

Mandates of the Special Rapporteur on the human rights of migrants; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the right to food; the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences and the Special Rapporteur on trafficking in persons, especially women and children

Ref.: AL OTH 114/2024
(Please use this reference in your reply)

6 August 2024

Dear Mr. al-Sharief,

We have the honour to address you in our capacities as Special Rapporteur on the human rights of migrants; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the right to food; Special Rapporteur on the sale, sexual exploitation and sexual abuse of children; Special Rapporteur on contemporary forms of slavery, including its causes and consequences and Special Rapporteur on trafficking in persons, especially women and children, pursuant to Human Rights Council resolutions 52/20, 51/8, 54/14, 49/13, 52/26, 51/15 and 53/9.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the Special Procedures system of the United Nations, which has 60 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this connection, we would like to bring to your attention information we have received concerning **alleged violations of the human rights of at least 250 male migrants, including children, who have been, or are at risk of being, trafficked or sold into forced labour, after being detained and transported to an unofficial detention facility, formerly known as the Al-Jabal Hotel, under the control of the Libyan National Army (LNA), near Sabha in southern Libya.**

Libyan National Army

According to the information received:

Since 2019, a group affiliated to the LNA has been operating an unofficial detention centre¹ which is an abandoned facility formerly known as Al-Jabal Hotel near Sabha, southern Libya. According to reports, hundreds of migrants detained in this particular facility, which is being allegedly used to facilitate human trafficking, have been or are at risk of being trafficked for purposes of forced labour or services, slavery or practices similar to slavery and servitude.

In 2024, at least 250 male migrants, particularly from the Hausa and Tuareg ethnic groups arriving to Libya from Niger and Nigeria, were abducted from a border checkpoint in the southwest of Libya and taken to Umm Al-Aranib (150 km from Sabha), using LNA military vehicles. Abducted migrants, of which about 70% were migrant children, remained in detention for approximately 15 days, before being transported to the Al-Jabal Hotel. Among the group of 250 migrants that arrived at the Al-Jabal Hotel, at least 100 of them have reportedly been sold in nearby markets, including at least one migrant child who was reportedly sold for 1,200 Libyan Dinars (approximately 250 USD) to a local farm. Once a price was agreed between a buyer and members of a group allegedly affiliated to LNA, sold migrants were then taken to an unknown location in Al-Menshia suburb, Sabha district, where the exchanges allegedly took place. Migrants were mostly sold as forced labourers to local farmers in the region.

In addition, information received suggests that migrants who are not yet sold remain detained indefinitely inside the Al-Jabal Hotel, without any legal basis or opportunities to challenge the legality and length of their detention, further increasing the risk of suffering from human trafficking and slavery, and at risk of suffering violations taking place during detention, including torture and ill-treatment. From the group of the 250 migrants, some of them were held in the facility for up to 32 days, prior to being sold. Moreover, at least two severely ill and malnourished migrants, due to inadequate access to food, water, and health care, were reportedly removed from the facility by the guards, and their fate and whereabouts are unknown. These actions may be acts tantamount to enforced disappearances committed by the LNA-affiliated group.

Treatment and Detention Conditions

Migrants detained at the facility have reportedly endured severe torture and ill-treatment subjected by the guards, who physically abuse detainees with rifle butts and leather belts, being particularly harsh at night or when in a state of intoxication. In addition, guards have video-taped tortured migrants, for the purpose of extorting ransom from the families or community leaders.

Furthermore, migrants detained in the Al-Jabal Hotel are denied essential services, such as medical care or reliable access to water, while being held in unsanitary conditions, without any access to toilets and showers. Migrants also endure prolonged periods of starvation, being provided only one bag of uncooked rice every three days. In addition, migrants are reportedly deprived of contact with their families and the outside world, remaining *incommunicado*

¹ According to the information received, the facility in question is not an official Department of Combating Illegal Migration (DCIM) facility.

which may amount to acts tantamount to enforced disappearances, and further hindering their possibilities to access legal representation. The denial of contact and legal support prevents persons deprived of their liberty from seeking help or justice, perpetuating the cycle of abuse.

While we do not wish to prejudge the accuracy of these allegations, we would like to express our deep concerns regarding reports of ongoing serious human rights abuses against migrants, including minors, which may amount to arbitrary detention, trafficking, enslavement, torture, and ill-treatment, and acts tantamount to enforced disappearances inside the Al-Jabal Hotel operated by an LNA-affiliated group. We regret that such practices are reported to have become routine in southern Libya, and in areas under control of the LNA.

We wish to stress that migrants in Libya, whether seeking employment in the country or traveling through Libya *en route* to other destinations, are in an extremely vulnerable situation, including being at risk of enslavement and trafficking. The continued allegations of arbitrary detention, trafficking, enslavement, acts tantamount to enforced disappearance, torture and ill-treatment, and physical and psychological abuse of migrants, despite persistent calls of restraint by the international community, suggest a serious disregard of international human rights standards. These include, *inter alia*, respect to the right to life as well as the right to freedom from torture or to cruel, inhuman or degrading treatment and the absolute prohibition of enforced disappearance, which constitute *jus cogens* norms and international customary law.

In that connection, we are appealing to the *eastern* authorities to ensure the right to life, liberty and security of person, the prohibition of slavery or servitude, torture or cruel, inhuman or degrading treatment or punishment, and the right not to be subjected to arbitrary detention, enshrined in art. 3, 4, 5, and 9 of the Universal Declaration on Human Rights (UDHR) and which appear to have been violated or are at risk of violation in the above mentioned circumstances.

In addition, we are also concerned about the lack of information regarding the factual and legal basis for the detention of migrants and their ongoing deprivation of liberty. The alleged repeated and consistent failure by the *eastern* authorities to ensure due process guarantees and judicial safeguards, provide accurate information to their families, their representatives, or persons with a legitimate interest immediately after their deprivation of liberty, regarding their well-being, fate and whereabouts, and conditions of deprivation of liberty, are constitutive of gross human rights violations under international law. In this regard, we further call on the *eastern* authorities to take the necessary measures to protect the lives and well-being of all individuals deprived of their liberty. We wish to recall that the *eastern* authorities should recognize the specific types of harm that these individuals could suffer. Inadequate or substandard conditions of detention can be a factor contributing to deaths and serious bodily injury while being deprived of liberty, and when such conditions are wholly inadequate, they can constitute greater risk to life and long-term irreparable damage.

We would also like to remind the *eastern* authorities of their obligations to refrain and prevent all human rights abuses, including trafficking and torture. All the victims have a right to thorough, effective, credible and transparent investigations, their perpetrators to held accountable and rights to redress and reparations for their violations in line with international standards. In addition, we are concerned about the use of unofficial or secret facilities, such as the Al-Jabal Hotel, to detain migrants. We

urge the *eastern* authorities to release migrants held in the Al-Jabala Hotel.

Moreover, we wish to express our serious concern at the reported targeting of at-risk populations, particularly of migrants from the Hausa and Tuareg ethnic groups arriving from Niger and Nigeria, as well as migrant children in specific need of protection, in view of the high vulnerability induced by the ongoing conflict in Libya. Concerns regarding the physical and psychological integrity of migrants have been repeatedly raised by civil society organizations, as similar actions have occurred in Libya in the past. We urge the *eastern* authorities to ensure safe passages and free movement for migrants and to remove any impediments to ensure access to protection and humanitarian assistance for all individuals, regardless of their migration status. We wish to stress that everyone has the right to liberty and security of person, provision that must apply to all individuals, regardless of nationality or statelessness, such as asylum seekers, refugees, or migrants. We wish, once again, to reiterate previous calls to put an end to these practices, and to respect international human rights and humanitarian standards.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights and humanitarian standards** attached to this letter which cites international human rights instruments and standards, as well as rules of international humanitarian law, relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on actions taken to protect the human rights of migrants and provide remedies for violations and abuses against them, including those suffering or at risk of suffering from trafficking, forced labour, torture and other abuses and violations.
3. Please specify any actions taken to stop human trafficking and sale of migrants from areas and detention facilities under the LNA control, in particular the Al-Jabal Hotel, near Sabha.
4. Please provide information regarding the fate and whereabouts of the migrants who were subjected to acts tantamount to enforced disappearance and taken from the Al-Jabal Hotel, by the facility guards. Please indicate efforts that have been taken to prevent acts tantamount to enforced disappearance of migrants from happening in the Al-Jabal Hotel.
5. Please explain the factual and legal basis for the detention of migrants and how this is compatible with international standards. Please also detail the measures taken by the LNA to safeguard the right of persons deprived of their liberty to due process.

6. Please provide information on how the LNA addresses the alleged inhumane conditions in detention facilities, including measures taken to guarantee to persons deprived of liberty their rights to water and sanitation, food and health, including their access to safe drinking water and sanitary facilities, adequate food, medicines and medical care.

We would appreciate receiving a response within **60 days**. Past this delay, this communication and any response received from you will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent any irreparable damage to the life and personal integrity of the persons concerned, to halt the alleged violations and prevent their re-occurrence.

We may publicly express our concerns in the near future as, in our view, the information upon which the statement and/or press release will be based is sufficiently reliable to indicate a matter warranting immediate attention.

We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The statement and/or press release will indicate that we have been in contact with the *eastern* authorities to clarify the issues in question.

Finally, we stress that this letter does not in any way imply the expression of any opinion concerning the legal status of any country, territory, city or area, or of its authorities and is without prejudice to the United Nations position on these matters.

Please be informed that a copy of this letter has also been sent to the Permanent Mission of the State of Libya in Geneva, the Office of the Military Prosecutor, and the Attorney General Office.

Please accept the assurances of our highest consideration.

Gehad Madi
Special Rapporteur on the human rights of migrants

Ganna Yudkivska
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Tomoya Obokata
Special Rapporteur on contemporary forms of slavery, including its causes and consequences

Siobhán Mullally
Special Rapporteur on trafficking in persons, especially women and children

Annex

Reference to international human rights standards

In connection with the above alleged facts and concerns, we would like to draw your attention to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We wish to recall that, in a situation of armed conflict, international human rights law continues to apply, and both international human rights law and international humanitarian law frameworks will act in a complementary and mutually reinforcing way (A/HRC/29/51), including the Universal Declaration on Human Rights (UDHR), the Geneva Convention of 1949 and the Customary Rules of International Law identified in the study of the International Committee of the Red Cross (“Customary Rules”). The rules of customary international law are binding at all times. In light of these grave allegations, we recall that the right to life constitutes an international customary and *jus cogens* norm, universally binding at all times (A/HRC/35/23, paras 25-26). Further, we wish to highlight that *de facto* authorities have an obligation under international human rights law to prevent violations of the right to life and other fundamental human rights. When violations of human rights take place, the relevant authorities have the obligation to investigate such violations promptly, effectively and exhaustively and to provide an effective remedy to the victims. Further, where there is sufficient evidence, the persons responsible for the commission of the offence or ordering of the offence must be prosecuted.

In areas of substantive overlap between international humanitarian law and international human rights law, the principles that provide assistance in determining which framework is applicable are those of *lex specialis* and effective control: the more effective control the LNA movement has over a territory or individuals, the greater is the extent to which human rights law will constitute the appropriate legal framework. In addition, where the LNA movement engages in actions that are unrelated to the conflict and not direct consequences of it, the governing legal framework should be international human rights law. In practice, this means that the LNA is legally bound to respect human rights, and these rights should be protected without discrimination on any of the grounds prohibited by international law.

In this context we would like to draw your attention to the Universal Declaration on Human Rights, which sets out guarantees for the right to life, liberty and security of person (article 3), right to not be held in slavery or servitude (article 4), with particular attention to slavery and the slave trade to be prohibited in all their forms, right to not be subjected to torture or to cruel, inhuman or degrading treatment or punishment (article 5), and the prohibition of arbitrary detention (article 9).

Moreover, we wish to bring to your attention the Working Group on Arbitrary Detention’s Revised deliberation No. 5 on deprivation of liberty of migrants, which recalls that the right to personal liberty is fundamental and extends to all persons at all times and circumstances, including migrants and asylum seekers, irrespective of their citizenship, nationality or migratory status. Furthermore, the deliberation emphasizes that the deprivation of liberty of an asylum-seeking, refugee, stateless or migrant child, including unaccompanied or separated children, is prohibited. We further wish

to recall that, in accordance with the jurisprudence of the Working Group on arbitrary detention, the detention of individuals in unofficial locations places them outside the protection of the law and may lead to situations of arbitrary detentions.

We would also like to emphasize that the prohibition of enforced disappearances has attained the status of *jus cogens* under international law. In addition, we recall that, under certain circumstances, acts tantamount to enforced disappearance perpetrated by non-State actors in the context of a widespread or systematic attack against any civilian population amount to crimes against humanity. We also recall the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment, as an international norm of *jus cogens*, and as reflected inter alia, in Human Rights Council Resolution 25/13 and General Assembly Resolution 68/156.

Moreover, the guiding principles for the Search for Disappeared Persons² of the Committee on Enforced Disappearances stipulate that the search for the disappeared should respect human dignity (principle 2), be considered as a continuing obligation (principle 7) and be conducted on the basis of a comprehensive strategy (principle 8). The guiding principles further establish that the search should be carried out safely (principle 14) and be independent and impartial (principle 15).

In addition, article 25 of the UDHR recognizes the right of everyone to a standard of living adequate for the health and well-being of themselves and of their family, including food. In this regard, we would like to refer to article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR /Covenant), which establishes that an obligation to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons to preventive, curative and palliative health services (Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 14, para. 34). This includes the obligation to guarantee that measures are taken to ensure that health services are accessible to all, especially the most vulnerable and marginalized sections of the population, without discrimination, in conformity with article 2.2 of ICESCR. In its General Comment No. 14, the Committee on Economic, Social and Cultural Rights (CESCR) stresses that the right to health is defined not only as the right to timely and appropriate health care, but also to “the underlying determinants of health, such as access to [...] an adequate supply of safe food, nutrition and housing”, among others (para. 11).

Article 11(1) of ICESCR recognizes the right of everyone to an adequate standard of living for themselves and their family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions. Article 11(2) provides “the fundamental right to freedom from hunger and malnutrition”, which is of immediate application. Article 11(1) of the ICESCR further requires to “take appropriate steps to ensure the realization of this right”. The Committee on Economic Social and Cultural Rights (Committee) stressed in its General Comment No. 12 that the right to be free from hunger and malnutrition is not subjected to progressive realization as it must be fulfilled in a more urgent manner (para. 1). In paragraph 54 the Committee also emphasizes that “[t]he denial of access to food to particular individuals or groups . . .” constitutes a violation of the right to food.

² [Guiding principles for the search for disappeared persons | OHCHR](#)

We would also like to remind you of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) established by the UNGA resolution 70/175 of 2015, particularly of rules 1, 2, 3, 15, 18, 22 and 43. Rule 1 states that “all prisoners shall be treated with respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification”. Rule 2 specifies that the Nelson Mandela Rules shall apply to all prisoners impartially and without any type of discrimination, at the same time, to respect the principle of non-discrimination, prison administration “shall take account of the individual needs of prisoners, in particular the most vulnerable categories in prison settings”. Rule 3 emphasizes that prison systems should not inflict additional suffering to the total deprivation of liberty that is inherent to incarcerations, adding in rule 43 that under no circumstances may disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment, including the prohibition of corporal punishment or the reduction of a prisoner’s diet or drinking water. Rules 15 and 18 establish that prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness. Furthermore, rule 22(1) states “every prisoner shall be provided by the prison administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.”, while rule 22(2) states that drinking water shall be available to every prisoner whenever they need it.

We would also like to point out to the report of the Independent Fact-Finding Mission on Libya (A/HRC/48/83) and the section related to crimes against humanity under which “(e)nslavement is understood to be the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children”. The Independent Fact Finding Mission on Libya (A/HRC/52/83), confirmed over the course of its investigations, cases of alleged trafficking and deprivation of liberty for ransom in connection with smuggling and trafficking were found and established, on the basis of this evidence, that there are reasonable grounds to believe that migrants across Libya are victims of crimes against humanity and that acts of murder, enforced disappearance, torture, enslavement, sexual violence, rape and other inhumane acts are committed in connection with their arbitrary detention. The link between enslavement and trafficking in persons in Libya is also referred to in the report of the Special Rapporteur on trafficking in persons (A/78/172) on strengthening accountability for trafficking in persons in conflict situations.

The full texts of the human rights instruments and standards recalled above are available on [UN Human Rights Office \(ohchr.org\)](https://www.ohchr.org/) or can be provided upon request.