility and obligations on non-State actors, the responsibility is imposed on the Libyan State. This requires the State to prevent and deter violations, protect individuals from harm, investigate abuses committed by non-State actors, hold perpetrators and accomplices accountable, provide reparation to victims, and ensure non-repetition.

Third: State Obligations under International Human Rights Law

International human rights law places three core obligations on States, and they are to respect, protect, and fulfil human rights. When documenting violations, it is necessary to analyse the facts through the lens of these obligations in order to highlight how Libya has breached its obligations under International Human Rights Law.¹⁵

> Duty to Respect

Respecting a right means that the State must refrain from any action that restricts or violates individuals' enjoyment of their rights. This includes refraining from arbitrary arrest, torture, or forced eviction, and avoiding unlawful restrictions on freedom of expression or peaceful assembly. Duty to respect requires also additional actions. For example, if a public official, while performing their duties, commits an act that violates the right, such as torture inside a detention facility, the State must take immediate steps to investigate,

hold those responsible to account, and provide reparations to victims. Only then can the State demonstrate that it has complied with its obligations.

The International Covenant on Civil and Political Rights (ICCPR) affirms that the State must respect and guarantee rights for all individuals without discrimination.¹⁶ The Human Rights Committee has clarified that this obligation applies to any person acting on behalf of the State or under its authority while performing their official duties, even if they are outside the State's territory.³ Therefore, respect for the right is fulfilled when Libya refrains from committing violations, and when violations are committed from within its own institutions, it must intervene by conducting investigations, holding those responsible to account, and providing remedies, thereby preventing impunity and upholding the rule of law.

> Duty to Protect

Under International Human Rights Law, Libya is obliged not only to respect rights but also to protect them from violations by third parties. This obligation requires

the adoption of effective measures to prevent abuses such as abduction, exploitation, and assault, as well as immediate intervention to protect individuals when they are at risk.

Effective protection includes prevention, rapid intervention, investigation, prosecution, punishment, and reparation⁴ when a violation occurs.

Case Study: Reports of Migrants Detention and Torture in Zawiya

In July 2024, the families of three migrants received extortion calls from a human trafficking network controlling a warehouse where they are holding migrants in the city of Zawiya, western Libya. The callers stated that the victims were being tortured and sent recordings to extort the families into paying a ransom. The families went to a nearby police station and filed a complaint and reported phone numbers, approximate locations, and screenshots of threatening messages. However, the station considered the matter “outside its jurisdiction” and verbally referred them to another security body, which did not respond. In the following weeks, similar complaints were submitted by other families and by local workers who had seen migrant detainees being transported at night. A month later, two of the victims escaped and reported that they had been subjected to beatings, forced labor, and harassment, confirming the presence of dozens of detainees including women and children. Despite submitting their testimonies officially, no raid was carried out, no protection was provided to the survivors, and the family was instead told to “negotiate” for the release of their third relative.

In this case, Libya’s failure to protect the right becomes evident. There was a failure to prevent despite credible warnings, a lack of urgent intervention to stop the violations, no effective investigation or prosecution of perpetrators, and no protection, support, or reparation for survivors. The shifting of responsibility between institutions also indicates structural shortcomings that enable non-State actors to continue committing abuses. Under International Human Rights Law, the State bears responsibility when it allows the continuation of commission of violations of others’ rights whether by action or inaction, or when it fails to take appropriate measures to prevent them, investigate them, punish the perpetrators, and ensure justice and redress for the victims.

The International Covenant on Civil and Political Rights (ICCPR) stipulates that the State has an obligation to protect rights without discrimination, and to provide effective remedies against violations committed by others, as clarified by the Human Rights Committee. Moreover, if the State fails to prevent, investigate, punish, or provide reparation, it bears responsibility for the violation if it allows such abuses to occur or refrains from taking necessary measures to prevent and address them and upholds justice for the victims.⁵

> **Duty to Fulfil**

Duty to fulfil means that the State must go beyond merely respecting and protecting rights, and instead take positive measures to ensure that the right becomes a reality in people's lives, not just words on paper. This includes adopting policies, programmes, and action plans; enacting legislation; allocating resources; building institutions and capacities; and providing actual services that enable individuals to enjoy their rights. In simple terms, the State must facilitate, support,

and provide what is necessary for the right to be exercised in everyday life.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) stipulates that States must take steps, individually and through international cooperation, and to the maximum of their available resources towards the progressive and effective realisation of these rights, including legislative measures. This requires that mechanisms and services be available, accessible, acceptable, and adequate. The essence of this obligation for Libya is that it must build the necessary frameworks, provide the means, and remove obstacles so that individuals can actually enjoy their rights.

By understanding these three types of obligations, a clear analysis can be built:

- If a State commits the violation itself, the breach falls under failure to respect the right.
- If it allows or fails to prevent abuses by non-State actors, the breach is a failure to protect the right.
- If it does not provide the necessary frameworks, institutions, services,

and legislation, the breach lies in failure to fulfil the right.

Therefore, the documenter must refer to the treaties binding on Libya and distinguish between binding laws and non-binding standards, which we will

present in the next section, so that the analysis is grounded in solid legal references and the findings can be translated into arguments usable for the purposes of documentation.

What Are the Obligations Required for the Fulfilment of the Right?

1. Obligation to Facilitate:

The State must take positive steps to enable individuals to exercise their rights, through enacting laws, regulations, policies, and action plans that recognise rights and organise their implementation.

This means that Libya must establish and review legislation to ensure that detainees have the right to a fair trial, prevent detention without legal basis, and guarantee their access to lawyers and family members.

2. Obligation to Support:

The State must provide information and raise public awareness about rights and how to access them, in an accessible manner and for everyone without discrimination.

This means that Libya must ensure that detainees are informed of their rights and the legal procedures that protect them, and that such information is available and accessible in detention centres and prisons.

3. Obligation to Provide:

The State must build institutions and offer the services and resources necessary to realise rights in practice, including responses to emergencies.

This means that Libya must build detention centres and prisons that meet humanitarian standards, provide medical and psychological care, and legal services to detainees, ensure fair trials, and put in place an independent mechanism to receive complaints and investigate violations and crimes.

Fourth: Difference Between International Human Rights Law and International Standards

Within the human rights system, there are many instruments such as conventions, covenants, declarations,

guidelines, general comments from treaty bodies, reports of special rapporteurs, and resolutions of the Human Rights Council and the Security Council. Some of these are legally binding on States, while others are non-binding and provide interpretation and best practices. It is necessary to distinguish between them to know what

	Laws (Treaties & Conventions)	Standards and Guidelines
Definition	Binding treaties and conventions to States, establishing the three State obligations.	Advisory tools that interpret, clarify, and provide best practices for implementing international law and ensuring compliance with its obligations.
Examples	ICCPR, ICESCR, and the Convention against Torture.	Mandela Rules for the Treatment of Prisoners, General Comments of the Human Rights Committee, Declaration on Human Rights Defenders.
In case of violation	Establishes international responsibility, allowing for submitting complaints, holding States to account, and the right to remedy.	Does not establish State responsibility on its own but provides an interpretation of types of violations and State responsibility, and guides for best practices of compliance with International Law.

can be directly relied on for holding the State to account, and what serves as a reference that interprets international law and provides good practices.

The distinction between binding laws and non-binding standards shows that the human rights system operates on two complementary levels. The first level establishes legal obligations on States and holds States to account when they fail to comply. The second level provides practical tools to understand those obligations and apply them.

Standards and guidelines do not replace legal obligations, but they assist the documenter in assessing Libya's human rights record according to international best practices.

Therefore, human rights work relies on combining the binding legal frameworks with the interpretative standards that complement them and give them practical in-depth.

This section has provided a practical framework for understanding International Human Rights Law, including when it applies, whom it addresses, and what responsibilities it imposes on States in terms of respecting, protecting, and fulfilling

rights. It has also distinguished between binding instruments that generate legal responsibility and non-binding standards that interpret International Human Rights Law and clarify best practices. When documenting human rights abuses in Libya, use this framework in analysing the facts and linking them to one of the three obligations imposed on Libya; support your claims with guiding standards and best practices when needed, and explain the impact of the violations on victims and survivors and the right for reparations. Through this methodology, documentation becomes a comprehensive analysis that can be used in reports, advocacy, and litigation to demonstrate the State's breach of its legal obligations under the treaties and conventions it has ratified.

INTERNATIONAL AND REGIONAL HUMAN RIGHTS

TREATIES WHICH LIBYA SIGNED⁶

Treaty	Date of Ratification / Accession	Note
International Covenant on Civil and Political Rights (ICCPR)	15 May 1970	Accession
First Optional Protocol to the ICCPR on Individual Complaints	16 May 1989	Accession
International Covenant on Economic, Social and Cultural Rights (ICESCR)	15 May 1970	Accession
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	3 July 1968	Accession
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	16 May 1989	Accession with reservations
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	16 May 1989	Accession
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	18 April 2004	Ratification

Convention on the Rights of the Child (CRC)	15 April 1993	Ratification
Optional Protocol to the CRC on the Involvement of Children in Armed Conflict	18 November 2004	Ratification
Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography	18 June 2004	Accession
African Charter on Human and Peoples' Rights (ACPHR)	19 July 1986	Ratification
Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol)	25 November 2005	Ratification
OAU Convention Governing the Specific Aspects of Refugee Problems in Africa	17 July 1981	Accession

INTERNATIONAL HUMANITARIAN LAW

International Humanitarian Law, also known as the “law of war” or the “law of armed conflicts”, is a branch of public

international law. It consists of rules to limit the brutality of wars and their devastating consequences.

International Humanitarian Law revolves around a core principle that even during conflict, there remain red lines that must not be crossed.

Difference Between the Law of War or International Humanitarian Law and the Law on the Use of Force

It is important to distinguish between two overlapping fields when referring to the “law of war” as another name for International Humanitarian Law. The first is International Humanitarian Law, which regulates the conduct of parties during armed conflicts regardless of why the war started. The second is the law on the use of force (*ius ad bellum*), which determines when the use of force between States is lawful. **In this section, we focus on International Humanitarian Law itself.**

Based on this distinction, **there are some key points to keep in mind about International Humanitarian Law:**

1. It does not prohibit the use of force in armed conflict; rather, it seeks to limit its effects and reduce unnecessary suffering.
2. It cannot protect all civilians always affected by the conflict, so losses of civilian lives and property may occur. However, the aim is to minimise such harm as much as possible and respect International Humanitarian Law rules.
3. It does not address who started the war or who bears political responsibility for it. Instead, it sets rules that are bound to all parties to the armed conflict that includes avoid targeting civilians or civilian objects, protect prisoners and those who are no longer taking part in hostilities, and criminalize weapons and methods that cause unnecessary suffering.

International Humanitarian Law protects those who are not directly participating in hostilities, such as civilians, as well as those who have ceased to take part in them, like the wounded and prisoners of war. It also imposes strict limits on the methods and means of wars and armed conflicts to prevent unnecessary suffering, including the use of weapons of mass destruction. Violating or breaching its rules constitutes a serious international crime known as a War Crime.

This law draws its authority from multiple sources, mainly the four Geneva Conventions, Customary International Humanitarian Law, and general principles of law established by international judicial bodies, including those referenced in the Statute of the International Court of Justice.

International Humanitarian Law is built on a balance between humanitarian considerations on one side, and the military necessities of warring parties on the other side, whether these parties are States or non-State armed groups.

Interpretations and Practices of Customary Law

In 2005, the International Committee of the Red Cross (ICRC), in collaboration with international experts, published a study identifying 161 customary rules considered the core of Customary International Humanitarian Law. These rules were presented in two volumes:

- **Volume I (Rules):** Provides an analysis of the customary rules.
- **Volume II (Practice):** Presents examples from national legislation, treaties, judicial decisions, and other practices.

These rules cover fundamental principles for any armed conflict, including distinction between civilians and combatants; verification of military objectives; training armed forces on the rules of law; prohibition of certain types of weapons; cooperation in international criminal prosecutions; treatment of prisoners and the wounded, among others

First: Sources of International Humanitarian Law

International Humanitarian Law primarily consists of the four Geneva Conventions of 1949, which most countries in the world have joined, followed by the First Additional Protocol (1977) for international armed conflicts, the Second Additional Protocol (1977) for non-international armed conflicts, and the Third Additional Protocol (2005), which introduced an additional distinctive emblem, the Red Crystal, for the protection of medical personnel and facilities.⁷

Alongside these treaty instruments, there is Customary International Humanitarian Law, which is binding on all parties to an armed conflict, whether these are States or non-State actors.

> Treaties and Protocols of International Humanitarian Law

First Geneva Convention

Focus: Protection of wounded and sick members of the armed forces in the field, and the medical facilities, personnel, and chaplains accompanying them.

Case Study: Bombing of medical facilities and ambulances in Tripoli

During the armed conflict in Tripoli between 2019 and 2020, LCV documented bombings of medical facilities and ambulances. Al-Khadra Hospital in Tripoli, designated for COVID-19 patients, was bombed multiple times.

If these incidents are verified, the indiscriminate bombing of health facilities constitutes a violation of International Humanitarian Law and can amount to a war crime. However, the laws applicable may vary based on the classification of the armed conflict, as will be discussed later.

General Rule: Wounded and sick persons, civilian and military hospitals, medical transport, and medical and religious personnel must be respected and protected. They must not be killed, tortured, humiliated, subjected to unfair trials, or have their human dignity violated.

Second Geneva Convention

Focus: Protection of wounded, sick, and shipwrecked members of the armed forces at sea, and protection of medical ships and maritime rescue services.

General Rule: Parties to a conflict must respect and protect medical ships, lifeboats, and medical and religious personnel at sea. Attacking, sinking, endangering, or violating the dignity of persons on board is prohibited.

Third Geneva Convention

Focus: Treatment of prisoners of war (POWs).

General Rule: The Convention ensures protection for POWs, prohibiting killing, torture, mistreatment, or humiliation. It guarantees medical care, contact with

families, and basic safeguards for fair trials if facing trial.

Who are prisoners of war?

- Members of the armed forces of the parties to the conflict.
- Certain militias and volunteer forces meeting specific

Case Study: Attack on wounded fighters in Gharyan

In June 2019, LCW documented those forces loyal to the Government of National Accord attacked a hospital in Gharyan, killing wounded fighters of the Libyan Arab Armed Forces receiving treatment, which the government denied at the time.

If verified, the killing of wounded fighters receiving treatment inside a medical facility constitutes a violation of International Humanitarian Law and can amount to a war crime. However, the laws applicable may vary based on the classification of the armed conflict, as will be discussed later.

conditions, such as openly carrying arms and respecting the laws and customs of war.

- Medical and religious personnel accompanying the forces.
- Some crews of ships and aircraft, if captured by the opposing party.

Fourth Geneva Convention

Focus: Protection of civilians during war and armed conflicts.

General Rule: The Convention protects civilians and civilian objects, prohibiting attacks that directly target them or indiscriminate attacks that do not distinguish between military and civilian targets. It also prohibits forced displacement, hostage-taking, killing, torture, and degrading treatment of civilians.

Additional Protocols to the Geneva Conventions

- **Additional Protocol I (1977):** Applies to international armed conflicts, expands protection for civilians and civilian objects, and details rules of conduct during

Case Study: Attacks on migrant detention centres in Tripoli

During the armed conflict in Tripoli between 2019 - 2020, LCW documented attacks in densely populated civilian areas, including carrying out an airstrike against migrant detention centres such as Tajoura Centre in Tripoli, as well as the use of civilians as human shields and the presence of mass graves in some areas.

If verified, these constitute indiscriminate attacks against civilians and may constitute a violation of International Humanitarian Law and can amount to a war crime. However, the laws applicable may vary based on the classification of the armed conflict, as will be discussed later.

hostilities (e.g., principles of distinction and proportionality).

- **Additional Protocol II (1977):** Applies to non-international armed conflicts, providing additional protection for civilians

and persons who have ceased participation in hostilities.

- **Additional Protocol III (2005):** Introduced the "Red Crystal" as an additional protected emblem alongside the Red Cross and Red Crescent to identify medical and religious personnel and facilities that must not be targeted during armed conflicts.

> **Humanitarian Customary Law**

It is a branch of International Humanitarian Law and is particularly important in non-international armed conflicts, where treaty law is less developed, especially in such internal conflicts.

Second: Classification of Armed Conflicts and Applicable Laws

Armed conflicts can be classified into international armed conflicts and non-international armed conflicts. However, this classification does not absolve any party to the conflict, whether States,

armed groups, or insurgents, of their responsibilities.

The table below outlines the main differences between these two types of conflicts. Not all armed violence within a State qualifies as a non-international armed conflict. Political instability and strikes, riots, and internal protests, even if some forms of violence are used, are not in themselves considered non-international armed conflicts, and International Humanitarian Law does not apply. Instead, they fall under International Human Rights Law and national law.

We can classify the conflict **through the following table in the next page.**

	International Armed Conflicts	Non-International Armed Conflicts
Parties to the Conflict	<ul style="list-style-type: none"> • Two or more States. • A state under occupation and a foreign occupying power. 	<ul style="list-style-type: none"> • The State and an organised armed group. • The State and multiple armed groups. • Armed groups fighting each other within the State.
Legal Classification	<p>Considered an armed conflict automatically as soon as armed force is used between two States, without additional conditions.</p>	<p>Requires a minimum level of organisation of the armed group and a minimum level of conflict intensity to be considered an armed conflict.</p>
Special Cases Included in the Definition	<p>Conflicts against colonial powers, occupation, or racist regimes are considered international under Additional Protocol I (right to self-determination).</p>	<p>Only internal conflicts between armed groups fall under non-international armed conflicts.</p>
Applicable Legal Framework	<p>The four Geneva Conventions, Additional Protocol I, treaties and protocols prohibiting certain types of weapons, and Customary International Humanitarian Law.</p>	<p>Common Article 3 of the Geneva Conventions, Additional Protocol II, treaties and protocols prohibiting certain types of weapons, and Customary International Humanitarian Law.</p>

For a situation to be classified as a non-international armed conflict,⁸ the attacks must reach a certain level of intensity and frequency, and the armed group or groups must be organised with a clear command structure and exercise effective control over part of the State's territory from which military operations are launched.⁹ Therefore, it is not always immediately possible to determine whether a situation has

reached the level of a “non-international armed conflict,” and it often requires assessing the situation and events over time before the classification.

Regarding the situation in Libya, it can be said that the conflict contains elements of both international and non-international armed conflicts due to the presence of international actors and internal armed groups, while

The Common Article 3 of the four Geneva Conventions

In relation to the conventions applicable to non-international armed conflicts, it is important to know Common Article 3, which applies specifically to non-international armed conflicts.

1. **Common Article:** An article repeated with the same wording in all four Geneva Conventions. It applies to non-international armed conflicts, conflicts between government forces and non-State armed groups, or between armed groups themselves within a State.
2. **Scope of Protection:** It provides protection to persons who are not taking part directly in hostilities, including combatants who have surrendered, or wounded, sick, and detainees.
3. **Required Humane Treatment:** It prohibits killing, torture, cruel or degrading treatment, hostage-taking, and passing or executing sentences without a trial that provides minimum fair trial standards.
4. **Significance:** It is considered a “mini-Geneva Convention” for internal conflicts. Although introduced as a treaty provision, its content has become part of Customary International Humanitarian Law and is binding on all parties to a conflict.

differences in classification remain varied between different stakeholders, noting that the UN Fact-Finding Mission and the International Criminal Court classified it as a non-international armed conflict. The important point for researchers is that a single conflict within a State may combine both types, and therefore, rules of both international and non-international armed conflicts may apply, depending on the party involved and the specific incidents being documented.

Third: Principles of International Humanitarian Law

The principles of International Humanitarian Law can be summarised in two main pillars:

- 1.** The protection of persons who do not take part in hostilities or have ceased to participate.
- 2.** The restriction of the means of warfare, preventing weapons and attacks that cause unnecessary

suffering or are indiscriminate by nature.

> Protection of Individuals Not Participating in Hostilities

International Humanitarian Law primarily focuses on protecting persons who are not taking part in hostilities or who have ceased to do so, and on ensuring that they are treated humanely. This includes civilians, military personnel, the wounded, and prisoners of war. **The basic obligations toward them can be summarised as follows:**

- Respect and protect the lives, dignity, and physical and mental integrity of protected persons in all circumstances. The absolute prohibition of killing, torture, cruel, inhuman, or degrading treatment, and taking hostages.
- Collect and care for the wounded and sick without discrimination.
- Protect medical services, medical transportation, and humanitarian assistance, and ensure access of populations affected by the conflict to these services.

- Prohibit discrimination based on race, religion, sex, origin, or any other status while allowing special measures to protect the most vulnerable, such as children and women.
- Prohibit reprisals against protected persons such as the wounded, sick, shipwrecked, prisoners of war, and civilians in occupied territories.
- Treat prisoners of war and civilians in the custody of the enemy with respect to their dignity, including by providing food, shelter, medical care, fair trials, and the right to communicate with their families.
- Respect distinctive emblems such as the Red Crescent, Red Cross, and the Red Crystal.

Violation of these obligations amounts to a war crime.

> Restrictions on the Methods of War

International Humanitarian Law imposes several principles on the

parties to armed conflict to avoid the methods of warfare that cause excessive civilian casualties or damage to civilian objects, or that lead to unnecessary suffering. In this guide, we focus on four fundamental principles, which are distinction, proportionality, precaution/humanity, and the prohibition of excessive suffering.

*Principle of Distinction*¹⁰

International Humanitarian Law obliges parties to an armed conflict to always distinguish between **two main categories**:

- **Civilians and civilian objects**, on the one hand.
- **Combatants and military objectives**, on the other hand.

Attacks may be directed only against combatants or military objectives. It is prohibited to attack civilian populations unless they take direct part in fighting, and only for the duration of their participation.

The principle of distinction establishes two fundamental rules

Identifying Military Objectives

Military objectives are limited to objects which, by their nature, location, purpose, or use, make an effective contribution to military action, and whose destruction, neutralisation, or capture offers a definite military advantage in the conflict. These usually include:

- Locations where enemy forces, equipment, or bases are present.
- Military means of transport and communication.
- Buildings and facilities used for military purposes.
- Civilian objects such as trains or civilian vehicles if they are used for military purposes.

Refraining From Carrying Out Indiscriminate Attacks

Any attack that cannot be directed at a specific military objective or whose effects cannot be limited is prohibited. This includes in particular:

- Attacks not directed at a specific military target, such as firing in all directions without distinction.
- The use of means or methods of war that cannot be precisely directed at a military objective, such as long-range indiscriminate missiles, which were notably used during the war in Tripoli between 2019 and 2020.
- The use of weapons or methods whose effects cannot be controlled and are likely to strike civilian objects, such as using a high explosive bomb to destroy a single building inside a densely populated residential area.

Principle of Proportionality¹¹

This principle aims to limit the harm to civilians and civilian objects. An attack is

prohibited if it is expected to cause incidental loss of civilian life, injury to civilians, or damage to civilian objects that would be excessive compared to

the military advantage. It therefore requires military commanders to stop or suspend an attack if it becomes clear that the incidental damage to civilians would be excessive compared to the expected military advantage.

To determine whether an attack complies with the principle of proportionality, **the following factors must be considered:**

- **The legitimate military objective:** The target must be part of the enemy's armed forces or must make an effective contribution to military action.
- **The expected incidental harm:** This includes unintended injury to civilians or damage to civilian objects.
- **The balance between harm and advantage:** The expected harm must be weighed against the anticipated direct and concrete military advantage. If the harm is significantly greater than the military benefit, the attack becomes unlawful.

There is no precise definition of excessive harm under International

Humanitarian Law, but it is assessed through the reasonable judgment of military commanders at the time the decision is made, not based on the outcomes after the attack. All available information at the time of planning for the attack must be taken into account. Thus, even if the target is legitimate, causing severe civilian losses that are disproportionate makes the attack a violation of International Humanitarian Law and amounts to a war crime.

Principle of Precaution / Humanity¹²

This principle aims to minimise the negative effects of armed conflicts on civilians and civilian property. It is based on a core idea that even during war, every possible effort must be made to avoid unnecessary or excessive harm.

The principle establishes several **key obligations:**

- **Duty to Verify Military Objectives:** There is an obligation to ensure that the intended target is indeed a legitimate military objective. This includes verifying the nature, location, and use of the target, as

well as its actual contribution to the enemy's military operations.

- **Choice of Means and Methods of attacks:** Parties to an armed conflict must select means and methods of combat that minimise incidental losses to civilians and civilian objects. If it becomes apparent that the expected harm would be excessive compared to the anticipated direct and concrete

military advantage, the attack must be suspended immediately.

- **Warning to the Civilian Population:** Where possible and where field conditions permit, a warning must be issued to the civilian population that will likely be affected by the attack, giving them an opportunity to avoid or escape the attack.
- **Avoid Placing Military Objectives Near Civilians Parties to the conflict:**

Case Study: Bombing of a Migration Detention Centre in Tripoli

In July 2019, during the war on Tripoli, a migrant detention centre in Tajoura was bombed by the Libyan Arab Armed Forces, resulting in the death of more than fifty people. International bodies condemned the attack and considered that targeting a location known to hold detained migrants may amount to a war crime, emphasising the necessity to respect the principles of distinction and proportionality when targeting any site claimed to be military in nature. In response, the Libyan Arab Armed Forces alleged that the Government of National Accord had placed a brigade headquarters and a weapons depot next to the detention centre, which if accurate could amount to the use of migrants as human shields.

*According to International Humanitarian Law, **in such a situation**, the party conducting the attack must verify the nature of the target and avoid inflicting excessive harm on civilians compared to the expected military advantage. On the other hand, the party in control of the ground must not place military objectives near civilians or within detention facilities. Thus, this example illustrates that the responsibilities to comply with the principles of distinction, precaution, and proportionality apply to all parties to an armed conflict. Any serious failure to uphold these obligations may lead to the act being classified as a war crime.*

must avoid placing military objectives in areas populated by civilians or near their property. This measure reduces the likelihood of incidental harm if the military target is attacked. Under no circumstances may civilians be used as human shields.

Principle of Prohibition of Excessive Harm or Unnecessary Suffering¹³

It is prohibited to use weapons or methods of war that are, by their nature, likely to cause excessive harm or unnecessary suffering to combatants themselves, in addition to civilians. This rule is based on an old principle of the laws of war that stipulates that any harm that exceeds what is necessary to achieve a legitimate military objective is unacceptable. Examples include the prohibition of using laser weapons to target soldiers' eyes and cause permanent blindness and the prohibition of using biological and chemical weapons.

INTERNATIONAL CRIMINAL LAW

International Criminal Law is a branch of public international law that focuses on punishing the most serious international crimes such as genocide, war crimes, crimes against humanity, and the crime of aggression.

Its importance lies in establishing individual criminal responsibility, unlike International Human Rights Law which focuses on State responsibility.

It applies to times of peace and armed conflict, noting that some crimes, such as war crimes, can only be committed during armed conflicts.

First: Sources of International Criminal Law

Its sources are the same as the sources of international law that we addressed in previous chapters, such as treaties, International Customary Law, general principles of law, judicial precedents, and the opinions of prominent scholars.

When Did It Emerge?

International Criminal Law emerged after World War II with the establishment of the Nuremberg and Tokyo tribunals to prosecute those responsible for serious international crimes.

It then developed through the special criminal tribunals for the former Yugoslavia and Rwanda, leading to the establishment of the International Criminal Court under the Rome Statute in 1998. It is the first permanent international criminal court, and it has jurisdiction over the situation in Libya pursuant to UN Security Council Resolution 1970 (2011).

> Treaties

Among the most important instruments that form **the basis of International Criminal Law:**

- The Hague Conventions of 1899 and 1907 concerning the laws and customs of war.
- The four Geneva Conventions of 1949 and their Additional Protocols.

- The Convention on the Prevention and Punishment of the Crime of Genocide (1948).
- The Convention against Torture (1984).
- The International Convention for the Protection of All Persons from Enforced Disappearance (2006).
- The Rome Statute of the International Criminal Court (1998).
- Conventions and protocols on the prohibition or restriction of certain weapons.

> **Judicial Precedents**

International courts have played an important role in interpreting and developing International Criminal Law, such as:

- **Nuremberg Tribunal (1945–1946):** Established principles of individual criminal responsibility and rejected the use of official capacity or obedience to orders as justification for committing international crimes. It criminalised crimes against peace, war crimes, and crimes against humanity, known as the Nuremberg Principles.
- **Tokyo Tribunal (1946–1948):** Developed the concept of command responsibility regarding planning and leading aggressive wars and crimes committed under the authority of leaders.
- **The International Criminal Tribunals for the former Yugoslavia and Rwanda:** Confirmed that rape and sexual violence can constitute genocide and crimes against humanity.
- **Hybrid Courts in Sierra Leone, Cambodia, and Lebanon:** They contributed to affirming that practices such as child recruitment, sexual violence, forced displacement, starvation, forced labour, and organised terrorist attacks can rise to the level of serious international crimes. They also reinforced the responsibility of leaders and organised parties for such acts.
- **International Criminal Court (Rome Statute 1998):** It helped clarify the elements of the four

crimes, the standards of individual criminal responsibility and the role of leaders, and it interpreted practices such as child recruitment, forced displacement of populations, and attacks on protesters or civilians as war crimes and crimes against humanity.

> Customary International Criminal Law

It played a fundamental role in establishing key principles of International Criminal Law such as individual criminal responsibility, the prohibition of impunity, and the criminalisation of genocide, torture, and forced displacement.

By its nature, which we discussed earlier, international custom does not require a State to be a party to a particular treaty in order to be bound by it. A State cannot justify committing serious international crimes by arguing that it is not a party to the Rome Statute or has not ratified a specific convention. For example, although Syria is not a party to the Rome Statute, its leaders

Filling Gaps and Expanding Criminalisation

Customary International Criminal Law played an important role in filling gaps in International Criminal Law and expanding the scope of criminalisation before clear written provisions existed. The Nuremberg and Tokyo tribunals, after World War II, relied on it to criminalise war crimes and crimes against humanity before these crimes were codified in detailed treaties.

Later, the international tribunals for the former Yugoslavia and Rwanda affirmed that many fundamental rules of armed conflict were already well-established as custom before being included in the Additional Protocols to the Geneva Conventions.

This demonstrates that custom was not merely a secondary or supplementary source, but rather a key tool for developing and expanding the scope of International Criminal Law.

remain liable to prosecution for war crimes and crimes against humanity based on international custom, in addition to treaties that Syria has accepted.

The challenge in applying International Criminal Law remains the political will of States and the existence of effective mechanisms to enforce it. This raises an important question: Who implements International Criminal Law? The basic rule is that States bear the primary responsibility for implementing International Criminal Law, while the International Criminal Court plays a complementary role. This will be explained in the next section.

Second: International Criminal Court

It is one of the mechanisms responsible for implementing International Criminal Law. It was established in 2002 under the 1998 Rome Statute, and it is the first permanent international criminal court with the authority to open investigations, issue arrest

warrants, and prosecute those responsible for the most serious crimes.

> Complementary Role

One of the core principles of the Rome Statute is that the Court's jurisdiction is complementary to national courts. This means that priority is always given to the State to investigate and prosecute crimes. The Court intervenes with investigation and prosecution only when the State is unwilling or unable to prosecute perpetrators and hold them to account.

The Unwillingness means

The State is considered unwilling when:

- 1.** The proceedings are intended to protect the accused from criminal responsibility.
- 2.** The proceedings lack independence or impartiality.
- 3.** There is an unjustified delay in initiating or conducting the trial.

While the unable means

The State is considered unable when:

1. There is a complete or substantial collapse of the national judicial system.
2. The State lacks the ability to arrest or try the accused.
3. There is institutional weakness or the absence of effective authority over the State's territory.

The Rome Statute provides that a case is inadmissible before the Court if the State is already genuinely investigating or prosecuting the same conduct, or if it has investigated and decided not to proceed for legitimate reasons that do not indicate an intention to shield the

perpetrators; or if the person has already been tried for the same acts; or if the case lacks sufficient gravity to justify the Court's intervention.

> Jurisdiction of the Court

The jurisdiction of the International Criminal Court is established when three main elements are fulfilled, which are time-based jurisdiction, subject-matter jurisdiction, and territorial or personal jurisdiction.

Time-Based Jurisdiction: The Court does not have jurisdiction over crimes committed before 1 July 2002, which is

Case Study: The Court's Consideration of the Case of Saif al-Islam Gaddafi

After the 2011 uprising and the onset of conflict in Libya, the International Criminal Court brought charges against Saif al-Islam Gaddafi for crimes against humanity in connection with the repression of protesters. The Libyan authorities argued that they could prosecute him domestically and requested that the Court declare the case inadmissible.

However, between 2013 and 2020, the Court determined that the Libyan judicial system was unable to conduct a genuine and independent trial, and that the mere existence of a domestic proceeding was not sufficient unless real capacity and willingness to achieve justice were demonstrated.

In a subsequent decision in 2020, the Court confirmed that the domestic proceedings against him did not meet international fair trial standards, and therefore the case before the Court remained admissible.

the date the Rome Statute entered into force. This does not mean that earlier crimes cannot be prosecuted; however, accountability must take place through other mechanisms, such as special courts or national courts.

Subject-Matter Jurisdiction: According to the Rome Statute, the Court has jurisdiction over four categories of crimes, which are genocide, crimes against humanity, war crimes, and the crime of aggression.

Territorial or Personal Jurisdiction: The Court may exercise its jurisdiction **when:**

- The State where the crime was committed is a State Party to the Rome Statute.
- The accused is a national of a State Party to the Rome Statute.
- The situation is referred to the Court by the UN Security Council (as in Libya and Darfur).
- The Prosecutor opens an investigation into a non-State Party situation after obtaining authorisation from the Pre-Trial Chamber.

- A non-State Party accepts the Court's jurisdiction for a specific situation or incident (as in the case of Palestine).

Third: Crimes Against Humanity

In the previous chapter, we covered war crimes which is particularly relevant to Libyan context given the armed conflicts it has passed through since 2011. To complete the context regarding Libya, we will explain crimes against humanity, as the most frequently committed crimes in Libya today are war crimes and crimes against humanity. In the previous section, titled International Humanitarian Law, we discussed war crimes related to armed conflicts. In this part, we will explain crimes against humanity, which are serious international crimes that can be committed in times of peace or war.

According to the Rome Statute, certain acts become crimes against humanity when they are committed as part of a

widespread or systematic attack against a civilian population.

Among the elements for classifying acts as crimes against humanity is that **they must be committed on a systematic or widespread scale, or both.**

policy or organised pattern. For example, torture becoming a routine practice in a particular prison against a targeted group, such as political prisoners, where most detainees from that group are subjected to it repeatedly.

> Systematic

This means that the crime is not an isolated incident, but rather part of a

> Widespread

The “widespread” scale can be classified in different forms:

Crimes Against Humanity Committed in Tarhuna

Between 2015 and 2020, the city of Tarhuna experienced one of the darkest periods of the Libyan conflict. The Al-Kaniyat militia, an armed group that controlled the city, carried out a series of grave abuses against the civilian population, including extrajudicial killings, torture, enforced disappearances, and arbitrary detention. These actions forced hundreds of civilians to flee their homes, while the militia seized their properties under the pretext of loyalty to their opponents.

These violations were systematic and organised, aimed at instilling fear and maintaining control over the city by punishing anyone suspected of opposition or refusal to submit to their authority. At least 159 individuals from 23 families were documented as disappeared, many of whom were later found in mass graves after the militia’s downfall.

What happened in Tarhuna constitutes a clear example of crimes against humanity, as a civilian population was targeted on a widespread and systematic scale in terms of time and number of victims, and based on a known policy, and with the perpetrators’ prior knowledge. The documented acts meet the elements of the crimes listed under the Rome Statute, including murder, torture, enforced disappearance, forced displacement, and persecution on political and social grounds.

- **Geographically:** When crimes are committed in multiple cities or regions.
- **Over time:** When the crime is committed for a long period, even in a single location, such as detainees in a certain detention centre who are being tortured for years.
- **Number of victims:** When many civilians are targeted. The law does not specify a minimum number, but it is sufficient that the harm is significant to a group of the population.

Crimes Against Humanity that are mostly committed in the Libyan Context

Crime	Definition or Elements
Extra-Judicial Execution	Intentionally depriving a person of their life outside a lawful framework, such as shooting detainees, civilians, or protesters without military or judicial necessity, and with the knowledge or approval of authorities or armed groups.
Torture	Inflicting severe physical or psychological pain or suffering on a person who is detained or under control, with the purpose of obtaining a confession, punishment, intimidation, or discrimination, committed by State officials or armed groups in effective control of detention sites or with their consent.
Enforced Disappearance	Arresting, detaining, or abducting a person by the State, an armed group, or persons acting with their approval and refusing to acknowledge the deprivation of liberty or concealing the person's fate or whereabouts, thereby placing them outside the protection of the law for a prolonged period.
Rape and Other Forms of Sexual Violence	Any serious sexual assault, such as rape, sexual slavery, forced pregnancy, forced sterilisation, or any other form of sexual violence committed against victims by exploiting their vulnerable situation or detention.
Crime of Enslavement	Exercising the right of ownership over persons, including human trafficking, sexual exploitation, forced labour, and other forms of severe control over a person's freedom. These acts have frequently been committed against migrants in Libya.

**Deportation or
Forcible
Transfer of
Population**

Forcing individuals to leave their homes or areas without a lawful justification, through force, threats, or intimidation, as in the displacement of residents of Tawergha in 2011.

**Arbitrary
Detention**

Arrest or detention without legal basis, or detaining individuals for reasons or in circumstances that violate international law, such as detention in inhumane conditions.

These acts may amount to crimes against humanity in the Libyan context when they are committed as part of a widespread or systematic attack against the civilian population, and not as isolated or individual incidents. **It is important to note that the key difference is that war crimes do not require the act to be widespread or systematic.** For example, one bombing or shelling could amount to a war crime, or the intentional killing of a single prisoner of war can also amount to a war crime. Crimes against humanity and war crimes are among the most serious international crimes, as will be presented in the next chapter.

SERIOUS CRIMES UNDER INTERNATIONAL LAW

This section addresses serious international crimes that constitute a prevailing pattern in Libya and represent grave breaches of International Human Rights Law, International Humanitarian Law, and International Criminal Law. Understanding the definitions and legal elements of these crimes is essential for any researcher or documenter to legally analyse and qualify the violations they document.

First: Torture and Cruel, Inhuman or Degrading Treatment

Libya has ratified the Convention against Torture (CAT) and the International Covenant on Civil and Political Rights (ICCPR), making it legally obliged to prevent this crime and hold perpetrators accountable. Moreover, torture is non-derogable, meaning that

Universal Jurisdiction

International crimes are subject to universal jurisdiction, meaning that a perpetrator may be arrested and prosecuted even if they are outside the territory of the State where the crime was committed and are present in the territory of another State. This is because international crimes are considered among the most serious crimes under international law, and perpetrators must not enjoy impunity; and must be held accountable wherever they are.

it cannot be committed under any circumstances or justification.

Protection is not limited to torture alone; the Convention also prohibits cruel, inhuman, or degrading treatment or punishment (CIDT). These acts are usually less severe than torture and may not meet all the elements required for the crime of torture, yet they still constitute a serious violation of human dignity.

> **Torture under International Human Rights Law**

The Convention Against Torture defines torture as:



Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

This definition stipulates a few elements:

Severe pain or suffering

Physical or psychological, or both. Examples include electric shocks, prolonged hanging, rape, and serious threats of killing or harming family

members. Severity must be assessed in light of the victim's condition, for example, a child, elderly person, someone ill, or a veiled woman whose hijab is forcibly removed may experience greater suffering. Prolonged solitary confinement may also amount to torture.

Intent and purpose

The harm must be deliberate and inflicted for a specific reason, such as:

- obtaining a confession or information
- punishment
- intimidation
- discrimination (e.g., political affiliation, gender, sexual orientation, race).

In Libya, individuals are often tortured to extract confessions or to charge them with belonging to banned groups.

Involvement of a public official

The act must be conducted by:

- a state official, or
- a person/group acting with official capacity, authority, support, or consent of the State.

Hence, International Human Rights Law focuses on State responsibility. Even if non-State actors commit torture, the State is accountable if it knew about it and failed to prevent, investigate, or provide redress.

> **Cruel, Inhuman or Degrading Treatment**

The Convention against Torture obliges States to prevent cruel, inhuman, or degrading treatment, which is considered a lesser form of suffering and pain than torture. It does not require all the elements of the crime of

Case Study: Deliberate Denial of Medical Treatment as Torture

Jamal, a man in his fifties suffering from diabetes and hypertension, contacted you and explained that he was arrested on the morning of 22 January 2020 by the Deterrence Agency for Combating Terrorism and Organised Crime (Al-Radaa) in Tripoli, in connection with critical posts published on Facebook. After he was taken to Mitiga Prison, controlled by the agency, he informed the guards that he needed daily insulin and blood pressure medication. One of them replied, “You will not have any medicine until you confess.”

Over the following ten days, Jamal began to suffer from severe headaches, dizziness, blurred vision, and chest pain. He repeatedly requested medical treatment, transfer to a hospital, or permission for his family to bring his medication. However, his requests were deliberately denied as a method of pressure. He was only transferred to a hospital when the guards feared he might die in his cell due to his deteriorating health condition. At the hospital, doctors confirmed that the denial of treatment had caused serious complications, and they were forced to amputate his left leg.

In this case, we are not dealing with medical negligence. Rather, it is an intentional deprivation of necessary treatment for a sick individual, causing severe mental and physical suffering, given the loss of a limb, and used as a method of coercion and punishment by persons acting in an official capacity. Therefore, these facts must be legally analysed to demonstrate that these acts amounted to the crime of torture under international standards.

torture. For example, the pain or suffering does not need to be severe, and there is no requirement for intent or purpose by the public official to inflict such pain or suffering. In cases of negligence by a public official, ill-treatment may still be established, such as medical neglect in prisons. As mentioned earlier, when assessing a case, the analysis must be conducted on a case-by-case basis, taking into account the specific circumstances, such as age, gender, and possible illness.

> Torture under International Criminal Law

The Rome Statute defines torture as:



intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanction.

The definition emphasises that International Criminal Law focuses on individual criminal responsibility for torture. It is not required that the

Torture in the Universal Jurisdiction

Crimes of torture fall under universal jurisdiction, meaning that a perpetrator can be arrested and prosecuted even if they are outside the territory where the torture was committed, as long as they are present in the territory of another State that is party to the Convention against Torture. This applies even if the act of torture does not amount to a crime against humanity under International Criminal Law, thus it does not have to be committed on a widespread or systematic scale. The Convention established the principle of universal jurisdiction over torture because it is a serious crime, and perpetrators must not be allowed to escape accountability

perpetrator be a state official; it is sufficient that the person has actual authority or control over the victim, such as armed group leaders. However, for torture to fall within the scope of International Criminal Law, it must

amount to a war crime or a crime against humanity, as discussed previously¹⁷.

Second: Enforced Disappearances

Enforced disappearance places the victim completely outside the protection of the law and puts them at risk of torture or even killing without any oversight. Libya has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance, but it remains obliged to prohibit this crime under the International Covenant on Civil and Political Rights, Customary International Law, the Declaration on the Protection of All Persons from Enforced Disappearance, as well as provisions in its domestic law, even though the domestic law does not fully align with the international definition of enforced disappearance.

> **Enforced Disappearance under International Human Rights Law**

The International Convention for the Protection of All Persons from Enforced Disappearance defines enforced disappearance as:

“

the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”

The definition shows that the elements of the crime of enforced disappearance can be identified in the following:

Deprivation of liberty

Any form of arrest, detention, or abduction, whether in an official or unofficial place of detention.

Involvement of the State or its agents

The deprivation must be committed by State officials, or by militias/armed groups/security bodies acting with State authorisation or support. In Libya, involvement may be inferred through:

- Decrees of State appointments or promotion decisions issued by the State to members of such groups.

- State funding to the groups involved.
- Referring the detainee to prosecutors or courts, which indicates the group is part of the criminal justice system.

Denial or concealment

The crime is established if at least one of the following takes place:

Who are the victims?

The person who has disappeared is a victim by nature, but also every person who suffers harm as a result of the disappearance is considered a victim. For example, the victim's family often suffers severe psychological distress and may also face retaliation by the group that disappeared their relative, which happens frequently in Libya.

How to Prove Enforced Disappearance

In most cases, States attempt to deny or cover up enforced disappearances. For instance, they may tamper with arrest records by entering a later arrest date than the actual one, concealing the period when the victim disappeared. This occurs in Libya. Therefore, as soon as a person disappears, it is crucial to file official reports, notify authorities and the public prosecutor, and launch advocacy campaigns on the case to prove the exact date of the disappearance.

Legalisation of Enforced Disappearance

Some national laws facilitate enforced disappearances. For example, in Libya, certain legislations allow security forces to detain a person for seven days before referring them to the public prosecutor. This means the person remains fully under the control of the security body without access to a lawyer or family contact and outside judicial oversight. Most cases of torture occur during this initial detention period.

- Refusal to acknowledge the person's detention.
- Concealing their fate, for example, admitting they were detained but withholding information about what will happen to them, for example, whether they will be tried, or if they are alive or dead.
- Concealing their whereabouts.

Case Study: Deliberate Denial of Medical Treatment as Torture

It was reported that on the evening of 17 November 2021, civil activist Najlaa Mohamed, a lawyer known for defending victims of arbitrary detention in the city of Misrata, disappeared after leaving her office on her way home. Eyewitnesses stated that she was stopped at a checkpoint belonging to the Joint Operations Forces under the Government of National Unity. After this date, all contact with her was completely lost. Her family filed reports and complaints with various government authorities but received no official response clarifying her place of detention or the reason for her arrest, and the government denied holding her.

After five days, Najlaa managed to make a brief phone call to her family using one of the detention guards' phones, informing them that she was detained by a security agency but did not know the location of her detention. Her family remained unaware of her whereabouts and legal status. Weeks later, the family learned informally that she was being held at the headquarters of the Joint Operations Force on the outskirts of the city. She was then referred approximately two months later to the Public Prosecution on charges of defamation and was later released.

This case fully illustrates the elements of enforced disappearance, which include deprivation of liberty by a State-affiliated agency, accompanied by official denial or silence regarding the place of detention and legal status, effectively placing the victim outside the protection of the law. The brief phone call to her family does not stop enforced disappearances, as it did not occur through an official channel and was not accompanied by a formal acknowledgement of detention or disclosure of her fate or location. Even if authorities later admit to detaining someone but refuse to disclose their location or fate, it still constitutes enforced disappearance as long as the person is effectively deprived of legal protection.

Only one of these elements is enough to establish this element.

Important Note for Documentation:

There is no minimum time period required for an act to amount to enforced disappearance. Even a “short disappearance” for a few hours may amount to enforced disappearance if the elements above are satisfied.

> **Enforced Disappearance under International Criminal Law**

All of the above regarding the definition of enforced disappearance were within the framework of International Human Rights law, primarily aimed at establishing State responsibility. Under International Criminal Law, the focus is on individual criminal responsibility as discussed earlier, and the Rome Statute defines enforced disappearance as:



the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with

the intention of removing them from the protection of the law for a prolonged period of time.

This definition is similar to that under International Human Rights Law, but it is not limited to the State; it also includes non-State actors such as political organisations. However, not every case of enforced disappearance constitutes an international crime under International Criminal Law. It must, as discussed previously, meet the elements for crimes against humanity or war crimes¹⁸.

Third: Extra-judicial, Summary, and Arbitrary Executions

There is no single international treaty explicitly dedicated to the crime of extra-judicial or arbitrary execution. However, the right to life is a fundamental right protected by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and General Comment No. 36 of the Human Rights Committee (2019). This section addresses extra-

judicial, summary and arbitrary execution as any deprivation of life not permitted under international law.

Extrajudicial execution requires the intentional killing of a person by State authorities, or by persons acting on their behalf or with their consent, without a legal basis permitting such killing, such as issuing orders to kill individuals or opening live fire on them with the intent to kill.

Arbitrary execution refers to killing resulting from the excessive use of force

or lethal force, such as the disproportionate use of force to disperse demonstrations, deaths in places of detention as a result of torture, or civilian loss of life resulting from the bombing of military objectives, where the intent is not to kill civilians.

Summary execution is the taking of a person's life following a death sentence imposed after trials that do not meet the minimum standards of a fair trial, such as military trials¹⁹.

Case Study: The Killing of Lawyer Hanan al-Barassi in Benghazi

On 10 November 2020, LCW documented the killing of lawyer and political activist Hanan al-Barassi in the morning on one of Benghazi's busiest streets. Hanan was known for her Facebook live broadcasts, in which she spoke about corruption and violations committed by the Libyan Arab Armed Forces. Hours before her killing, she appeared in a live broadcast again criticising these violations. She had previously received threats against herself and her daughter and had spoken publicly about earlier assassination attempts. Shortly after this broadcast, unknown gunmen shot her at close range, leading to her death.

This case is classified as an extrajudicial killing, as the victim was an unarmed person targeted because of her peaceful activism and her exercise of the rights to freedom of opinion and expression. It was an intentional killing carried out in a public place, without any legal basis or judicial process. Moreover, the absence of an independent and effective investigation, within a broader context of a pattern of targeting women activists in eastern Libya and the perpetrators' impunity, highlights the responsibility of the authorities in eastern Libya for this crime.

The term unlawful killing is also used in some cases. It refers to any deprivation of life that is not permitted under international law, whether intentional or unintentional, when carried out by State authorities or by persons acting on their behalf or with their consent. It is therefore a broader concept and may overlap with the elements of extrajudicial execution. It should be noted that the distinction between extrajudicial, summary, or arbitrary executions on the one hand, and unlawful killing on the other, is not of great importance from the perspective of international law. This is because the right to life is guaranteed for all persons, and killing is prohibited in all circumstances²⁰.

> **Extrajudicial, Summary, or Arbitrary Executions Under International Criminal Law**

These crimes may amount to war crimes when committed against persons protected under the four Geneva Conventions in the context of armed conflict. They may also constitute crimes against humanity

Universal jurisdiction over the crime of extrajudicial, summary or arbitrary executions

Extrajudicial, summary, or arbitrary executions are considered international crimes for which States are obliged to arrest and prosecute the perpetrators wherever they are found on their territory, even if the crime was not committed on that State's territory.

when committed as part of a widespread or systematic attack directed against the civilian population²¹.

Fourth: Arbitrary Detention

Arbitrary detention is any form of deprivation of liberty without a legitimate reason or in a manner that violates fundamental fair trial standards. It may be carried out by State authorities, or with their approval or knowledge. It is not limited to official or unofficial prisons; it also includes

house arrests or requiring a person to report daily to a police station and spend hours there without any legal basis, which happens in Libya.

The Working Group on Arbitrary Detention has set out five key criteria for determining when detention is arbitrary:

First criteria: Absence of legal basis

It is impossible to invoke any legal basis or justification for detaining a person or depriving them of their liberty. Examples include keeping a person detained without being brought before the Public Prosecutor, keeping a person after their sentence has ended, keeping a person after a pardon has been issued, administrative detention without judicial oversight, or detaining someone for conduct that is not criminalised or recognised by law.

Second criteria: Punishing the exercise of legitimate rights

Detaining a person because of their legitimate exercise of rights protected under International Human Rights Law, such as freedom of movement, freedom of religion or belief,

participation in political life and voting, freedom of opinion and expression, freedom of peaceful assembly and association, or affiliation with cultural or religious minorities.

Third criteria: Serious flaws to fair-trial standards

A person is arbitrarily detained if their trial does not meet minimum fair-trial standards. This includes flaws such as:

- arrest without a warrant issued by a competent authority
- delayed referral to a prosecutor or independent judge
- failure to inform the person of the reasons for arrest in a language they understand
- denying the person or their lawyer the right to present their defence.
- Charging the person with trumped-up or politically motivated charges
- keeping the person for prolonged periods in inhumane and poor detention conditions, such as overcrowded cells, lack of ventilation, denial of medical care, torture, or ill-treatment

- failure to renew pre-trial detention on time, or renewing it for prolonged periods without a genuine judicial decision or regular review
- relying on confessions extracted under torture to issue judgments

This happens when migrants, asylum seekers and refugees are held for long periods without judicial oversight or administrative review. The principle is that migrants should not be detained regardless of how they entered the country. However, in Libya, migrants are imprisoned and exploited for extended periods of time.

Fourth criteria: Detention of migrants

Case Study: Arbitrary Detention of a Teacher in Misrata

It was reported that in March 2021, Mahmoud Salem, a teacher in his mid-forties, was arrested in the city of Misrata by armed members of the Joint Operations Force affiliated with the Government of National Unity. His arrest took place without any arrest warrant or order issued by a judicial authority. He was subjected to severe beatings for several hours after his arrest, then placed in solitary confinement for five days in a small cell, during which he was prevented from using the toilet regularly and denied adequate food.

He was later transferred between several detention facilities before being placed in a prison where he remained for about three and a half years without any formal charges or being brought before a court, and with almost no access to medical care, which caused a severe deterioration in his health condition. His family repeatedly submitted requests for his release to no avail, and some of them were threatened due to their insistence on accessing his rights, until he was eventually released by the Public Prosecutor without any reparation.

In this case, the detention of Mahmoud Salem is considered arbitrary according to the first and third criteria concerning the absence of a legal basis, given the lack of an arrest warrant and the absence of any judicial procedures throughout the duration of his detention. This case serves as a practical example showing how violations from the moment of arrest, combined with prolonged detention under inhumane conditions, can lead the documenter to assess the deprivation of liberty as arbitrary detention.

> Severe deprivation of liberty under International Criminal Law

Arbitrary detention does not end at being a human-rights violation. Under certain circumstances, it can amount to a war crime or a crime against humanity under the Rome Statute of the ICC. It can amount to a war crime when committed in the context of an armed conflict and involves the unlawful detention of protected persons, taking hostages, or depriving prisoners of war or civilians of their rights under the Geneva Conventions. Severe deprivation of liberty can also amount to a crime against humanity when it involves imprisonment or any other severe deprivation of physical liberty, committed against a civilian population as part of a widespread or systematic attack²².

Fifth: Human Trafficking of Migrants

Human trafficking is a serious crime that turns a person into a commodity for sale and exploitation. According to the Palermo Protocol supplementing the

United Nations Convention against Transnational Organised Crime, which Libya has ratified, this crime is defined:

“

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs²³.

According to this definition, the crime consists of three essential elements, **all of which must be present:**

The Act: Recruiting, transporting, transferring, harbouring, or receiving persons.

The Method: Use of force or threat, abduction, fraud, deception,

exploitation of vulnerability, or payment to a person controlling the victim.

The Purpose: Exploitation, which includes, at a minimum:

- Forced sexual labour.
- Forced labour, or service.
- Slavery or practices similar to slavery.
- Organ removal²⁴.

Case Study: Libya as a Major Hub for Human Trafficking

Over the years, LCW has documented the transformation of Libya into a major hub for the trafficking of migrants on their way to Europe. The absence of accountability and the weakness of State institutions created an environment in which migrants could be abducted from the streets or even from official detention centres and transferred to warehouses, farms, or illegal facilities. There, they are forced to contact their families to demand ransom, and are subjected to beatings, torture, rape, forced labour, and, in some cases, sold as commodities.

LCW has also documented that women and girls face compounded violations, including forced sexual labour and detention under inhumane conditions. Forced labour is also widespread in construction, agriculture, and other work, often without pay and under the threat of violence or killing, exploiting the vulnerability of irregular migrants.

The cases documented by LCW show the involvement of armed groups and security agencies affiliated with the authorities, or operating with their support or consent. Commanders in both official and unofficial detention centres are also implicated. Smugglers have turned into human traffickers, and organised crime networks play a major role. Sometimes, individuals connected to security agencies are involved as well. All of these actors operate with complete impunity. This widespread and systematic pattern amounts to human trafficking as a crime against humanity.

In Conclusion, by understanding these crimes and State obligations, a documenter can analyse and legally qualify the case they are documenting accurately:

- Are we working on a human rights violation only?
- Or does the violation constitute a widespread, systematic pattern, or occur in the context of an armed conflict, making the detention a war crime or a crime against humanity that requires international criminal accountability?

PART TWO

Research and Documentation

This section is practical and directed specifically to documenters and researchers working in and on Libya. It explains how information is collected, verified, classified, and analysed in accordance with ethical and legal standards. It also addresses how to work with victims and survivors, protect data, and ensure the safety of researchers. The aim is for this section to serve as a practical tool for documentation teams and human rights organisations.

DOCUMENTATION GOALS

Documentation is a methodological process of collecting information and verifying its credibility with the aim of addressing human rights violations through litigation or advocacy. This includes interviewing victims, survivors, and witnesses to gather testimonies; reviewing official records such as police reports and medical and psychological reports; communicating with government authorities and journalists; and visiting places of detention whenever possible. Documentation is often a cumulative process that extends over a long period of time.

In the Libyan context, where efforts toward investigation and accountability are largely absent and impunity is prevalent, documentation becomes especially important for collecting information about violations in an accurate and consistent manner. This section aims to explain why we document and what the objectives of documentation are in the Libyan context, and then to outline the

The Difference Between Monitoring and Documentation

Monitoring is an initial observational activity that relies on following news, social media platforms, and reports by activists and journalists to identify violations, incidents and patterns of crimes. Documentation, on the other hand, goes beyond observation to verification, analysis, evidence collection, and the building of case files that can be used for different objectives in practice.

Documentation usually begins with monitoring to identify priority issues, and then moves to documentation once sufficient trends emerge to warrant in-depth scrutiny and follow-up.

substantive and ethical standards that make documented information reliable and usable without exposing victims or documenters to risk.

First: The Importance and Objectives of Documentation

Defining the goal of documentation is the first step; there is no documentation without a purpose or goal, even if that purpose is merely to preserve evidence so that it is not lost. In Libya, there are multiple objectives for documentation, most notably the unstable security and judicial situation and the frequent changes in authority, which may lead to the loss of information and allow those responsible for crimes to enjoy impunity.

> Amplifying the voices of victims and survivors and enhancing local awareness

Transforming documented testimonies into impactful public messages through reports, statements, and mobilisation campaigns aims to place the issues of victims and survivors on the media agenda, thereby raising local awareness and drawing attention to the existence

of violations occurring in specific patterns. In the Libyan context, this objective focuses on highlighting patterns of violations and their impact, and on generating organised pressure on governments to take immediate protective measures and to open pathways for accountability and reparations.

> Documentation to stop violations and prevent their recurrence

Documentation, publication, the submission of complaints, campaigning, advocacy, and litigation are **mainly aimed at providing reparations for victims and holding perpetrators accountable.** It also contributes to stopping violations and preventing their reoccurrence in the future. For this to happen, however, it is necessary to identify the root causes of these violations and how they can be addressed.

> Establishing facts and preserving memory

Documentation seeks to create a reliable and consistent record of facts,

preventing the rewriting of events for political purposes and the loss of evidence, and laying an objective foundation for future truth and reconciliation initiatives. In the Libyan context, documentation serves as a public reference based on credible testimonies and evidence, supporting a shared understanding of what happened and strengthening the sustainability of any transitional justice process.

> **Linking victims and survivors to accountability pathways**

Documentation is used to open the way toward accountability by **analysing violations and crimes and referring them to the most appropriate local, regional, and international accountability mechanisms,** including litigation, based on the type of violation and jurisdiction. Through this methodology, documentation becomes a bridge that connects victims to accountability bodies and paves the way for accountability and reparations for victims and survivors.

> **Support for victims and survivors**

Documentation helps **identify the needs of victims and survivors and enables safe referrals** to medical care, psychological and social support, legal assistance, and livelihood support. In this way, documentation serves both justice and recovery, not one at the expense of the other.

> **Pattern analysis and contextual understanding**

By compiling individual case files, **patterns of violations and crimes become clear.** For example, detention facilities that are repeatedly used to commit violations, methods of torture and ill-treatment that are commonly used, and potential links to official bodies or de facto authorities. This understanding helps build documentation that demonstrates that violations or crimes are not isolated incidents but part of a broader pattern.

> **Advocacy before International Human Rights Mechanisms**

Documentation is also used in **complaints submitted to international mechanisms capable of generating tangible responses.** It supports the drafting of complaints and briefing reports backed by credible evidence, which are submitted to relevant treaty bodies, UN Special Procedures, and regional mechanisms. The aim is to halt ongoing practices, secure urgent protective measures for victims, and open pathways for investigation and accountability.

> **Reparations**

Whenever the objectives of documentation are discussed, the concept of “reparations” consistently emerges as one of the most important overarching goals toward which all objectives are directed. Even during documentation processes and communication with victims, survivors, and their family members, recurring demands arise that all relate to this concept.

What are reparations?

Reparations are legal and practical measures granted to victims and survivors of gross human rights violations. Their purpose is to remedy harm as far as possible, not to “buy” silence. Reparations are a right for victims and an obligation on the State, and sometimes of an entity exercising effective control, and may be implemented through judicial or quasi-judicial mechanisms. Reparations take several forms.

What are the forms of reparations?

Restitution or return

Restoring the legal and material situation as much as possible to what it was before the violation, such as returning property or releasing someone arbitrarily detained, along with correcting records and restoring documents.

This is a limited measure and cannot be applied in cases of violations affecting physical or psychological integrity, such as torture or enforced disappearance. In such cases, it is complemented by other forms of reparation, such as

compensation, rehabilitation, satisfaction, and guarantees of non-repetition.

Financial compensation

An amount of financial compensation determined judicially or administratively to repair material and moral damages. This includes physical and psychological harm, loss of income, medical costs, legal expenses, and lost opportunities such as employment or education. Compensation alone is not sufficient and does not replace investigation and accountability; it is complemented by other reparation measures.

Medical, psychological, and legal support

Therapeutic, psychological, social, and legal services that help the victim or survivor recover and reintegrate into society. This includes specialized healthcare, psychosocial follow-up, necessary medical devices or medications, and legal assistance.

Satisfaction

Measures that are of moral impact, including official recognition of the

violation, public apology, cessation of the violation, uncovering the truth and fate of the disappeared, proper handling of remains, memorials or commemorations, in addition to holding those responsible accountable. The goal is to address harm that cannot be remedied by financial compensation alone.

Guarantees of non-repetition

Legislative and institutional reforms, training, and oversight to prevent the recurrence of violations. This includes independent and periodic inspections of facilities, non-coercive interrogation protocols with audio-visual monitoring, effective accountability, and clearer governance of chains of command.

A State does not fulfil its obligations by implementing only one reparative measure; the choice of measures should be based on the nature and impact of the violation. Serious cases may require the full range of reparations, while less severe cases may require limited measures. The reparation system applies both in peacetime and during conflict. To determine the most appropriate forms,

guidance is drawn from the Basic Principles and Guidelines on the Right to a Remedy and Reparation, which serve as a practical reference for the forms of reparations and their requirements²⁵. These objectives clarify what documentation in Libya is intended to achieve, including evidence preservation, accountability, awareness, protection, and analysis leading to reform and reparation.

Since the value of documentation depends on the reliability of its material and the soundness of its methodology, several objective and ethical standards must be followed and observed concerning the quality, accuracy, and consistency of information, treatment of victims and survivors, risk management, confidentiality, and informed consent. This will be addressed in the following section.

DOCUMENTATION STANDARDS

As noted, documentation standards are summarised into ethical standards and objective standards. It is important to note that these standards are interconnected and must be applied together during documentation; it is not permissible to apply objective standards while disregarding ethical ones. For example, it is not acceptable to document information that is credible and consistent without obtaining informed consent from the victim or survivor. International mechanisms will not accept information without the complainant's consent, and publishing information without the victim's or survivor's consent may expose them to serious risks that could result in harm. This would be contrary to the ethical principles of documentation. So, what are these standards?

> Ethical Standards

Ethical standards constitute the framework that ensures

documentation prioritises the security of people above all and is based on the principle of “do no harm.” At every step, the documenter assesses the likelihood of physical, psychological, or security-related harm. If such harm cannot be reduced to an acceptable level that can be mitigated, documentation must be suspended or postponed.

The documenter is required to obtain informed, purpose-specific consent; maintain strict confidentiality and data protection; provide safe referrals for psychological, medical, and legal support without any conditions; and continuously reassess risks before, during, and after interviews.

Psychological, Medical, and Legal Support

Psychological support should be an integral part of the documentation process. **The documenter must always inform the victim that psychological support services are available and accessible should the victim wish to use them.** In some cases, the victim may initially refuse psychological support; in

such situations, the documenter should offer it again at a later stage.

At times, it may not be possible to proceed with documentation due to the effects of trauma. In such cases, it is important to provide psychological support first, and once the victim reaches a condition that allows them to give testimony, the documenter may then collect the statement.

It must be noted that under no circumstances may the victim be coerced or conditioned into providing documentation-related information in exchange for psychological support. Even if the victim refuses, before, during, or after receiving psychological support, to continue with documentation, the documenter must respect this decision and refrain from pressuring the victim to provide testimony.

The victim may also request medical or legal support, in which case they should be referred to organisations or lawyers who can provide such support free of charge. Accordingly, the documenter must have information about

Referral to support and build relationships with support providers

Psychological support may be provided through the same organisation the documenter works for or by referring the victim to another organisation that provides psychological support free of charge. However, it is essential that, before beginning documentation work, the documenter has referral agreements in place with other organisations that provide psychological support.

organisations that offer free medical and legal assistance²⁶.

Finally, in most cases, psychological and medical support is beneficial to the case overall, as medical, psychological, medico-legal, or psycho-legal reports can be used to support the victim's case and demonstrate that the alleged violations are substantiated by medical and psychological evidence. Medico-legal and psycho-legal reports here refer to documentation conducted in

accordance with the Istanbul Protocol for crimes of torture and other forms of ill-treatment.

Confidentiality

Confidentiality is a core component of ethical standards. Under all circumstances, the documenter must maintain the confidentiality of information, as any breach may expose the victim, survivor, witnesses, or others involved in the documentation process to various risks, including retaliation by authorities or armed groups. Confidentiality is also a fundamental component of informed consent, which will be discussed in the following section. Consent must clearly specify confidentiality provisions, the organisations with whom information may be shared, and how the information will be used.

Confidentiality includes refraining from disclosing the identity of the victim/survivor, contact details, personal experiences, location, or any documents, evidence, records, testimonies, or medical, psychological, or legal reports or any other supporting

evidence without the consent of the victim or survivor. **All measures must be taken to prevent any leakage of documented information, and information must be stored securely using safe methods.** Information may not be shared with authorities, UN bodies, lawyers, doctors, or any other person without the individual's consent.

In some cases, the documenter may document with several victims who were subjected to the same pattern of violations. For example, individuals detained in the same facility or subjected to similar abuses. In such cases, it is not permissible to share the details of one victim's case with another victim.

Informed Consent

Informed consent refers to obtaining the consent of the victim or survivor to document their case for one or more specific purposes. For consent to be considered informed and meaningful, the survivor or victim must be provided with full information, **including the following:**

How the information will be used

The documenter must explain in detail to the victim or survivor, in simple language they can understand, how the information will be used after documentation. For example, whether it will be used for filing complaints or litigation, which body the complaint will be submitted to, and whether that body may share case details with those who committed the violations.

Benefits of documentation

The documenter must explain the potential benefits or positive outcomes of documentation, such as drawing attention to the occurrence of this type of violation in Libya, demonstrating that the violations are part of a broader pattern, and showing how documenting multiple cases of the same pattern can strengthen advocacy and litigation efforts against authorities.

Risks and how to mitigate them

The documenter must explain the potential risks arising from documentation and the use of information. For example, if information about a case is to be

published, it should be explained that this may lead to retaliation by authorities; however, such risks can sometimes be mitigated by withholding the victim's name and identity. It should be noted that this form of risk mitigation cannot be applied in litigation before international mechanisms, where anonymisation of the victim's name is generally not permitted. In all cases, a risk assessment must be conducted when documenting with the victim or survivor.

Recent consent

Consent must be recent; it is not permissible to use information about a case month or many years after documentation without renewed consent. Consent must be dated and current, as the victim may have given consent at the time of documentation but, due to changed circumstances, may later no longer wish for their case to be used.

Specific consent

Consent must also be specific as to its intended use. This means clearly stating whether the consent is for litigation, for

publication in a report, or for advocacy and campaigning purposes.

Explicit consent

Whenever possible, consent should be obtained in writing. If this is not feasible, it may be obtained through audio or video recording, or any other means that allows for identification of the person and verification of the content of the consent.

Right to withdraw consent

The victim, survivor, or witness has the right to withdraw their consent at any time, even if the documenter is about to publish the information, submit a complaint, or engage in advocacy. The documenter must respect and implement this decision.

Absence of the victim

If it is not possible to obtain consent from the victim or survivor for any reason, for example, because they are subjected to enforced disappearance. The family, the victim's lawyer, or relevant experts and professionals may be consulted to obtain informed consent.

Case Study: Obtaining Consent Without Exposing the Victim to Risk

A survivor from Sabha asked you not to send or provide any document that might indicate that you met with her, as her phone is sometimes searched. In this situation, written consent would pose a direct risk; therefore, no paper consent is obtained, and no physical record is left behind.

In such a case, consent may be obtained in the form of an audio recording via an encrypted communication channel and will be deleted once it is sent.

Information and Personal Security

In all circumstances, the documenter must ensure the safety of both information and individuals. If documentation, as noted earlier, is likely to cause harm to the victim, survivor, or witness, documentation should not proceed. **The documenter must also clearly explain what can and cannot be done to protect people and information,** as this helps avoid raising

unrealistic expectations for the victim or survivor. For example, the documenter must not claim that they or their organisation can make contact that would lead to the release of the victim or survivor in the event of arrest. Further, if the documenter is conducting documentation remotely, they must use secure and encrypted means of communication.

After documentation, the information should be uploaded to a secure database, paper copies should be destroyed, and the transport of sensitive data across border crossings and airports should be avoided. It is preferable to store such data in a country that respects confidentiality. By adhering to these safeguards, information remains usable without exposing anyone to risk.

> **Objective Standards**

Objective standards are the first line of defence for the credibility of documentation. They require the documenter to maintain neutrality and independence, and to build documentation on credible facts,

drafted with precision and consistency, with sources clearly documented. The greater the ability to analyse information and the fewer the inconsistencies, the higher the level of trust in the information and its usability for reporting, advocacy, and litigation. Conversely, failure to uphold accuracy and credibility may expose victims/survivors to harm, weaken cases legally, and damage the organisation's reputation.

It should be noted that the level of detail required is higher in litigation contexts than in general reporting, without compromising standards of accuracy and reliability in either context.

Commitment to Objectivity, Neutrality, and Reliance on Facts

Write only what you can prove, rely on credible facts, and avoid generalisations or politicised or accusatory language. Clearly separate factual description from analysis or conclusions.

Distinguish clearly between what the victim or survivor says and what you infer, and between what the victim or

survivor believes and what they actually saw or experienced. Do not allow your political or human rights judgments to guide the wording or selection of facts. Human empathy is permissible and

necessary to build trust, but the language used in testimonies or statements must remain professional and neutral.

Case Study: Documenting the Facts in an Objective Manner

Siraj informed you that he was recently released after being arbitrarily detained for three months. He stated that he was arrested near Al-Shatt Road in central Tripoli at sunset and transferred blindfolded to an unknown location. He described a narrow, windowless cell, the sound of footsteps and shouted orders, and said that he was beaten with a stick on his legs and back for about half an hour, causing bruising and difficulty walking for several days. He stated that he believes the Deterrence Agency for Combating Terrorism and Organised Crime (Al-Radaa) was responsible, because he heard the name of the apparatus being mentioned over a radio and noticed a dark insignia on the shoulder of one of the armed men resembling those seen on their patrols.

Siraj also said that he believes the supervisor of his torture was called Salem, as he heard this name mentioned once during the incident. Siraj further reported that another detainee named Mansour was held with him in the same cell and is presumed to have died after being beaten and denied medical treatment. He explained that he saw Mansour bleeding from the mouth and then lose consciousness, and that the guards removed him about two hours later, after which he did not see him again.

In Siraj's case, ensure that beliefs are recorded as beliefs attributed to the source, and that the reasons for those beliefs are documented exactly as stated by Siraj. Do not elevate belief to fact in Siraj's testimony unless additional independent evidence becomes available. The same applies to the case of Mansour: the indicators should be recorded as reported by Siraj, and your notes should clearly state that the death is unconfirmed due to the absence of a body or a medical report. Maintain a clear separation between factual statements and subsequent analysis in order to preserve objectivity and ensure that allegations are grounded in evidence.

Maintaining Accuracy, Reliability, and Quality of Information

The documenter must present events in a clear chronological narrative, identifying the beginning, end, and key turning points. Dates and times should be recorded where available; where precision is not possible, alternative temporal references may be used, such as indicating that the violation occurred around a specific event or month (for example, at the beginning of Ramadan or near the start of the school year), while clearly noting the margin of uncertainty. The consistency of the testimony should be reviewed. If contradictions arise regarding events or timing, the witness should be asked for clarification, and the reason for the discrepancy should be recorded rather than assumed. Witnesses should not be pressured to fill gaps; matters they do not recall should be explicitly documented as such.

The victim or survivor should be given space to narrate events in their own words, and leading questions should be avoided. Questions such as “Were you tortured?” should be replaced with

open-ended questions like “What happened after you arrived at the prison?”, followed by precise follow-up questions to confirm details such as location, potential perpetrators, methods used, and impact. If the victim’s narrative is not sequential, the documenter may reorganise it while preserving the witness’s original wording.

Proximity to the Event

The general rule is that the closer the documenter is to the source of the event, the greater the credibility of the information; the further removed the source, the lower the precision and the greater the need for verification. For each testimony, the source should be identified, along with its proximity to the event and the reasons for trusting it. Supporting evidence should be sought immediately, such as photographs, medical reports, independent eyewitnesses, or time-stamped records. Each source should be assessed based on the recency of the information, its credibility, and potential bias, and these considerations should be recorded in the file. This approach

Source priority sequence

1. **Victim/Survivor:** The most accurate and detailed source. Eyewitnesses: People who attended the event directly.
2. **Relatives or friends:** Sources of support when victims or witnesses cannot be reached.
3. **Secondary reports or information:** Use only as support or to determine the direction of documentation.

transforms individual testimonies into a set of cross-examining indicators that strengthen the overall credibility of the file rather than relying on a single account.

Obtaining Supporting Evidence

The testimony of a victim or survivor constitutes evidence in itself, but it should ideally be supported by additional evidence and reports. For example, in allegations of torture, medical and psychological reports documenting its effects are preferable. In cases of enforced disappearance, testimonies can be reinforced by

information on the dates of reporting to authorities, report reference numbers, official correspondence, submissions to international or UN bodies, and advocacy campaigns that establish the timeline of disappearance. Victims or survivors may also be referred for medico-legal and psychological documentation in accordance with the Istanbul Protocol. In short, all available supporting evidence should be used to strengthen and corroborate the victim's or survivor's account. Supporting evidence will be addressed in detail later in this guide.

Timeliness of Information

It is preferable to begin collecting information as soon as the witness, victim, or survivor is ready to provide testimony, as memory is then sharper and more detailed, while clarity tends to diminish over time. Nevertheless, readiness and the ability to speak and meet with the documenter remain essential; witnesses must not be pressured to disclose information before they are psychologically and practically prepared. In many cases, survivors have a strong motivation to

document their experiences as part of a path toward reparation. In such situations, interviews should be conducted without undue delay, while respecting the witness's pace and needs.

Integrating Gender Dynamics

Integrating gender dynamics is an essential step in understanding the full scope of harm inflicted on individuals and communities. Violations do not affect everyone in the same way; for example, women may be subjected to

Case Study: Integrating Gender Dynamics in Documentation in The Tarhouna Case

After the withdrawal of the "Kaniyat" group from Tarhouna in 2020, documentation teams began their work following the discovery of mass graves and widespread reports of enforced disappearances. Field accounts showed that targeting followed different patterns based on gender. Men and boys were more likely to be abducted or executed under the pretext of opposing the group or collaborating with its rivals, while women faced other forms of violation, including threats of sexual assault and sexual extortion to coerce them into providing information about their fleeing husbands and relatives. Many women were forced to move between cities and prisons searching for traces of the disappeared individuals forcibly concealed by the group, exposing them to harassment, social stigma, and additional economic and psychological pressures.

*Integrating these gender differences into documentation tools and questions shifted the perspective: **violence was no longer read solely as targeting "potential male opponents," but as part of a broader system of intimidation that included women both as targets and as instruments of coercion.** Accordingly, the findings were not compiled merely as a list of incidents; they were paired with recommendations, including safe referrals for psychological and social support for women bearing the burden of searching and facing stigma, secure communication measures respecting confidentiality and security constraints, and organised pathways for locating the disappeared that account for gender sensitivities. This approach made the file more accurate and responsive to victims' needs, and more usable before international accountability mechanisms.*

specific forms of gender-based violence, such as sexual violence or exploitation, while men and boys may face other patterns related to forced recruitment or detention. The impact of violations may also differ for marginalised groups, including persons with disabilities or gender minorities. Ignoring these differences can lead to incomplete documentation and may obscure systematic patterns of abuse. Therefore, integration requires the use of tools and questions that are sensitive to gender and to the differentiated impact of violations on various groups, particularly along gender lines. This enhances the accuracy of documentation and makes its outcomes more effective in accountability and justice processes.

Establishing Patterns of Violations

As documentation expands, it often becomes apparent that the violations being documented are part of a broader pattern of abuse. The documenter may find that multiple cases reveal recurring patterns such as torture or enforced disappearance committed in a routine and systematic

manner in eastern or western Libya. This helps establish the credibility of the documented information. Such data can therefore be used to demonstrate that the case at hand forms part of a wider pattern of similar violations, thereby strengthening and supporting its credibility.

ELEMENTS OF TESTIMONY DOCUMENTATION

Collecting testimony is the process of documenting information from the victim or witness. Some researchers prefer using a pre-prepared questionnaire, which can be suitable for beginners, but it is **generally better to gather information according to the victim's or survivor's own narrative**, for two main reasons:

1. Direct questions may make the victim feel interrogated and hinder free narration.
2. No form can cover all potential types of violations, and long forms become cumbersome.

To facilitate documentation, **the VVR methodology** can be adopted, which stands for:

- Violation
- Violator
- Remedy

These three elements cover all essential information in any documentation.

When documenting, one collects information about the violation (what happened, why, where, and what type of violation), about the violator (which force/unit committed the violation, police, military, militia, or armed group), and any steps the survivor or victim took to seek remedies, such as filing complaints with courts, police, or international mechanisms. Documentation thus revolves around these three questions.

First: Key Questions for Documenting the Violation

A violation or grave crime is defined as a breach of one of the obligations under International Human Rights Law, a war crime in armed conflicts, or a crime against humanity. Key information to collect about the violation includes:

- **Location:** Where did the violation happen? For example, where was the person arrested, where was a protest suppressed, or where were demonstrators killed? Multiple locations may be

involved, such as repeated transfers between detention centres.

- **Time:** Dates and times, if available. If not, approximate references such as near a specific month, event, or festival, with noted uncertainty. Record the timing of each violation separately.
- **Method:** How was the violation carried out? For example, how was the arrest or torture conducted?
- **Reason:** Why did the violation occur? Include the authorities' stated reasons and what the victim or survivor believes. For instance, a victim may state they were tortured for expressing political opinions, while authorities claim it was for national security reasons.

If the documenter is collecting testimony from a victim or survivor, they can prepare some guiding questions to help remind them of the points that need to be documented.

These questions can take the following form:

> **Sample Form for Documenting Arbitrary Detention**

- **Name and place of detention:** Specify whether it was a police station, military base, official or unofficial detention centre. Official detention centres are those established by a formal government decision and supervised by official authorities.
- **Duration of detention:** How many days/months/years? From when to when? Was the victim transferred between different detention locations? If so, what were the durations at each location, and if possible, provide exact dates or the number of days spent in each facility.
- **Other detainees in the same cell:** How many were there? Were there children? Why were they detained? What charges were brought against them? Were there signs of torture on them?
- **Cell location and details:** What is the approximate size (in square meters)? Are there toilets? Is there a sleeping area? What was

the temperature? Were there ventilation factors or windows? Was there lightning, and was it ever cut off? Is the cell located on an upper or lower floor? If possible, can the detainee draw a rough map?

- **Hygiene:** Availability of cleaning supplies, presence of rats or insects. Was the use of toilets allowed, and how often? Were detainees allowed to bathe, and how frequently? Was there privacy in the toilet or bathing areas?
- **Food and drinking water:** Was it available? What type of food was provided, and was it clean? How often was food provided?
- **Time outside the cell or exercise:** Were detainees allowed to go to the prison yard? For how long? Were they allowed to exercise? What outdoor activities were permitted?
- **Isolation:** Was there separation from other detainees or solitary confinement? For how long? How often? Note that prolonged solitary confinement may

constitute psychological torture under international law and standards.

- **Medical care:** Were medicines available? Were there delays in receiving treatment? Were detainees examined by independent doctors? Did they have access to a hospital or a private doctor (not the prison hospital or doctor)?
- **Family visits:** Were family members able to visit or communicate? Did they know the detainee's location? Were conversations monitored? How often could they visit, and were Libyan regulations regarding family visit schedules respected?
- **Access to a lawyer:** Was the detainee able to meet with a lawyer? How many times? Could the lawyer access court documents and investigation files? Could they represent the detainee and attend hearings with them? Were they able to appeal the detention decision, and what was the outcome?

- **Judicial oversight:** Was the detainee presented to the court regularly and in person? How much time passed between detention and the first court appearance? Were extensions of pre-trial detention respected according to the law?
- **Bribery:** Was the detainee forced to pay money to obtain services, food, or water in detention?
- **Method of release:** How and when was the detainee released? Was it through official procedures by a judge or prosecutor, social mediation, or political pressure? Was the release conditional or unconditional?

Usually, documenters have some background information about the victim or survivor being interviewed and prepare similar points. However, it is always important to keep in mind that the victim or survivor may have experienced violations beyond what the documenter expects. Therefore, it is essential to allow the survivor or victim to narrate what happened to

them freely, without interruption from the documenter.

> **Sample Form for Documenting Torture**

- **Location where torture happened:** Specify precisely where the torture occurred (cell, vehicle, interrogation room, or a place designated for torture). If possible, ask the victim to draw a rough sketch (diagram) of the room or detention site, as this can help identify the exact location.
- **Details of what happened:** Present the events in chronological order. Clearly explain the methods and tools used for physical and psychological torture and identify the body parts targeted. For example: Was the torture physical? Which areas of the body? Was an electric shock used, and where on the body? Was suspension or hanging used, and how?
- **Victim's feelings:** The documenter should ask about and describe the

victim's feelings at each stage of the torture and afterwards. This adds the human perspective to the case and illustrates how the individual's human dignity was violated. This is the information sought by international accountability mechanisms.

- **Motive for the torture:** Identify the purpose through the interrogator's questions (e.g., extracting a confession, revenge, discrimination, punishment) and collect as much detail as possible about the nature of the questions asked and the responses given.
- **Presence of witnesses and frequency of torture:** Determine whether there were witnesses and how many times torture occurred, documenting each incident separately. Note that torture often occurs during the early stages of detention.
- **Effects of torture:** Carefully record the effects described by the victim or observed by the interviewer during the session, whether physical or psychological, and indicate whether they are short-

term, medium-term, or long-term.

- **Victim's health:** Ask about the victim's health before and after detention. Did they receive medical care or psychological support? Supporting information with medical or psychological reports is preferable if available.
- **Perpetrators' identity:** Check whether the torture was carried out by doctors or medical staff, keeping in mind that medical people may have specialised knowledge in inflicting pain.

Second: Collecting Information on the Perpetrator or Violator

The second element of documentation focuses on gathering as much information as possible about the perpetrator, whether it is an individual or the force they belong to. It is important to collect these details even if the victim claims to know who committed the violation. It is not enough for the survivor to say, for

example, that “Zaid committed these abuses”; all available information should be documented that indicates the responsible party or agency.

Examples of information to collect about the perpetrator:

- **Perpetrators’ identity:** Number of individuals, names, ranks, and the security or military unit they belong to. If this information cannot be obtained, focus on any details that can help identify the person or entity. For example, the force they belong to (army, police, or which unit within the force, such as Tariq ibn Ziyad Battalion, Internal Security Apparatus, or the Special Deterrent Forces).
- **Clothing:** Describe what they wore, whether formal or casual, and any insignia indicating the unit (army, police, or internal security).
- **Weapons:** What type of weapons did they carry? This can be useful in litigation against States or companies that supplied these weapons to Libya if they were used to commit or facilitate the

commission of serious human rights violations.

- **Vehicles:** The type of vehicles used, whether official or unofficial, license plates, and any logos. Logos may provide clues about the unit or authority involved.
- **Date and place:** The date and location of the violation, which can help verify who was on duty at that time.

Collecting this information is crucial for creating a detailed, comprehensive documentation file covering all stages of the violation and answering all questions a mechanism may have.

Third: Documenting Efforts for Reparation

Information about remedy or redress refers to all actions taken by the survivor, victim, their family, or lawyer to address the harm suffered. **Key points to document regarding remedy include:**

- **Charges:** What were the charges, and were they fabricated or politically motivated?
- **Access to Legal Representation:** Was the lawyer able to meet with the victim or survivor and review the case file?
- **Complaints Submitted:** What complaints were filed by the victim, survivor, or lawyer to prison authorities, police, public prosecution, courts, or any judicial petitions?
- **Authorities' Response:** How did the authorities respond to these complaints or petitions? Was a genuine, fair, and transparent investigation carried out or was it whitewashing?
- **Trial Proceedings:** Was the victim or survivor tried, and were all domestic remedies exhausted? This is important because international and regional mechanisms require proof that local remedies were exhausted.
- **Medical Examination During Detention:** Was the victim or survivor examined by a doctor during detention? Are there forensic reports available?
- **In Case of Death:** Are there forensic testimonies? What was the cause of death, and does it correspond with the actual cause?
- **Human Rights Complaints:** Were complaints submitted to human rights organisations, whether international, regional, or local?
- **Copies of Complaints:** Do the victims have copies of the complaints submitted?

FOURTH: CONDUCTING INTERVIEWS

Interviews with victims, witnesses, or family members are a core tool for documenting violations. Although patterns of violations recur in Libya, each individual has a unique story. Therefore, it should not be assumed that all victims or survivors have experienced the same events or will provide identical details. Each interview must be treated as an independent case with its own specific circumstances and sensitivities.

> Preparing for the Interview

The success of an interview begins with proper preparation. The documenter must carefully consider the identity of the victim, witness, or survivor, including factors such as gender, age, and the type of violation suffered. For example, the interview approach with survivors of sexual violence will differ from that used with survivors of

arbitrary detention. It is also important to think in advance, and where possible, consult the victim or witness about selecting the appropriate documenter and the documenter's gender. Some women may feel more comfortable speaking with female documenters, while some men may prefer female documenters in sensitive cases such as sexual violence. These preferences may vary depending on cultural norms and the social context.

Additionally, the documenter should assess potential challenges and consequences during and after the interview, such as psychological distress or re-traumatisation. A safe and suitable location must be chosen, ensuring privacy and confidentiality. If documentation is conducted remotely, secure and encrypted communication methods should be used, and interview times should be agreed upon in a way that is safe and convenient for the victim, survivor, or witness. Equally important is defining the objectives of the interview and preparing and sequencing questions, while noting any previous inconsistencies that may

require clarification if the interview is a follow-up.

> **During the Interview**

The interview should begin with the documenter introducing themselves, their organisation, and the objectives of their work. The documenter should explain how the victim's or survivor's name was obtained, the purpose of collecting the information, and how it will be used and archived. Informed consent must be obtained before starting, whether for recording the interview or taking notes. Confidentiality and respect for the wishes of the victim or survivor are essential at this stage.

At the outset, the documenter should build trust and break the ice through a brief, friendly conversation before moving into detailed documentation. This helps create a sense of safety and positive communication between both parties.

It is essential to avoid creating unrealistic expectations regarding the outcomes of investigations or the likelihood of judicial accountability. The

documenter should explain that such processes may take a long time or may yield limited results. The documenter should also clearly explain their procedures and use simple, accessible language that respects the victim's cultural background, while clarifying the possible uses of the information collected.

Whenever possible, interviews should be conducted by two people, one leading the conversation and the other taking notes. Ideally, this would combine medical and legal expertise, which adds value to the interview by ensuring that all relevant aspects are covered.

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> **Human Considerations and Avoiding Re-traumatisation**

Interviews concerning serious violations, such as torture, can be physically and psychologically exhausting for both parties. The documenter must therefore create a comfortable environment, allow for

breaks, and be prepared to respond appropriately to emotional reactions such as crying or sudden pauses. The victim should be informed that they may stop the interview at any time.

No pressure should ever be placed on the victim or survivor to disclose details they do not wish to share. Sometimes a survivor may choose to provide only a general account of what they experienced; this is acceptable and must be respected. It is also crucial to reaffirm confidentiality and to clarify that any identifying information will only be used with the individual's explicit consent.

> **Cultural and Ethical Considerations**

Cultural sensitivity is a fundamental element of interviews. Certain topics, such as sexual violence or rape, may be taboo or deeply sensitive in the Libyan context. The documenter should not challenge or undermine the victim's or survivor's beliefs or values. For example, a documenter with more progressive views should not confront or criticise conservative beliefs held by the victim or survivor.

The documenter must show empathy while maintaining professional

Practical Recommendations When Conducting the Interview

1. **Short, repeated interviews** are preferable to a single long interview.
2. **Having two people present** during the interview, when possible, reduces pressure and improves accuracy.
3. The documenter should **remain professional, composed, and emotionally steady, even if the victim becomes distressed or breaks down.**
4. **Use pseudonyms** when necessary to protect identities.
5. **Explain to the victim** what steps can be taken if they face intimidation or pressure after the interview.
6. **Refer victims** to psychological or medical support services when needed; such referrals may also strengthen the credibility of the case through medical or psychological reports.

boundaries and avoiding promises that cannot be fulfilled, as previously emphasised. Respectful seating arrangements, tone of voice, and body language all influence the victim’s sense of safety. Ending the interview gently—by shifting to a less sensitive topic—can help reduce emotional distress.

> **Avoiding Leading Questions**

To ensure the reliability of information, leading questions that suggest an answer, such as “Were you tortured?”, should be avoided. Instead, open-ended questions should be used, such as “What happened to you?” Victims should be encouraged to narrate events in their own way, even if their account appears fragmented or

Interviewee Preferences and Regional Biases

Murad is a victim from Benghazi who preferred to conduct the interview with a documenter who has no connection to eastern Libya. This preference stems from his fear that his testimony might be shared with locally influential actors, or that the documenter might be affiliated with authorities in eastern Libya, particularly since the victim opposes those authorities or has been subjected to violations by them.

In such cases, the documenter must clearly explain to the victim or witness from the outset that they have the right to choose the background of the documenter and to request engagement with a different documenter. The primary objective is to ensure safety and psychological comfort. If the preferred documenter is not available within the documentation team, an intermediary person may be engaged.

The documenter should record the victim’s preference and the measures taken to accommodate it within the documentation file, as this directly affects the depth and reliability of the testimony. For example, a victim may withhold information or avoid discussing certain details if they feel unsafe or uncomfortable. It must always be remembered that persuading a victim to proceed with an unsuitable documenter for the sake of saving time risks undermining the most critical element of the process: a credible, reliable testimony that can be meaningfully built upon.

repetitive. Disorganisation or repetition does not necessarily indicate unreliability; it may reflect the impact of trauma. The documenter's role is to organise the testimony and establish clear chronological sequence.

COLLECTION AND PRESERVATION OF EVIDENCE

The evidence collection phase is a crucial stage in supporting the case of a survivor or victim. At this stage, the documenter gathers all available evidence that can be obtained from the victim or survivor. The documenter may also conduct open-source research to obtain digital evidence and may contact the victim's lawyers to obtain case-related documents, if available.

First: Types of Evidence

Once the evidence has been collected, it must be classified as follows, **as this will facilitate the preparation of the documentation file at a later stage:**

Testimonial Evidence

this includes statements and testimonies from victims, eyewitnesses, hearsay witnesses, and expert testimonies.

Documentary Evidence

This includes arrest warrants, judicial orders, medical and psychological reports, death certificates, official correspondence, records or complaints, and any other documents that can be obtained from the lawyer, victim, or survivor to support the victim's or survivor's testimony.

Digital Evidence: This includes text messages; communications via social media platforms; photographs and videos; call logs; audio files; online posts, including on social media; threats made through electronic communication channels and social media platforms; as well as any other evidence that can be obtained from official government websites, such as decisions, statements, press releases, or any other electronic documents or data.

Physical Evidence

This includes photographs of injuries, such as signs of torture. It is preferable to use measuring tools, such as a ruler, to indicate the size of the injury, and to take two photographs: one showing

the location of the injury on the body, and another close-up showing the details. Physical evidence also includes torn or bloodstained clothing, weapons, or tools used in the violation, such as bullets or bomb canisters.

Second: Chain of Custody

The chain of custody is the precise documentation of every individual who handled the evidence, as well as when and how it was handled, to ensure that the evidence has not been tampered with and that it remains usable as evidence. Maintaining a proper chain of custody is critically important, as it establishes the authenticity of the evidence, ensures its admissibility before courts, and prevents challenges to its credibility and admissibility.

> How to Maintain the Chain of Custody?

Initial Documentation

- Who collected the evidence? (For example, the documenter Zaid)
- When was it collected?

- Where was it collected?
- Under what circumstances? (For example, during a field visit at 1:00 p.m. in Martyrs' Square.)

Transportation and Storage

- Who transported the evidence?
- To where was it transported?
- How was it stored?
- Who was authorised to access it?

Handling

Every instance in which the evidence is used must be documented, and any copies or reproductions must also be recorded.

> Preservation of Digital Evidence

Photography and Video

- Preserve original files without modification.
- Record metadata.
- Create multiple backup copies.
- Store files in secure, encrypted locations.
- Electronic Documents
- Save PDF copies of digital documents.

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- Take screenshots of conversations or posts.
- Preserve URLs and dates.

Encryption and Security

- Use encrypted storage devices.
- Set strong passwords.
- Maintain backup copies in multiple locations.

RESEARCH METHODOLOGY AND PREPARING THE DOCUMENTATION FILE

Before embarking on documentation, it is essential to assess the added value of the documentation or research we are undertaking and to answer some questions, **such as**:

- Does this research add new information that has not been mentioned in previous reports?
- Does it reveal serious violations that were previously unknown?
- Are there previous reports that have comprehensively covered the same topic?
- Is this the appropriate time to conduct this research?
- Is there a political or media context that makes this documentation more impactful?
- Is there an opportunity to achieve real change as a result of this documentation?

This step is crucial to determine the added value of the work we are doing and to evaluate its impact on the human rights situation in Libya.

Stage One: Monitoring of Violations

Initial monitoring represents the starting point for preparing any documentation file. Open-source research constitutes a core component of this phase. It includes analysing information that is publicly available in the digital and public domain, such as published reports, media coverage, social media platforms, videos, documents, and statements issued by official bodies. This work can begin with desk-based research, without requiring complex technical tools.

Open-source research helps in understanding the broader context of violations, identifying relevant actors, potential victims, and patterns of violations, and provides preliminary information that can later be verified through interviews and site visits. It also enables the documenter to reach

victims and their families, lawyers, or activists in a given area, and to build an initial network of information sources.

Open sources include, for example:

- **Official reports:** issued by the United Nations and international and regional organisations concerned with Libya.
- **Local and international media coverage:** bearing in mind that a significant portion of Libyan media is biased toward parties to the conflict, which requires cross-checking and comparison across multiple sources.
- **Social media:** Digital content published on social media and on

the official or semi-official pages of security agencies and armed groups.

- **Official statements:** Documents issued by the authorities.

Open-source research does not replace field or remote documentation through interviews, site visits, or the collection of documents. Instead, it guides this work, makes interviews more precise and supported, and helps build a clear hypothesis regarding the type of violations, the groups targeted, and the potential perpetrators. The best approach is always to combine open-source research with traditional documentation methods in order to

Case Study: Accessing Rapidly Changing Open Sources

While monitoring a raid in Tripoli, you noticed that a Facebook post containing, explicit images of military vehicles at the entrance of the Al-Zuhur neighbourhood on Airport Road disappeared within hours. Discussion of the incident then shifted from public comments to closed Telegram and WhatsApp groups run by residents.

In such situations, it is essential to think with the mindset of a member of the local community. Quietly join neighbourhood groups, and follow the pages of medical emergency response services, small clinics, and local mosques. These spaces often preserve tangible traces of events after public content has disappeared. Each time visual evidence is shared, a local copy should be saved, and its details recorded in a source log. Through these groups, it is also possible to contact witnesses and collect their testimonies.

produce a comprehensive and well-substantiated documentation file.

Stage Two: Defining the Objectives and Goals of Documentation

The purpose of documentation determines the required **level of quality and detail**:

Publishing reports and press releases

publication requires reliable information, but not necessarily the same level of detail needed for litigation. The focus is on clear and compelling storytelling, using victims' testimonies to highlight the human dimension.

Campaigning

campaigns require information that supports explicit and targeted messages focusing on human stories, similar to reports. In many cases, a report is followed by a campaign plan, for example, a campaign aimed at reducing patterns of enforced disappearance. Campaigns also require linking violations to international law

and standards and demonstrating the responsibility of the State or individuals for the crimes committed.

Advocacy before international forums: this requires accurate, evidence-based information, linking violations to Libya's international obligations, and presenting clear and constructive recommendations.

International advocacy

this requires the highest level of quality and precision. Every piece of information must be verifiable, and evidence must be meticulously documented with dates, names, locations, and circumstances. Litigation aims to establish individual criminal responsibility, and defence lawyers may challenge the evidence and conduct cross-examinations. Therefore, information must be precise, and the chain of custody for physical evidence must be documented appropriately. If litigation is the goal, it must be planned from the outset, rather than attempting to later convert general documentation into a legal case file.

Facilitating access to support for victims/survivors

this aims to identify the needs of victims or survivors for medical, psychological, or legal support. Documentation helps refer victims to organisations or actors capable of providing appropriate support. It also builds trust between the victim and the documenter and reinforces a victim-centred approach. Facilitating access to support ensures that documentation goes beyond information gathering and contributes to protection and empowerment.

Stage Three: Risk and Challenge Assessments

The principle of Do No Harm was discussed earlier in relation to risk assessment and the safety and security of people and information, so it will not be elaborated on here. This section focuses on the safety and security of victims, particularly as most documentation in Libya is conducted remotely, **which requires emphasis on key safeguards:**

- If a risk to the victim or survivor is identified and cannot be mitigated, documentation must be halted immediately.
- No documentation is worth endangering the life of a victim, witness, or documenter.
- Conduct a thorough risk assessment before every interview and throughout all stages of documentation and follow-up actions.
- Obtain informed consent from the victim after clearly explaining the risks.
- Prepare a clear emergency plan.

Stage Four: Identifying Victims and Witnesses

> Selection Criteria

Availability of evidence

Priority should be given to victims and also to persons who possess documents or physical evidence, and to direct eyewitnesses who personally witnessed the crime and can provide detailed information. Secondary

sources, such as individuals who heard about the crime and have relevant details but did not witness it firsthand, may follow.

Willingness to cooperate

Victims must be willing to speak, families must be willing to participate, and witnesses must agree to give testimony. If a victim or witness does not wish to use their testimony in accountability processes, it is up to the documenter to decide whether to proceed, knowing that the information cannot be used. In some cases, the documenter may still listen to understand the broader context.

Gender dynamics integration

Documentation that focuses only on men suffers from a fundamental shortcoming that undermines its value and effectiveness. Human rights violations do not affect everyone in the same way, and suffering differs by gender and circumstances. Documenting only from a male perspective captures only one part of the picture and obscures important patterns of violations affecting women,

children, and other groups. This gap weakens the quality, inclusiveness, and credibility of documentation before the international community and accountability mechanisms. Balanced documentation serves all victims, ensures all voices are heard, and supports justice for all. Therefore, when identifying victims and witnesses, efforts should be made to include both women and men to the greatest extent possible.

As noted earlier, objective and ethical standards must be applied throughout documentation.

> Methods for Accessing Victims and Witnesses

Victims can be reached through desk research or open-source research,

using names and contact details appearing in previous reports or media stories. They can also be reached through experts, activists, and lawyers, or through victims themselves. Building trust with victims is therefore critical, as they may serve as key connectors to wider communities of victims and survivors.

Stage Five: Preparing the Questions

> The Importance of Prior Preparation

As noted earlier, it is essential to prepare key points and questions before conducting an interview. This helps ensure that all required elements are covered, guides the interview in an organised manner, avoids confusing the victim with random questions, and prevents the forgetting of criticalessential points.

However, **it must be understood that prepared questions are a guide, not a constraint.** The victim should be allowed to narrate their story in their own way. Questions are mainly used to fill gaps, and follow-up questions can be added depending on the flow of the conversation.

> Available Evidence

It is always important to ask about any evidence held by the victim, witness, family members, or experts. This includes asking whether they have:

- **Documents:** such as arrest warrants, medical reports, psychological reports, copies of case files, or any other documents related to the case.
- **Photos or videos:** of perpetrators, places of detention, or other relevant locations or incidents.
- **Other witnesses:** who may be able to provide testimony.
- **Written communications:** such as messages or call records.
- **Social media accounts:** especially if the victim or witness is an activist, as these may contain relevant content or evidence.

Stage Six: Collecting and Preserving Evidence

As discussed earlier, evidence must be collected, including:

- Documentary evidence.
- Digital evidence.
- Physical evidence.
- Testimonies.

Proper procedures for the chain of custody must be followed, including how evidence is preserved, stored,

transported, handled, and classified, as well as the importance of encrypting locations where evidence is stored.

Stage Seven: Analysis and Verification of Evidence

> Evidence Analysis

Organising the collected information

- **Classifying information** according to the type of violation, such as torture, enforced disappearance, or killing.
- **Present the information** chronologically and in a coherent sequence.
- **Linking testimonies or statements** with other evidence, such as digital or physical evidence.

> Identifying patterns

- Are there recurring patterns, such as enforced disappearances followed by killings?

- Are there specific perpetrating forces or agencies, for example, particular bodies such as the Special Deterrence Forces or the Tariq bin Ziyad Brigade?
- Are there specific locations where crimes repeatedly occur, such as particular detention facilities, which may justify focusing a report on torture in a specific prison?
- Are there specific time periods, for example torture and enforced disappearances, occurring since 2019 in South Libya?

> Cross-examination

- **Comparing testimonies** from different victims, witnesses, and experts.
- **Analysing and comparing details** against other sources.
- **Identifying inconsistencies** and explaining them.

> Verification Criteria

Consistency

- Is the account logical and coherent?
- Are there contradictions?
- If contradictions exist, can they be reasonably explained?
- Does the account align with information from other sources?
- Is it consistent with the broader context?
- Is it supported by physical evidence?

Source credibility

- Is the source reliable?
- Does the source have a motive to mislead?
- Was the source an eyewitness or reporting hearsay?

Level of detail

- Is the account rich in specific details?
- Detailed accounts often indicate credibility.
- However, caution is required, as trauma can affect memory.

Digital evidence and images

- Photos and videos should be analysed by digital forensics experts to verify their authenticity; reliance on artificial intelligence applications is not recommended.
- Weapons experts, if available, should analyse images and videos of weapons.
- Forensic doctors can analyse images of injuries, torture, or killings.

Stage Eight: Preparing the Documentation File**> Components of the Documentation File****Executive summary**

A brief overview of the information, evidence gathered and key findings.

Findings

- A detailed description of the documented violations.
- Identified patterns.

- The implicated actors for the violations.
- Identification of the targeted victims and profiles, such as lawyers, human rights defenders, or migrants.

State responsibility

- The State's obligations and how it failed to meet them.

Annexes

- Informed consent forms.
- Reference documents.
- Maps and timelines.
- A list of the evidence used.

In all cases, if the documenter is not a digital forensics expert, specialised experts should verify digital evidence, in available.

CONCLUSION

Documentation is not an end in itself; rather, it is the first and most crucial step in a long journey toward achieving justice. While it helps preserve memory and protect the truth from being lost, it also lays the foundation for subsequent stages that are equally important, such as preparing human rights reports, conducting advocacy campaigns, pursuing litigation, and engaging national and international accountability mechanisms to hold perpetrators to account and ensure reparation for victims and survivors. Documentation also plays a key role in understanding past mistakes and the root causes of violations, thereby contributing to progress toward transitional justice built on lessons learned from the past, ensuring that such crimes are not repeated in the future.

This guide has aimed to provide researchers and documenters with a simplified legal framework and practical, applicable tools tailored to the Libyan context, where security, political,

and social challenges make monitoring and documentation particularly difficult and risky. Nevertheless, adherence to ethical principles, objective standards, accuracy in collecting and analysing information, and proper alignment with international laws and standards are what ensure that documentation becomes a cornerstone in efforts to combat impunity.

Human rights work does not end at the documentation stage, but it begins there. The responsibility then lies in transforming the collected testimonies and evidence into tangible outputs, including reports, statements, advocacy campaigns, and litigation, all directed toward a single goal: protecting human dignity, ensuring justice for victims, hold perpetrators to account and breaking the cycle of prevalent impunity in Libya.

Annexes

Documentation and Informed Consent Form Templates

ANNEX 1: SAMPLE DOCUMENTATION FILE

Summary

Victim's name: Murad Salem
Mohammed

Responsible authority: Internal Security
Agency - Benghazi

Date and place of birth: 19 June 1991,
Benghazi

Place of detention: Secret prison at the
Internal Security Agency headquarters in
the Sidi Hussein area, Benghazi

Place of residence: Benghazi, Libya

Classification of violations:

- Arbitrary arrest/detention
- Torture
- Ill-treatment

Murad Salem Mohammed, born in 1991, reported that he was arbitrarily arrested on 11 November 2020 from Al-Zayt Street in the Shabna area of Benghazi, in connection with Facebook posts critical of the Libyan Arab Armed Forces. He stated that he was arrested by armed men wearing military uniforms without presenting any legal arrest warrant and was then transferred directly to the Internal Security detention facility located in Sidi Hussein, where he was held in a cell without being allowed to contact his family or be brought before any judicial authority.

He reported that he was interrogated by Internal Security officers, during which he was beaten and threatened. He said he was then held under harsh conditions, including denial of bathing, restricted access to the toilet, and poor nutrition. He also reported being subjected to severe torture, on the orders of an officer and carried out by guards and other detainees under coercion, causing fractures in his leg and hand. He stated that he did not receive any medical care. He was released in mid-January 2021 following

social mediation, on the condition that he sign a pledge not to speak about what he had been subjected to.

Details

The Arrest

Murad Salem Mohammed said that on the evening of 11 November 2020, while driving his car near his home on Al-Zayt Street in the Shabna area of Benghazi, armed men in two white Toyota Hilux vehicles—without logos or license plates—blocked his path. He said five men got out of the vehicles; they were armed and wearing civilian clothes, and one of them carried a wireless communication device.

He stated that one of them ordered him to get out of the car, and another grabbed his arm from behind, before instructing the other armed men to restrain him and place a black bag over his head. Murad said the operation took place in front of people on the street, and that one of his neighbors later informed his family that he had seen him being taken away by armed men.

He said he was transported blindfolded in the back of the vehicle, and that the journey lasted around half an hour. Upon arrival, he was taken out of the car, and he said hearing an officer shouting: “Put him in solitary, then inform the administration.” He stated that after a few minutes, one of the guards removed the blindfold after taking him into a small, dark cell.

The Interrogation

Murad reported that after eight days of being held in the cell, a guard opened the door, placed a plastic bag over his head, tied his hands, and took him to the interrogation room. There, a person he believed to be an officer told him that the orders had been issued and began questioning him about the page “Weld Benghazi,” which the officer described as “distorting the army,” telling him that they knew he was responsible for it. He added that

he was forced to stand with his hands bound throughout the interrogation, and that one of the guards slapped him in the face when he denied any connection to some of the posts.

He stated that the interrogation lasted for more than an hour and included questions about his political views, people he communicated with, and his position on military operations in Benghazi. After the session, the officer ordered him to sign papers that he was not allowed to read. He was then returned to solitary confinement, where he remained detained for **forty-five days** without being allowed to contact his family or be brought before any judicial authority.

The Conditions of Detention

Murad reported that food was served twice a day in old metal containers, and was often rice or cold pasta without vegetables or meat, in small quantities. He stated that he received only one bottle of water per day, containing just half a liter. He said he was not allowed to purchase any items or medicines from outside throughout his detention.

He explained that toilet use was permitted only twice per day, with each cell door opened in turn under the guards' supervision. He noted that sounds of screaming and beatings could be heard at night from the upper floor. He also said guards sometimes woke detainees late at night, entering the block, forcefully banging on metal doors, shouting at detainees, and insulting them. He reported that sleep was difficult due to humidity, cold, and the lack of mattresses or blankets, and that he was not allowed to leave the cell.

Murad stated that the cell had no light or ventilation and no windows, with rough concrete walls and a suffocating damp smell. The door was opened only to deliver food or allow toilet access. He said he slept on the floor because there was no bedding in the cell, and that it measured approximately four-square meters.

The Torture and Ill-Treatment

Murad reported that on the second day of his arrest, three individuals he believed were guards entered his cell, wearing civilian clothes. They placed a bag over his head and took him into the corridor, where they began beating him with BBR pipes, then took him to a windowless room with a metal hook fixed to the ceiling, and a floor covered with dried bloodstains.

He said one of those present, speaking in a commanding tone and giving instructions to the others, appeared to be the responsible officer, saying: “Let him learn his place.” He added that two other detainees working in corridor service, whom he recognized by their voices, were ordered by the officer to restrain him. His hands were tied behind his back and he was suspended from the ceiling by handcuffs, while two guards alternated beating him on the stomach, back, and sensitive areas, and kicking him in the face. He explained that the two detainees forced to carry out the torture appeared extremely frightened, and that one of them whispered an apology to him while carrying out the orders. He reported that this lasted around twenty minutes and stopped when a captain-rank officer entered and said: “Enough, take him down.” He was then returned to the cell almost unconscious and remained lying on the floor until morning without any medical care.

Murad stated that the torture caused him to suffer fractures of five ribs, fractures in two fingers of his right hand, and a fracture in a toe on his left foot, in addition to a broken back tooth. He reported suffering from shortness of breath and severe chest pain for weeks, and that guards only provided him with a single painkiller tablet per day through the slot in the door, without taking him to a doctor.

The Release

Murad reported that in mid-January 2021 he was informed that “the leadership approved his release” after one of his relatives—one of the tribe’s notables—intervened with officers in Benghazi. He said the release was conditional upon signing a pledge not

to speak about what he had been subjected to inside the prison or publish any information on social media related to his arrest and torture.

He stated that on the day of release, he was taken out of the cell late at night, his head was covered again, and he was transported by car to the outskirts of **Al-Abyar**, where he was ordered to get out without being given any official document proving the period of his detention. Upon release, he reported noticeable weight loss, difficulty moving his right arm, and recurrent dizziness, which he attributed to anaemia resulting from internal bleeding and lack of treatment.

Documenter's Notes

- During the interview, Murad Salem Mohammed appeared exhausted and suffered from shortness of breath and frequent coughing. Scars were observed on his right shoulder and right hand consistent with his account of suspension and beating. He appeared hesitant when mentioning the names of officers or detainees forced to carry out the torture, and he stopped more than once during the narrative to regain emotional control and wipe away tears.
- He spoke in a low and cautious tone and repeated some phrases in the present tense such as “they beat me” and “they hang me,” reflecting an ongoing psychological impact of the experience. He repeatedly stressed his desire to protect his identity and his fear that his testimony could reach the prison administration or persons connected to it.
- Murad's testimony is consistent in its temporal and geographical details with other testimonies received by the organization from former detainees in the Internal Security headquarters prison during the same period, particularly regarding the use of solitary cells in the old building, the role of specific officers in issuing torture orders, and forcing other detainees to participate in abuses under coercion.
- Murad Salem Mohammed's account reflects a recurring pattern in Internal Security detention facilities in eastern and southern Libya, consisting of arresting

individuals over social media posts critical of the armed forces, holding them in solitary confinement under the direct supervision of Agency officers, and using torture as a tool of intimidation and enforced silence.

- The testimony indicates that torture is carried out on the orders of officers, and is sometimes executed by other detainees under coercion, in a closed environment lacking any judicial or medical oversight.

Annexes

- Informed consent form.
- List of evidence and supporting materials.

ANNEX 2: INFORMED CONSENT

Consent Form

This consent is granted to: [Name of Organisation]

Purpose: *Example: documentation of violations

Important note: Your participation is voluntary. You may refuse or withdraw your consent at any time, now or later.

Signatory Information

Full name:		ID Type & Number:	
<input type="checkbox"/> I am the victim / survivor	<input type="checkbox"/> I am signing on behalf of the victim Relationship to the victim: e.g., father / mother / sibling / lawyer / other. Reason the victim is absent: e.g., detained / forcibly disappeared / deceased. Verification of consent (if signing on behalf of the victim): <input type="checkbox"/> Written authorisation <input type="checkbox"/> Documented/recorded consent <input type="checkbox"/> Other:		
Documenting my case and storing evidence in the [Name of Organisation] database:		<input type="checkbox"/> I agree <input type="checkbox"/> I do not agree	
Signature Full name: Date: Signature:			

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