

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Working Group on Arbitrary Detention; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on freedom of religion or belief

Ref.: AL OTH 107/2025
(Please use this reference in your reply)

20 August 2025

Mr. al-Sharief,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions; Working Group on Arbitrary Detention; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 53/4, 51/8, 51/21 and 58/5.

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 the **death in custody** of Mr. **Khamis Mohamed Abdulmajeed Al-Aqab** in February 2025, and the reported lack of a prompt, transparent, and thorough investigation into the cause and circumstances of his death, in violation of international human rights obligations. Mr. Al-Aqab was allegedly arbitrarily arrested, in November 2024, on accusations of witchcraft, detained *incommunicado* without information on his fate or whereabouts, and subsequently died shortly after his transfer to the prison hospital.

Special Procedures mandate holders have previously communicated with the Libyan National Army pertaining to the use of witchcraft laws to target Sufi

Libyan National Army

individuals.¹ No reply has been received.

According to the information received:

Context

In May 2024, the Libyan House of Representatives – in Benghazi – passed Law No. 06/2024 on the Criminalization of Witchcraft, Sorcery, Divination, and Related Practices. The law provides for the death penalty (articles 5 & 6) and provides judicial discretion to impose serious sentences including the life imprisonment and fines for witchcraft, divination and sorcery (articles 6-12). The information provided suggests that individuals across Libya have been allegedly arbitrarily detained under Law No. 06/2024, and that this law has been used to disproportionately target Sufi individuals.

Further, the General Directorate of Security Operations (GDSO) has used social media to publicize arrests pertaining to this law. A video published on Facebook on 6 December 2024, filmed in large part at the Ras Al-Mangar facility, shows detainees confessing to crimes related to sorcery and claims to demonstrate the authorities' success at finding and detaining individuals who have contravened Law No. 06/2024. This video raises serious protection concerns, in revealing the identity of individuals not yet charged with a crime and could evidence a violation of due process, primarily the presumption of innocence.

Death of Mr. Khamis Mohamed Abdulmajeed Al-Aqab

On 6 November 2024, Mr. Khamis Mohamed Abdulmajeed Al-Aqab was arrested by the GDSO at his residence in Al-Marj, east of Benghazi.

Following his arrest, Mr. Al-Aqab's fate and whereabouts were unknown. His family later learned through informal sources that he had been held at an unofficial prison in Ras Al-Mangar (راس المنقار) in Benghazi, which is overseen by the General Directorate for Security Operations (GDSO), for approximately one month. He was later transferred to Qarnada prison (سجن قرنادة), located in the city of Shahat in northeastern Libya, an area under the control of forces affiliated with the Libyan National Army.

On 22 November 2024, Mr. Al-Aqab allegedly appeared in a video posted on Facebook on the official page of the GDSO, where he was seen making incriminating statements and confessing to witchcraft. It appears that these statements were made prior to any formal charges being brought by a competent judicial or prosecutorial authority against the individuals concerned, which raises serious concerns as to their legality.

On 22 February 2025, Mr. Al-Aqab's family was informed through an anonymous call that he had been in the intensive care unit of the Qarnada Hospital since 12 February 2025. When the family arrived to visit Mr. Al-Aqab, he was in a coma and died two hours later.

¹ 130/2024

According to the information received, Mr. Al-Aqab had a history of hypertension. Furthermore, information received indicates that bruising was visible on his neck, contusions were present on his lower back and legs, and a stitched surgical incision was present on his lower neck. The hospital did not share the medical records with his family, as they were allegedly seized by members of the Military Police and Prison Administration, who oversee the Qarnada prison. Mr. Al-Aqab's body was transferred to his family for burial. No information nor records of forensic examination were provided.

From his arrest on 5 November 2024 to his death on 22 February 2025, Mr. Al-Aqab was not formally charged with any offence. He was not brought before a judicial authority nor granted access to legal counsel or due process.

We would like to express concern about the death in custody of Mr. Al-Aqab and the alleged lack of independent, impartial, prompt, thorough, effective, credible and transparent investigation into his death, as is required by international human rights law. We are also concerned that Mr. Al-Aqab was allegedly detained *incommunicado* for three months after his arrest, without information on his fate or whereabouts, and his death in prison hospital took place in the absence of information on the cause and circumstances of his death.

Without making any judgment as to the accuracy of the information made available to us, we are concerned about a potential violation of the right to not being arbitrarily deprived of life and to be free from torture and other forms of ill-treatment. These are *jus cogens* obligations under international law, and thus, are applicable to both State and non-State actors. The above allegations also raise concerns about the protection of the right of every individual to life as set out in article 6 of the International Covenant on Civil and Political Rights (ICCPR) which Libya acceded to on 15 May 1970 as well as article 7 on the right to not be subjected to torture or to cruel, inhuman or degrading treatment or punishment in addition to various articles of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Libya also acceded to on 16 May 1989.

We recall that persons deprived of their liberty are in a situation of particular vulnerability, as their lives, health, and dignity depend entirely on the detaining authority. A detaining authority, including a non-State armed group exercising control over detention, has the responsibility to ensure humane conditions of detention, to protect the lives of all detainees, and to respect their physical and mental integrity. This includes providing adequate food, water, clothing, shelter, and medical care. Any death occurring in custody gives rise to a presumption of unlawful deprivation of life, which can only be rebutted by demonstrating, on the basis of a prompt, thorough, and impartial investigation, that the death was not attributable to the acts or omissions of the detaining authority. Under applicable human rights law, the obligation to investigate deaths in custody derives from the prohibition of arbitrary deprivation of life and the right to an effective remedy, and requires that those responsible be identified and, where appropriate, prosecuted and punished.

Investigations into deaths in custody must meet international standards, including the Revised United Nations Manual on the Effective Prevention of Extra-

Legal, Arbitrary and Summary Executions ([The Minnesota Protocol on the Investigation of Potentially Unlawful Death \(2016\)](#)). Such investigations must be independent, impartial, prompt, thorough, effective, credible and transparent.

We would also like to highlight that the provision of health care for prisoners is a responsibility of the detaining authority. Prisoners should enjoy the same standards of health care that are available in the community (United Nations Standard Minimum Rules for the Treatment of Prisoners ([the Nelson Mandela Rules](#), rule 24).

Imposing the death penalty for “witchcraft” offences is inherently arbitrary and contrary to article 6 of the ICCPR, as such conduct does not meet the “most serious crimes” threshold – interpreted by the Human Rights Committee as limited to intentional killing (general comment No. 36, para. 35).”

Furthermore, we are concerned by the provisions imposing the death penalty in Law No. 06/2024. Imposing the death penalty for “witchcraft” offences is inherently arbitrary and contrary to article 6 of the ICCPR, as such conduct does not meet the “most serious crimes” threshold – interpreted by the Human Rights Committee as limited to intentional killing (general comment No. 36, para. 35). Further, death sentences must not be mandatory, and judicial authorities must be able to exercise discretion in assessing the individual circumstances ([Safeguards guaranteeing protection of the rights of those facing the death penalty \(1984\)](#)).

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites further international human rights instruments and standards 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 information on how deaths in custody are investigated in Libya, and how this system complies with Libya’s international human rights obligations in addition to relevant standards including the Minnesota Protocol.
3. Please provide information on the specific steps taken to investigate the death of Mr. Khamis Mohamed Abdulmajeed Al-Aqab.
4. Please provide statistics on the number of deaths in custody by year that occurred in the last five years, the location(s) of the detention facilities in which they occurred and the cause of death identified during investigations.
5. Please provide information on the steps taken to implement the recommendations related to deaths in custody made by the Independent

Fact-Finding Mission on Libya in its March 2023 final report, at paragraph 102.

6. Please provide detailed and disaggregated information on the number of individuals who have been sentenced to death under Law No. 06/2024 on the Criminalization of Witchcraft, Sorcery, Divination, and Related Practices. In addition, explain the legal and procedural safeguards afforded to these individuals throughout the judicial proceedings, including how their right to due process and fair trial guarantees have been ensured in accordance with international human rights standards.

This communication and any response received will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Further, we would like to inform you that having transmitted a communication, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The recipient is required to respond separately to this letter and the regular procedure.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please be informed that a copy of this letter has also been sent to the Permanent Mission of the State of Libya in Geneva.

Please accept the assurances of our highest consideration.

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Matthew Gillett
Vice-Chair on communications of the Working Group on Arbitrary Detention

Tlaleng Mofokeng
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Nazila Ghanea
Special Rapporteur on freedom of religion or belief

Annex

Reference to international human rights and humanitarian law

In connection with above alleged facts and concerns, we would like to refer you to article 3 of the Universal Declaration of Human Rights which states that “Everyone has the **right to life**, liberty and security of person”. We also refer to articles 6 of the ICCPR which establishes the right to life. We refer in particular to the UN Human Rights Committee general comment No. 36 on article 6, which provides that individuals are entitled “to be free from acts and omissions that are intended or may be expected to cause their unnatural or premature death, as well as to enjoy a life with dignity.” The right not to be arbitrarily deprived of one’s life is recognized as a norm of customary international law having attained *jus cogens* status, making it binding on State as well as non-State actors.

In relation to the protection of the right to life, we underscore the importance of conducting investigations into all suspected unlawful killings in line with international standards, particularly the Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions and the Revised United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (the Minnesota Protocol on the Investigation of a Potentially Unlawful Death (2016)). Failure to investigate and prosecute such violations is in itself a breach of the norms of human rights treaties.

Further underscoring the importance of effective investigation, we reiterate that, when the State detains an individual, it is held to a heightened level of diligence in protecting that individual’s rights. Therefore, when an individual dies as a consequence of injuries sustained while in State custody, according to the Human Rights Committee (*Dermot Babato v Uruguay*), there is a presumption of State responsibility. In order to overcome the presumption of State responsibility for a death resulting from injuries sustained in custody, there must be a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions (principle 9 of the [Principles of the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions](#)).

Customary international law, applicable to both States and non-State actors, provides that prisoners shall be treated humanely and with dignity, and shall not be subject to ill treatment. The UN Human Rights Committee has interpreted article 10 of the ICCPR, which requires that persons deprived of their liberty be treated with humanity and respect for the inherent dignity of the human person, as being non-derogable. This article is applicable at all times. Further, all parties to the non-international armed conflict in Libya are bound by common article 3 of the Geneva Conventions which establishes that all non-combatants be treated humanely, and that outrages on personal dignity, in particular humiliating and degrading treatment, are prohibited.

The duty to protect the life of all detained individuals includes providing them with the **necessary medical care** and appropriate regular monitoring of their health, shielding them from inter-prisoner violence, preventing suicides and providing reasonable accommodation for persons with disabilities (UN Human Rights Committee

general comment No. 36).

The State bears the burden of proof to rebut the presumption that the State is responsible for inhumane treatment committed against person in its custody (A/68/295, para. 62). Additionally, safeguards are known to be particularly undermined when individuals are held incommunicado or in secret detention (A/68/295, para. 42). Generally, as per the Nelson Mandela Rules, prisoners should be treated with respect due to their inherent dignity and value as human beings (rule 1).

Furthermore, the **prohibition on torture and cruel, inhuman or degrading treatment** or punishment is absolute and non-derogable (UDHR art. 5; ICCPR arts. 7 and 2(3); Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment arts. 1, 2, 15 and 16). It is also, unequivocally, recognized as having attained the status of a *jus cogens* norm, binding both State and non-State actors.

Attached to the peremptory and absolute prohibition of torture are obligations to investigate all acts of torture or other cruel, inhuman or degrading treatment or punishment, to prosecute or extradite suspects, to punish those responsible and to protect victims from reprisals and intimidation, and to provide remedies to victims. We refer to the comprehensive report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, on all aspects including good practices of States, relating to the investigation and prosecution of acts of torture and related ill-treatment (A/HRC/52/30). Such investigations are recommended to be carried out in line with the United Nations Manual on the Effective Investigations and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“the Istanbul Protocol” revised 2022 edition).

Article 18 of the ICCPR states that that “Everyone shall have the right to freedom of thought, conscience and religion. These rights shall include freedom [...] either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”

Paragraph 8 of general comment No. 22 of the CCPR notes that “article 18(3) permits restrictions on the freedom to manifest religion or belief only if limitations are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others. In interpreting the scope of permissible limitation clauses, States parties should proceed from the need to protect the rights guaranteed under the Covenant, including the right to equality and non-discrimination on all grounds specified in articles 2, 3 and 26. Limitations imposed must be established by law and must not be applied in a manner that would vitiate the rights guaranteed in article 18. The Committee observes that paragraph 3 of article 18 is to be strictly interpreted: restrictions are not allowed on grounds not specified there, even if they would be allowed as restrictions to other rights protected in the Covenant. Limitations may be applied only for those purposes for which they were prescribed and must be directly related and proportionate to the specific need on which they are predicated. Restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner.”

Article 27 of the ICCPR guarantees minorities, *inter alia*, the rights of everyone to enjoy his or her own culture and to profess and practice their own religion. Moreover,

article 1 of the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities establishes the obligation of States to protect the existence and identity of religious minorities within their territories and to adopt the appropriate measures to achieve this end, while article 2 recognizes that persons belonging to religious minorities have the right to profess and practice their own religion without discrimination and article 4 requires States to ensure that persons belonging to minorities, including religious minorities, may exercise their human rights without discrimination and in full equality before the law.