PRISONS AND DETENTION IN LIBYA

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**UNITED STATES
INSTITUTE OF PEACE**

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ABOUT THE REPORT

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[If prisons are a reflection of society…we must build a prison system for a free and democratic Libya.]

Summary

- Libya's prisons and detention system is in chaos, and earlier hopes for reform have faltered.

- The turmoil of the 2011 revolution and the subsequent emergence of two governments have created a splintered system struggling to cope with structural, security, and budgetary challenges.

- Prisons are run not only by different branches of the rival governments but also by politically aligned armed groups outside the state's purview.

- State-run facilities often rely on armed groups to help guard against attacks on prisons and on convoys transporting inmates to and from courts and hospitals.

- USIP assessment teams visited about twenty facilities in different parts of the country in 2012 and again in 2015–16, interviewing prison officials, government officials, human rights activists, and other national and international actors.

- The teams found prison directors trying to improve the well-being of both staff and inmates but struggling with scant resources, dilapidated facilities, and multiple security threats.

- Staff must contend with unreliable salary payment, uncertain chains of command, and little training. The integration of members of revolutionary armed groups into the Judicial Police has been slow and complex.

- Most prisoners are detained without being prosecuted or sentenced—mired within a stalled judicial process.

- In Libya's postconflict environment, guards may see prisoners not just as detainees but as "enemies," and vice versa, exacerbating problems of prison management. Moreover, many inmates are not "ordinary" criminals but conflict-related or political detainees.

- Inmates typically live in overcrowded facilities, a number of them not originally designed as prisons and consequently unable to provide adequate sanitation, exercise facilities, and medical services.

- Older inmates (including officials of the former regime), juveniles, female prisoners, and foreign prisoners face additional challenges.

- A variety of reforms to the prisons and detention system are urgently needed, ranging from major legislative reforms—such as rewriting the law that governs the system—to bureaucratic measures—such as improving reporting procedures to facilitate strategic data-driven prison system management.

- In spite of challenges posed by ongoing conflict, prison directors must take responsibility for improvements to prisoner care within their reach. Nonetheless, prospects for deeper institutional reform depend on local and international actors helping prison officials holding the system together until political stability can be restored and detention regularized.

Map of Libyan Prisons, indicating status as of May 2016

Legend:
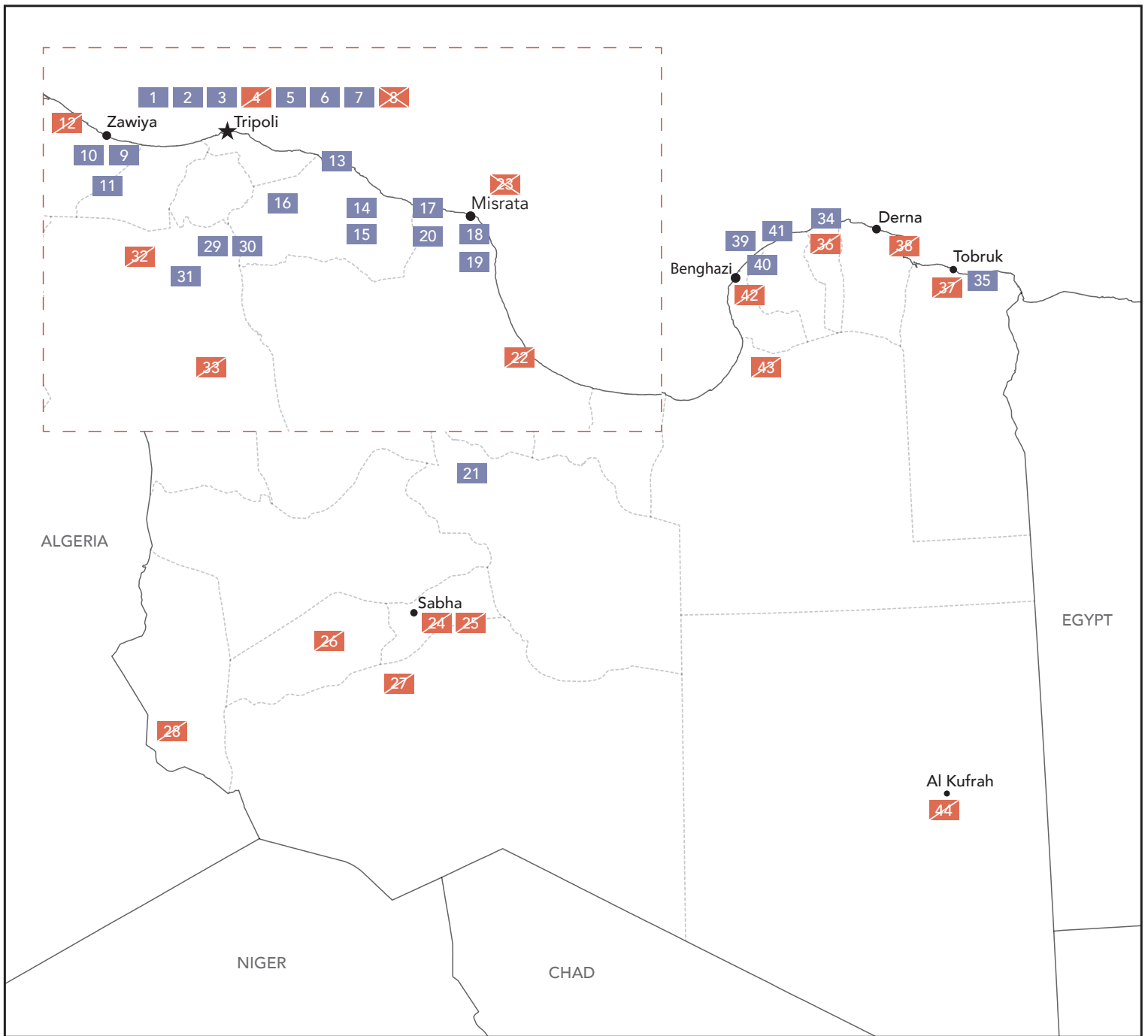
- ▦ Open
- ▨ Closed temporarily/under other use
- ⊠ Closed permanently

Tripoli Branch
1 Ain Zara
2 Al Baraka
3 Tajoura A
4 Tajoura B
5 Al Jadeda Women's
6 Al Hadbha
7 Al Jaibs
8 Al Jadeda Men's

Zawiya Branch
9 Joodayem
10 Zawiya South
11 Al Jazeera
12 Sorman

Al Khoms Branch
13 Al Khoms
14 Majer, Zlitan
15 Old Zlitan
16 Tarhouna

Misrata Branch
17 Ad Dafniya
18 Al Jawiya
19 Al Huda
20 Taminah
21 Al Jufra
22 Sirte
23 Al Wehda

Sabha Branch
24 Sabha
25 Sabha local
26 Awbari
27 Murzuq
28 Ghat

Western Mountains Branch
29 Jandooba
30 Jandooba Women's
31 Zintan
32 Jadu
33 Mizdah

Green Mountains Branch
34 Gernada
35 Tobruk
36 Al Bayda Local
37 Al Jala, Tobruk
38 Derna

Benghazi Branch
39 Al Quafiya
40 Al Quafiya Women's
41 Al Marj
42 Abu Dreza
43 Ajdabiya
44 Al Kufra

Introduction

Libya's security and justice institutions have been subjected to constant strain since the 2011 revolution that ousted Muammar Gadhafi and his regime. Perhaps nowhere is this stress more pronounced than in the country's prison system. In the summer of 2014, Libya—already struggling with a large number of conflict-related detainees, a chaotic security sector, and a backlogged judicial process—plunged into renewed and worsening conflict.[1] The country is now divided by two rival governments, a fledgling United Nations–negotiated unity government and a proliferation of armed groups, locked in a fight for power and lucrative assets. Prolonged conflict is rupturing national allegiances, destroying infrastructure, draining state coffers, and generating conflict-related detainees. The Judicial Police—tasked by the Ministry of Justice to run Libya's prisons—operates in survival mode, with fresh challenges emerging every day and the limited progress toward reform achieved thus far unraveling fast.[2]

The structural, security, and budgetary challenges facing Libya's state prison system are considerable. Like most government institutions, the Judicial Police is divided across conflict lines; its original headquarters operates in Tripoli, while a second headquarters is now open in the eastern city of Al Bayda. Judicial Police control over the prison system is split and tenuous, challenged by the involvement of politically aligned armed groups running prisons and detention facilities, a dynamic that has endured since the revolution began. In addition to Ministry of Justice facilities, many armed groups operate detention facilities beyond the reach of the criminal justice system, either in sites loosely affiliated with the Defense and Interior Ministries or in makeshift detention sites entirely outside the state's purview. Adding to this complex scene, the Interior Ministry's Department for Combating Illegal Migration (DCIM) runs a set of detention facilities—often with armed groups' involvement—holding mostly migrants and refugees detained after trying to cross the Libyan Desert and the Mediterranean Sea to get to Europe.

The political and security crisis has isolated Libya from international assistance while plummeting oil exports have induced deep government budget cuts. Spending on prisons is minimal, putting reforms on hold; impacting staff salaries, essential training, and services; and exacerbating poor living standards for prisoners. Most prisoners are detained without being prosecuted or sentenced—mired within a stalled judicial process. A 2015 government crackdown on Libyans drawing duplicate state salaries reduced spending but also had an adverse effect on staffing at prisons. Research indicates that attacks on prisons, including on prison convoys transporting inmates to courts and hospitals, occur frequently in many areas, as do prisoner uprisings inside the facilities themselves. In 2015, three Islamic State attacks targeted prisons or security infrastructure adjacent to prisons, indicating yet another concerning trend.

Ensuring that attention is given to prison and detention systems during transitional or conflict periods not only affects the collective and individual rights of detainees but also is key to maintaining security and rule of law. The challenges of safely and securely handling detainees increase significantly in conflict and postconflict settings. Guards may see prisoners not just as detainees but as "enemies," and vice versa, exacerbating problems of prison management. Moreover, many inmates are not "ordinary" criminals but conflict-related or political detainees, creating complexity in how and under what jurisdiction they are held, how they are secured vis-à-vis other inmates, their relationships with guards, and the like. These factors, together with the very atmospherics of conflict in a country, can amplify security concerns within and around prison confines. Thus, international assistance to and independent oversight of Libya's prison system are crucial to rectifying very serious concerns about the treatment and

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well-being of prisoners; this kind of support also favorably impacts rule of law, long-term security, and state accountability, pushing back the alarming deterioration of Libya's state security at a critical time.

Context and Timeline

A number of key contextual developments and timeline points are worth bearing in mind when trying to understand how the Libyan prison system has been shaped by events prior to, during, and after the revolution (see figure 1).

Figure 1. Timeline of key developments for the Libyan prison system
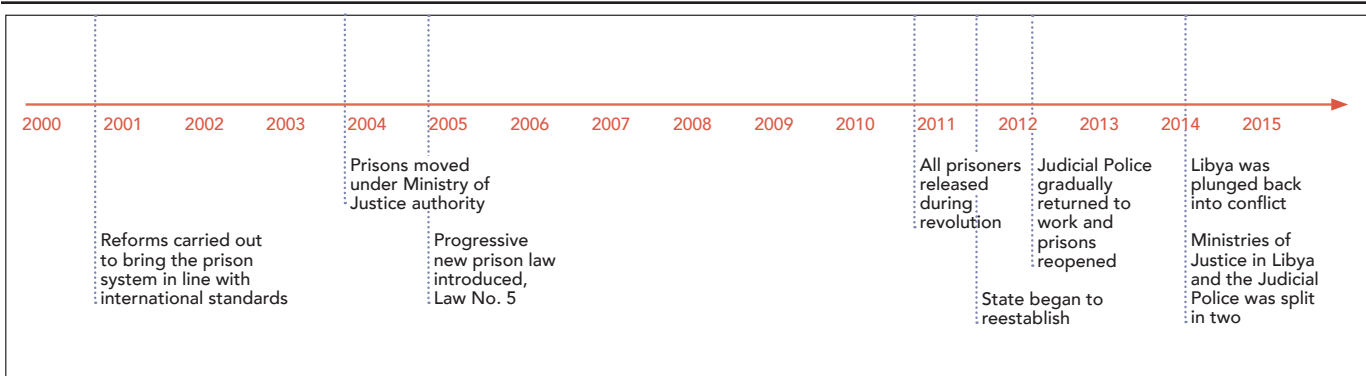
During the Gadhafi regime, harsh detention policies, arbitrary detention, and reports of serious and systematic human rights abuses came to characterize the prison system. Aside from criminal justice system prisons, the regime maintained numerous detention facilities where "political," or "security," detainees were interned without trial and where detention was prolonged even in the face of acquittal and release orders issued by the courts.[3] In an event that sparked an international outcry, an estimated 1,200 prisoners were killed during an uprising at Abu Salim Prison in Tripoli in June 1996, an incident for which the regime made limited reparations to families but never provided a public account.[4] During this period, what little visibility the international community had of the prison system was strictly controlled, with visits by representatives of the international community carefully choreographed to present a positive image.[5]

Some small improvements were made through a series of reforms spearheaded by Gadhafi 's son, Saif al-Islam, and carried out in the early and mid-2000s during Libya's rapprochement with the West. In response to external support, the regime was under pressure to bring the prison system in accordance with international standards. As a result, in 2004, the then Ministry of Justice and Public Security was divided into two ministries (the Ministry of Interior and the Ministry of Justice), and responsibility for prisons was brought under the authority of the Ministry of Justice.[6] The Judicial Police, which had previously been one of fourteen divisions of the National Police, was chosen to form a dedicated structure for management of prisons under the auspices of the Ministry of Justice. In 2005, a relatively progressive new prison law, Law No. 5, went into

effect, setting ambitious standards for prisoner care and bolstering the legislative framework for the prison system overall.[7] Then, in the face of domestic and international pressure following the Abu Salim Prison deaths, the regime conducted a number of staged releases of political Islamist prisoners.[8]

Notwithstanding this progress, in 2011, as revolutionary fervor swept the nation, there were reports of brewing discontent within Ministry of Justice prisons and their surrounding neighborhoods. The regime reportedly grew concerned about the potential vulnerability to prisoner uprisings, external attacks, and Judicial Police defections.[9] Extralegal security brigades closely controlled by Gadhafi were dispatched to the prisons to ensure their security, displacing Judicial Police prison directors in a number of locations.[10] With the tide turning on the regime, Libya's prisons were mostly emptied from late February 2011 onward. In some instances, loyalist security brigades were reportedly ordered to open prison gates and to release prisoners en masse, with many Libyans alleging that prisoners were armed by these loyalist security brigades and mobilized to fight for the regime in return for their freedom.[11] At other facilities, inmates were released through a combination of internal prisoner uprisings and external attacks on prisons. However, at Abu Salim Prison in Tripoli—which contained predominantly political prisoners who had opposed the Gadhafi regime—prisoners were not released until late August 2011, when revolutionaries reportedly stormed the facilities.[12] Although almost no official documentation exists to detail the precise circumstances of these releases, the result was clear. By late 2011, Libya's Ministry of Justice prisons stood empty and all their prisoners—who had numbered approximately 17,500—were at large.

During the revolution, most Ministry of Justice prison facilities—along with schools, former state security facilities, and some private homes and properties—were co-opted by revolutionary armed groups to hold conflict-related detainees. After the revolution, as the state began to reestablish itself in late 2011 and early 2012 under the successive governments of the National Transitional Council and the General National Congress, the Ministry of Justice found itself in a position of having to renegotiate control over these detention facilities with armed groups. From April 2012 onward, the Judicial Police gradually returned to work, with many members finding a new arrangement in place in which return of the prisons to state control was conditioned on the ongoing involvement of revolutionary armed groups at many detention facilities. Over time, most facilities accepted Judicial Police leadership and invited old order Judicial Police staff to work alongside new revolutionary elements. Nonetheless, at many facilities, that balance of power has remained strained and contested, and a number of facilities remain under the exclusive control of armed groups.[13] This process of negotiation continued into 2013. Prisons were transferred, at least nominally, to Ministry of Justice control, and armed groups were given salaries, provided new uniforms, and integrated into the Judicial Police. This process mirrored similar integration efforts throughout the security sector, with thousands of revolutionary fighters (many inflating their role in the revolution) notionally integrated into the Ministries of Interior and Defense and added to the state payroll. Few, however, truly came under command control, instead remaining within their armed-group structures.[14]

During this period, prosecutors and judges began to regain physical access to prison facilities, and the Ministry of Justice sought to account for all detainees held in its prisons and to create a file for each person held. This process presented challenges, however. Aside from a limited number of high-profile regime figures, many conflict-related detainees had been rounded up on the battlefields of Libya's revolution with little substantial evidence to link them to specific

With the tide turning on the regime, Libya's prisons were mostly emptied from late February 2011 onward.

crimes. Amid the tensions of the postconflict environment, many prosecutors and judges were intimidated and threatened by armed groups and forced to either dismiss cases or extend pretrial detention regardless of evidence. Additionally, in the absence of a functioning police force, armed groups affiliated with the Ministries of Interior and Defense became involved in policing activities, arresting alleged criminals but failing to follow appropriate arrest procedures or to collect evidence. Prosecutors and judges found themselves under intense pressure from armed groups to legitimize such arrests. Further compounding the situation, armed groups became involved in providing "security" for courts and prosecutors' offices. The result was that Libya's prisons—emptied just a few months earlier—quickly became overcrowded. Prosecutors processed cases that should have been dismissed for lack of evidence, and the courts, when functioning, generally did little more than rubber stamp detention orders and issue case extensions. Behind the scenes, judicial actors were subject to intimidation, threats, kidnapping, and assassination.[15]

In July 2014, long-brewing tensions between political factions and armed groups escalated dangerously into a battle for control of Tripoli. Libya's armed groups polarized into two opposing camps locked in a battle for political and territorial control: on one side stood the Operation Dignity military coalition, comprising armed groups from the east under General Khalifa Haftar, a powerful commander of the eastern Libyan Army, in alliance with armed groups from the Western mountain town of Zintan; on the other side was the Libya Dawn alliance, formed in response and led by forces drawn largely from Misrata and Tripoli. Libya Dawn forces ultimately seized control of the capital and reinstalled the General National Congress, a parliamentary structure whose term had expired months before, and pledged support to the self-proclaimed Government of National Salvation. Meanwhile, the newly elected House of Representatives, headed by Aguila Saleh and its affiliated government led by Prime Minister Abdullah al-Thinni, in alliance with Haftar's forces, moved to govern from the northeastern cities of Al Bayda and Tobruk. Thus, the country was split politically and physically—plunging it deeper into civil war.

Many local conflicts throughout Libya have been drawn into the divisive larger political battle for power. Fighting in Benghazi has reduced entire neighborhoods to rubble and forced thousands of families to flee. Libya's oil industry has been especially hard-hit by violence, financially impacting the vast majority of the population, who rely on state oil profits from the Central Bank's coffers for their monthly salaries and services provided by the state, such as water and electricity. Nearly all international companies, embassies, and nongovernmental organizations (NGOs) fled the country during the fighting in Tripoli in July 2014 and have not returned. More than 430,000 people were internally displaced by fighting by the end of 2015,[16] and more than 4,000 people were killed from 2014 to mid-2016.[17]

In 2015, cracks began to emerge in both governing coalitions, revealing dangerous internal splits. A new UN–brokered unity government, knitted together through talks in late 2015 and dispatched to Tripoli in spring 2016, faces challenges in enlisting broad support from political actors and armed groups on the ground. Illicit criminal networks have thrived in Libya's state security power vacuum, smuggling migrants as well as oil, drugs, weapons, and other goods.[18] Violent skirmishes and abductions by armed groups and criminal gangs that emerged in the breakdown of law and order have skyrocketed. Capitalizing on the political chaos and violence, the extremist group Islamic State emerged publicly in Libya in January 2015. The group has seized a vast swathe of territory centered primarily in the coastal town of Sirte and limited parts of Tripoli, Zlitan, Gubba, and Sabratha, terrorizing the local population and threatening control of key Libyan oil installations.

These developments have affected the prison and detention scene in two ways. First, the creation of two rival justice ministries in 2014—one in the west and one in the east—resulted in the Judicial Police also splitting along two conflict lines, with a headquarters for the east established at Gernada Prison in Al Bayda. Second, the fighting produced major security concerns for prisons and fresh waves of conflict-related detainees. In the west, indications are that the majority of such detainees are being held in facilities run by armed groups, some with a loose affiliation to the Ministry of Interior or the Ministry of Defense. In the east, General Haftar's Libyan Army has taken over sections of Ministry of Justice prisons to hold political and conflict-related detainees, moving certain wards under Ministry of Defense jurisdiction. Makeshift detention facilities run by armed groups beyond state control are scattered throughout the country, with no state capacity to counteract their activities or exercise control over them. Significant concerns have been raised over reported widespread torture and mistreatment of detainees both in official prisons and in nonstate detention centers.[19]

The creation of two rival justice ministries in 2014—one in the west and one in the east—resulted in the Judicial Police also splitting along two conflict lines.

Methodology and Approach

As part of a portfolio of rule of law work initiated in 2012, USIP conducted a rapid prison assessment at the request of Libya's Ministry of Justice and produced a report on the state of the country's prison system postrevolution to determine a way forward for reforming and strengthening the prison system. The 2012 report was not published but was shared with relevant domestic and international actors working on prison reform and detention issues in Libya, and USIP remained engaged with authorities on the implementation of report recommendations.[20]

In August 2015, USIP launched an analytical study aimed at assessing the state of the Libyan prison system three years on. The deterioration of the security situation on the ground in Libya since 2014 made the need for a new study all the more urgent, because a return to conflict in Libya prompted very serious concerns about the impact of the conflict on detention and the prison system. Like its 2012 predecessor, the 2015–16 study was conducted in consultation with the Ministry of Justice—this time requiring the consent of officials from Libya's two rival governments in the east and the west. The Judicial Police facilitated access to prisons in both cases.

The assessment teams in both 2012 and 2015–16 focused on understanding the prison system, analyzing organizational structure, legal and regulatory frameworks, staffing and integration issues, security, physical infrastructure, prison registers and data, and prisoner well-being, the latter including accommodation, recreation, exercise, education, and labor, as well as access to medical care, food and water, sanitation, prison visits, and the outside world.

Assessment findings were based on stakeholder interviews and prison visits. Interviews were carried out with government officials, Judicial Police leadership, prison staff members, international actors, the United Nations Security Mission in Libya (UNSMIL), local human rights activists, journalists, and local and international NGOs working on prison and detention issues.

In 2012, the assessment team visited nineteen prisons throughout the west, east, and south of Libya under Ministry of Justice auspices. The team also gained access to four detention facilities under the authority of the minister of interior (including an interrogation center, an armed group–run detention center, and migrant detention facilities), and one detention facility under the authority of the Ministry of Defense (see table 1). The 2015–16 assessment team visited sixteen facilities in western Libya and four facilities in the east in August and September 2015 and January and February 2016 respectively. It is the view of the assessment teams that the Ministry of Justice and the Judicial Police provided good access and transparency during visits.

Most directors and staff were perceived as open to expressing their needs and concerns, often in the hope of shining light on their difficult working circumstances and the state of detention. Access was fully refused only once during the course of visits: at Zintan Prison in November 2012. The 2015–16 team was not able to access prisons in the Western Mountains or the southern Fezzan region due to severe insecurity on access roads in both regions. In-person and telephone interviews were carried out with some prison directors from facilities that could not be accessed. The team also managed to gain access to a number of migrant detention facilities run by the DCIM (see table 2).

Table 1. Judicial Police facilities and branches visited in 2012

Tripoli Branch	Misrata Branch	Benghazi Branch
Ain Zara	Ad Dafniya	Al Quafiya
Tajoura A	Al Wehda	Al Quafiya Women's
Tajoura B	Al Huda	Al Marj
Al Jadeda Women's		
Al Jaibs	Sabha Branch	Other Facilities
	Sabha	Criminal Investigations Department Interrogation Center, Zawiya
Zawiya Branch		
Joodayem	Western Mountains Branch	First Militia Prison—now known as Al Jazeera, Zawiya
	Jandooba	
Khoms Branch	Zintan*	DCIM facilities in Tripoli, Zawiya, Sabha and Benghazi
Al Khoms		
Majer, Zlitan	Green Mountains Branch	Secut MoD Prison, Misrata
	Gernada^	
	Tobruk	

*Access denied. ^Interview, no visit.

Table 2. Judicial Police facilities and branches visited in 2015–16

Tripoli Branch	Khoms Branch	Green Mountains Branch
Ain Zara	Al Khoms	Gernada
Al Baraka	Old Zlitan	Tobruk
Tajoura A	Tarhouna	
Tajoura B		Benghazi Branch
Al Jadeda Women's	Misrata Branch	Al Quafiya
Al Jaibs	Ad Dafniya	Al Quafiya Women's
Al Hadbha	Al Jawiya	Al Marj
	Al Huda	
Zawiya Branch	Al Jufra^	Other Facilities
Joodayem		DCIM facilities in Tripoli, Zawiya and Sabha
Zawiya South	Sabha Branch^	
Al Jazeera		
	Western Mountains Branch	
	Jandooba^	

*Access denied. ^Interview, no visit.

At each facility visited, the assessment team carried out an initial interview with the prison director or officer in charge using semistructured interview methodology and then performed an in-depth internal visit, observing as much of the prison as possible. Opportunities to speak with detainees confidentially were limited due to the nature of the visits and security considerations, so USIP restricted such questions to assessing whether detainees understood why they were being held, knew their next court date, and, in the case of sentenced prisoners, knew and understood their sentence and release date. Some in-depth conversations with detainees were possible during both 2012 and 2015–16 visits, but these were conducted ad hoc and did not occur at all facilities. Assessment teams carried out ad hoc conversations with guards at different levels while conducting prison visits; level of access to guards varied depending on the attitude of prison directors.

Given the severe deterioration of security conditions in Libya and the dangers faced by researchers operating on the ground, it was possible to undertake only a limited number of visits to detention sites run by armed groups, many of which held conflict-related detainees from the 2014–16 conflict. Most troublingly, these sites are where the most serious concerns have been raised by local and international human rights organizations, regarding prisoner abuse, torture, and extrajudicial detention. Thus, although this report provides some context on broad detention concerns in Libya, it focuses on facilities under the jurisdiction of the minister of justice and operated by the Judicial Police.

This report presents the combined findings of the 2012 and 2015–16 assessment teams.

The Prison System

Legal and Regulatory Framework

In Libya, the Law on Correctional and Rehabilitation Institutions (2005), commonly referred to as Law No. 5, and its attendant Executive Regulations provide the core legal framework for the management of the prison system.[21] Although the law is the product of an authoritarian state, when compared to prison laws in many other developing countries, Law No. 5 is modern and has some significant strengths. It contains detailed provisions on inmate admissions; inmate classification and treatment, including a chapter on the accommodation and treatment of female inmates; inmate work; education in prisons; medical treatment; visits; and prison discipline. Significantly, Law No. 5 marks a departure from a purely punitive view of imprisonment toward a rehabilitative approach. In combination with increased openness to international training and intervention in the latter years of the Gadhafi regime, this approach shifted the mindset of some Judicial Police officers toward understanding that prisoners should be treated as human beings.[22]

Technically in accord with international standards, Law No. 5 nonetheless lacks an overall vision of the purpose of imprisonment, including a clear statement of the rights of detainees. In particular, provisions pertaining to prisoner complaints and to the monitoring and oversight of the prison system are weak. Although Law No. 5 provides a useful foundation for future prison legislation in Libya, it would be greatly enhanced by more detailed debate on the vision and purposes of imprisonment in post-Gadhafi Libya, including a more detailed focus on strengthening relevant human rights provisions.[23]

Laws are only as good as their enforcement, however, and research shows that Law No. 5's history and association with the former regime present a barrier to implementation for many prison directors and guards. Prison assessment teams in both 2012 and 2015–16 found that

Technically in accord with international standards, Law No. 5 nonetheless lacks an overall vision of the purpose of imprisonment, including a clear statement of the rights of detainees.

many prison leaders and guards were either unfamiliar with the law or rejected it as a "Gadhafi law." In 2012, the assessment team encountered a number of directors who had no knowledge of Law No. 5; they operated their facilities absent any legal framework or guidance, relying solely on the direction of prison managers, many of whom were recently integrated armed-group commanders with no formal training (a dynamic discussed in greater detail in the "Staffing and Integration Issues" section). Interestingly, even old order Judicial Police—who generally displayed greater familiarity with the law—described it as designed for posturing to the international community but never intended for implementation, with one prison director wryly describing Law No. 5 as "a law for the shelf."[24]

Prison visits in 2015–16 indicated that the Judicial Police had made some small strides in rehabilitating the image and awareness of Law No. 5, if not its implementation. Many prison directors said they had a copy of Law No. 5 in their office, and some said that they try to spend time making their staff, including new recruits, cognizant of the law's provisions. In Al Jawiya Prison in Misrata, for example, the prison director—who himself had been detained in Ain Zara Prison during the revolution—had pinned a poster displaying excerpts of the law on prisoner and staff rights on the cellblock wall.
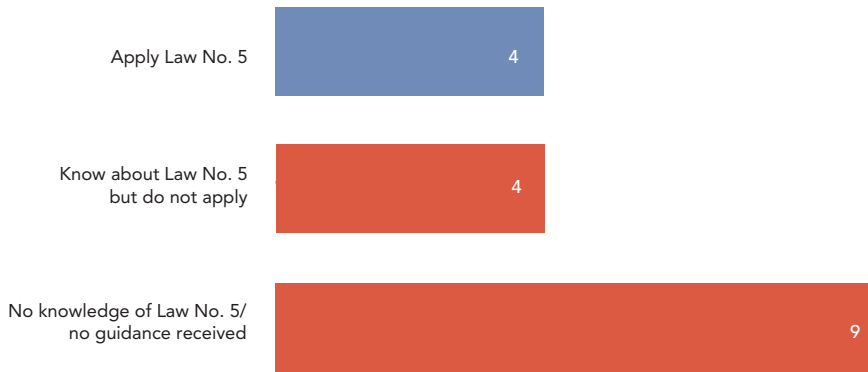
Reservations about Law No. 5 and its applicability were still expressed, however, with a number of directors indicating that, although they "agree with most of it," they do not feel that they are capable of applying the law or meeting its high standards given the realities they face. One director admitted that he does not know Law No. 5 himself, but he mentioned that some of his guards and administrative staff are familiar with it. At Al Quafiya Prison in Benghazi, prison leaders indicated the opposite—they are familiar with Law No. 5, but the majority of their staff and new recruits are not familiar with the law or they do not have access to a copy of the law. Another prison manager, who had been imprisoned during the revolution, observed that he manages his facility based on a relationship of mutual respect with his prisoners, stating that he "sees no need to follow Law No. 5…because it's a Gadhafi-era law, and instead we have learned on the job." Yet another director indicated that his facility follows Law No. 10, which—as outlined in the "Staffing and Integration Issues" section—is a basic law outlining staff structure, rank, appointments, promotions, and disciplinary frameworks for all security and police institutions rather than a prison law.

The number of prisons recorded as applying Law No. 5 reflects this ambivalence, with four out of seventeen prison directors in 2012 indicating that they applied Law No. 5 (see figure 2), a number that increased only slightly—to six out of twenty—in 2015–16 (see figure 3).

Given the challenges associated with the acceptance and application of Law No. 5, consideration should be given by the Ministry of Justice and Judicial Police to the reform of the legal and regulatory framework for prisons. Law No. 5 and key international prisoner care guidelines—such as the recently updated United Nations Standard Minimum Rules for the Treatment of Prisoners (2015), known as the Mandela Rules—would form an excellent basis for discussion on reform.[25] Any review conducted by the Ministry of Justice and the Judicial Police should seek to include all relevant stakeholders for prisoner care—by clarifying the roles of the Ministries of Education and Health, for example—and should address resource and management requirements for compliance, setting realistic expectations for prison directors and identifying progressive, aspirational goals for the improvement of care. Perhaps most important, Libya needs to develop a clear conception of the purpose of imprisonment and an articulation of prisoner rights to guard against the kinds of abuses perpetrated in detention by the Gadhafi regime and by all sides involved in the conflict since the regime was toppled.
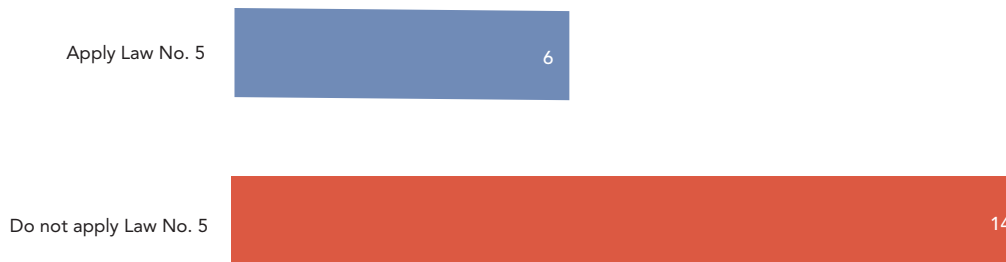
Libya needs to develop a clear conception of the purpose of imprisonment and an articulation of prisoner rights.

Figure 2. Law No. 5 application, 2012

Apply Law No. 5	4
Know about Law No. 5 but do not apply	4
No knowledge of Law No. 5/ no guidance received	9

*Data coded into three categories in 2012.

Figure 3. Law No. 5 application, 2015–16

Apply Law No. 5	6
Do not apply Law No. 5	14

Organizational Structure

The Judicial Police is an agency of government falling under the auspices of the Ministry of Justice tasked with managing the prison system; maintaining court security; securing prisoner transport to courts, hospitals, and the like; and implementing legal decisions handed down by the courts. In 2004, the decision was made to transfer responsibility for prisons to the Ministry of Justice[26] and, accordingly, to shift the Judicial Police away from its roots in generalized policing to become a specialized unit, developing the Judicial Police Authority into a separate administrative body and creating dedicated prison guard training. Although it is unclear if the association was intentional, this trend tracks with an international trend toward shifting prisons to come under the purview of justice ministry control to create an institutional barrier between policing, trial processes, and detainee care, with a view to safeguarding the fairness of the civilian criminal justice process. The new structure of the Judicial Police Authority was subsequently outlined in Chapter 12 of Law No. 5.

Judicial Police Headquarters

The headquarters of the Judicial Police, with responsibility over the country and headed by a director general who reports to the minister of justice, has traditionally been located in Tripoli.[27] The headquarters level, shown in figure 4, comprises departments dedicated to finance, planning, training, public relations, human resources, culture, health, law, and operations. City- and regional-level prison branches provide additional bureaucratic layers.

In 2012, the assessment team observed that the headquarters was in a state of significant flux, struggling to regain control and order. Despite departmental divisions existing on paper, few departments were fully operational and little clear strategy for system management was in place. Numerous prison directors expressed frustration with the fact that they received little support or guidance from branch or headquarters levels.

Some limited organizational strides were made in 2013 and early 2014. The prison system received significant attention at the ministry level under Minister of Justice Salah Marghani and Deputy Justice Minister Wael Najm. The ministry and the Judicial Police engaged in strategic planning exercises, negotiated the return of detention facilities from armed group to quasi state control, worked to close problem facilities,[28] opened a new prison at Al Jawiya in Misrata, performed limited rehabilitation and renovation on some facilities, and received training and support from a number of international donors, including UNSMIL, the United Kingdom, the Netherlands, and Spain. Inside the Ministry of Justice, an embedded prison and criminal justice system expert provided strategic guidance to ministry officials.[29]

In 2014, the Judicial Police was thrown back into a state of flux. The outbreak of civil war led to the creation of two rival governments and, consequently, to a split in the Judicial Police. A second headquarters was established in the east, based at Gernada Prison in Al Bayda. As illustrated in figure 5, the organizational structure of the prison system fractured along an east/west axis with the exception of the prison in Zintan, which falls under the authority of the new Judicial Police headquarters in the east because of the city's political alliances.

Technically, much of the institutional planning, financial management, and other divisional activities continues to be directed from Tripoli. Both east and west leadership continue to maintain open lines of communication, articulating that they hope that their professionalism can, in time, overcome political divisions. However, although the Tripoli headquarters insists that salaries for all Judicial Police are handled through its finance office, all four Judicial Police prisons in the east (as well as with several in the west) complain of delays in salary delivery and failures to receive salaries, in some cases for a year or more.

As political progress is made to reunify Libya, it will be necessary to recognize the significant institutional cleavages that have developed as a result of the civil war. The Judicial Police may need institutional reconciliation alongside organizational reform in order to move past this fractious period.

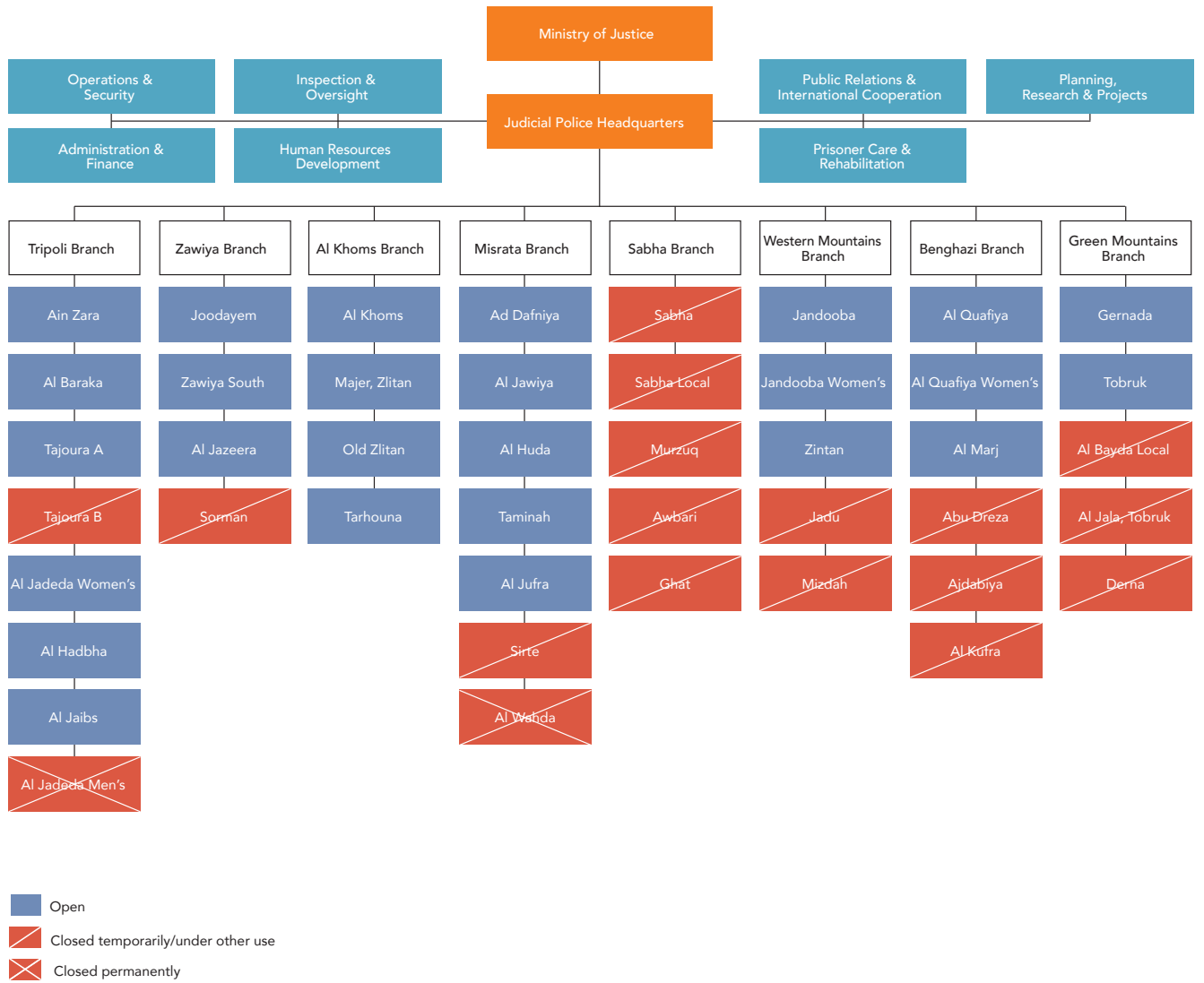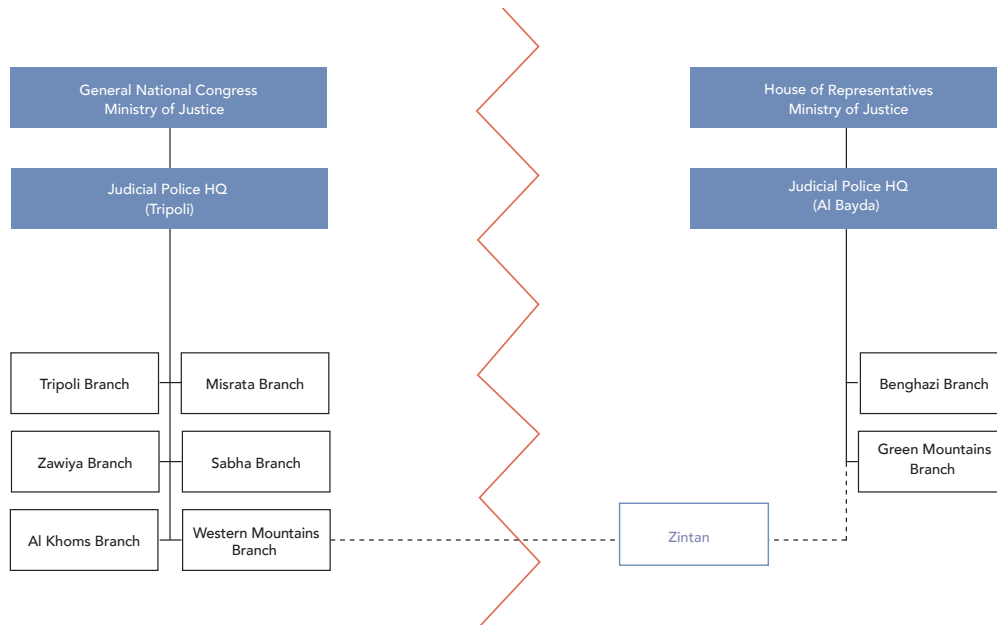**Figure 4. Judicial Police headquarters organization**

Legend:
- Open
- Closed temporarily/under other use
- Closed permanently

Figure 5. The 2014 split in Judicial Police organization

Levels of Detention and Prisoner Classification

Law No. 5 envisions a prison system organized into three distinct types of institutions that classify and segregate prisoners according to length or type of sentence, severity of crime, and age.[30] However, although such a system exists on paper, it was never fully translated into practice during the Gadhafi era, and what structures were in place have further disintegrated since 2011. Nonetheless, some loose examples of the three-tiered detention approach can be observed throughout Libya:

- *Main institutions*: Larger prisons with a high security profile. Examples: Al Quafiya and Tajoura A.
- *Local institutions*: Small to medium-size institutions holding individuals serving shorter sentences or with family living locally. Examples: Sabha Local and Al Bayda Local.
- *Open and semiopen institutions:* Low-security facilities containing prisoners serving minor sentences and elderly prisoners, many of whom have the option of leaving the facility during the day to work and tend to family, returning to the facility in the evening. Examples: Tarhouna facility and one block of Jandooba Prison in Gharyan.

In the postrevolution period, this tiered organizational structure has crumbled. A limited number of prison directors have tried to restore basic classification and segregation systems. However, the majority of prison leaders interviewed in 2012 and 2015–16 commented that it was not possible to maintain classification and separation systems under the present circumstances.

Interviews at Tripoli headquarters revealed that planning is under way in the west to develop a new model prison system, whereby larger "main" or "central" prisons, serving detention needs for key population centers, would be built or rehabilitated, allowing smaller and problematic facilities to close. The plan involves reducing the overall number of Ministry of Justice prison facilities under Judicial Police control. Under this vision, four facilities would cater to the west—one in Zawiya, one in Tripoli, one in Misrata, and one in the south. For example, plans have been drafted to build a new facility on the site of Sorman Prison, outside of Zawiya, that would facilitate the planned closure of Al Jazeera and Zawiya South Prisons. Male detainees at Joodayem Prison would be transferred to this new facility, allowing Joodayem to be converted into a women's prison serving Zawiya area and western Libya. Planning remains at an early stage, however.[31]

Although Law No. 5 is commendable in establishing an outline for prisoner classification and segregation, it would benefit from modernization and requires discussion at the Judicial Police leadership and prison director levels about meeting resource and management needs to bolster compliance. Additionally, given the significant security threats currently facing the country—conflict, communal unrest, and terrorism—classification and segregation require deeper discussion from a security perspective. Libyan authorities, with the support of the international community, need to confront potential security threats posed by criminalization and radicalization in prison along with physical security vulnerabilities.

Staffing and Integration Issues

Like all branches of the state, the Judicial Police was fundamentally affected by the 2011 revolution. As one prison director remarked in 2012, "It is not possible to talk of the old Judicial Police like it still exists—what has been created is something new." The ranks of the Judicial Police swelled to accommodate the integration of large numbers of revolutionary armed groups, a process that continues to date with varying degrees of success. In addition, the Judicial Police shed a portion of its prerevolution staff during the transition; some guards never returned to work after the events of 2011. As one officer intimated, "Many of those that stayed home were the ones who had done wrong in the past," explaining that in some cases, guards who had been involved in mistreatment of prisoners under the regime were afraid to work with the new revolutionary class of Judicial Police guards, some of whom had spent time behind bars themselves.[32] In spite of the significant changes in Judicial Police composition, it is important to recognize that a small core of Judicial Police officers have played an important role in ensuring a degree of bureaucratic consistency. Many members of this cadre have benefitted from significant domestic and international training that has helped develop their capacity.[33]

In the initial years of the postrevolution period, Judicial Police numbers soared. In 2012, headquarters reported 10,000–11,000 staff members; the numbers have continued to rise since, as indicated in figure 6. Staff-to-prisoner ratios reveal enormous disparity between staffing levels at the different facilities. For example, Al Wehda Prison reported just 36 staff members for 686 prisoners in 2012—a ratio of 1 guard to 19 prisoners—while Al Marj Prison had a staff of 270 overseeing 22 prisoners, an astonishing ratio of more than 10 staff per prisoner. This difference was in part due to the way revolutionary armed groups were integrated: they were generally absorbed as full brigades and remained at the prison they had controlled during the revolution under their brigade commander, rather than being integrated as individuals and distributed throughout the prison system according to need.

Libyan authorities, with the support of the international community, need to confront potential security threats posed by criminalization and radicalization in prison along with physical security vulnerabilities.

Figure 6. Staff per prison, 2012 and 2015–16
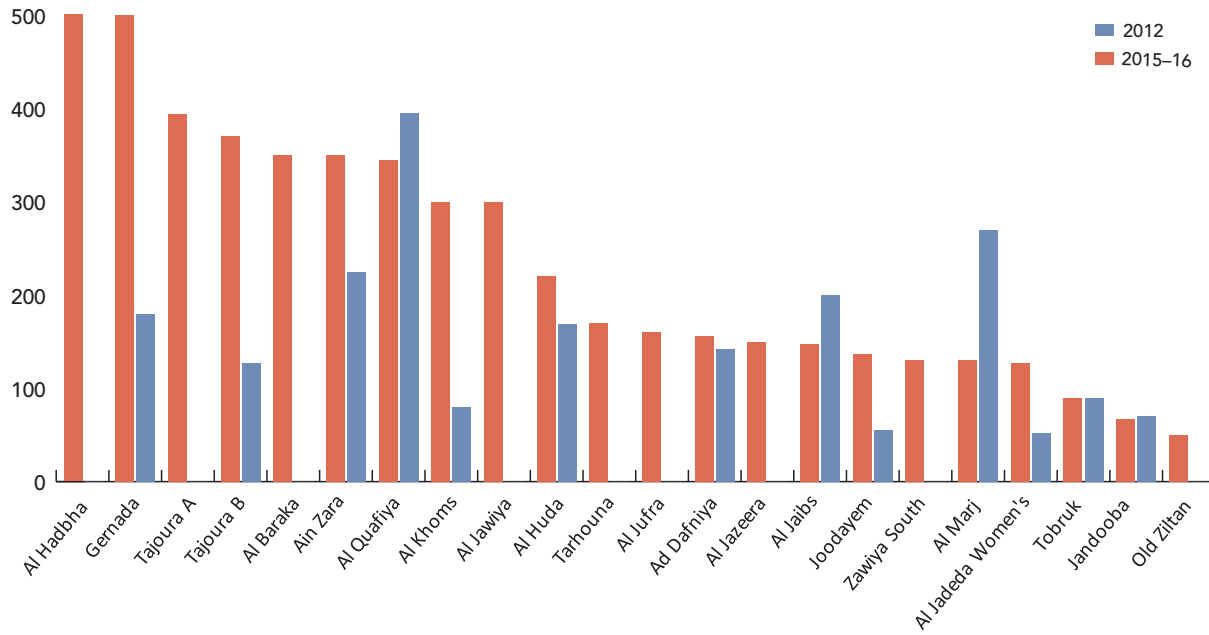
***Only prisons with available data for 2015–16 included.

Judicial Police staff numbers remained high because of the further absorption of revolutionary armed-group elements but began to decline in the spring and summer of 2015 following the reform of national ID numbers. This reform process allowed the government to clamp down on individuals who were accepting state salaries for multiple jobs, a practice common in the chaotic period of postrevolution state rebuilding. At most facilities, the reduction in staffing was positive, shedding unwieldy numbers of integrated revolutionary elements. The shift produced an unintended negative consequence, however: reducing the salaries of prison medical staff who were also registered under the Ministry of Health. This issue is discussed in the "Access to Medical Care" section.

Integration of armed group members into the Judicial Police has been a complex and slow process. The human resources department at the Tripoli Judicial Police headquarters has worked, with Ministry of Justice support, to ensure the registration of integrated armed group members to the Judicial Police, some of whom were hired on a full-time basis and some of whom were hired on a contractual basis and provided salaries and basic training. This basic training consists of ninety-day generalized security sector training, rolled out by the state for all integrated armed group members across the Ministries of Justice, Interior, and Defense. Yet, most newly integrated Judicial Police staff members still lacked the specialized correctional officer training they require to carry out their new jobs. To help remedy this concern, a new dedicated training facility opened on land adjacent to the Al Jaibs Prison complex in Tripoli, and a dedicated training center was renovated at Gernada Prison in Al Bayda. Judicial Police

Integration of armed group members into the Judicial Police has been a complex and slow process.

developed plans to conduct new specialized training courses with mixed groups of integrated armed group elements, new recruits, and old order Judicial Police drawn from different prisons across Libya in an effort to create camaraderie throughout prisons and prison branches, and in the process, break down armed-group brigade structures and allegiances.

In terms of staff structure, rank, appointment, promotion, and discipline, the framework for the Judicial Police still technically accords with the structure of the broader police force, as set out in Law No. 10, with officers and noncommissioned officers ranked as shown in table 3.[34]

Table 3. Ranks within the Judicial Police

Officers	Noncommissioned Officers
Brigadier general	Warrant officer
Colonel	Master sergeant
Lieutenant colonel	Staff sergeant
Major	Sergeant
Captain	Corporal
First lieutenant	Police officer
Second lieutenant	

In practice, the integration of revolutionary armed groups has had a significant impact on staff structure, hierarchy, and command control. Many revolutionary elements were integrated as low-ranking officers within the Judicial Police based on their level of education and experience. However, their revolutionary role means they are often elevated to hold a senior position within a given prison based on their current or historical power as a revolutionary commander—for example, a first lieutenant may occupy the role of director or deputy director of a prison. In other cases, integrated former revolutionary armed group leaders are listed as "civilian staff," but they may in reality hold significant positions within prison leadership, including as prison directors and deputy directors. As a result, there has been little uniformity in the rank and role of officers across Judicial Police prisons since the revolution, with the rank of currently serving prison directors varying from colonel and major to captain, first lieutenant, to civilian staff. Although in principle there is no problem with the position of prison director being occupied by a civilian, the Judicial Police need to work to correct imbalances in rank and position, providing a clear staff structure and coherent career expectations with regard to rank, chain of command, promotion, and disciplinary action.

In 2015, the Judicial Police human resources department decided to rename the "Thuwar Integration Division" the "Integration and New Intake Division," dropping the term thuwar—a term for "revolutionary fighter"—indicating that a limited number of new recruits drawn from outside the pool of thuwar were being hired. The hope is that treating all recruits—whether thuwar or otherwise—equally as new trainees will have the effect of reducing divisions between thuwar and old order Judicial Police staff. Additionally, an accelerated four-month officer training course was developed for prison directors and leaders drawn from revolutionary armed groups, but participation is open only to integrees from the revolutionary armed groups

"Convincing [integrees] that the revolution has ended has been difficult at times, but since we've started training it has improved."

who have a university degree. Judicial Police leadership and human resources staff are acutely aware that they urgently need to increase their number of female staff, including at the prison management level, an issue that is further elaborated in the "Women" section. Although the Judicial Police recognize that there is a long way to go, with manifold challenges to overcome, the 2015–16 assessment team was struck by the planning and efforts being undertaken. As the head of the Integration and New Intake Division noted, education is key. He also observed that "convincing [integrees] that the revolution has ended has been difficult at times, but since we've started training it has improved. When they see themselves as part of a team alongside other Judicial Police, it encourages them."[35]

Efforts made by the Judicial Police to cope with significant changes to its composition have had the effect of blurring the roles, duties, and behaviors of prison leaders, guards, and perimeter security. At a number of facilities visited in both 2012 and 2015–16, guards demonstrated a poor understanding of their role, as exhibited by being overly casual with inmates, unprofessional in demeanor, and often un-uniformed, and by employing harsh disciplinary measures and excessive use of force—from shouting and shoving matches with detainees to beating inmates with wooden or plastic sticks to reports of torture and ill treatment by human rights organizations.[36] Some guards and prison leaders showed signs of psychological strain, such as anxiety, unwillingness to enter sections of prisons, lethargy, fear, and anger when dealing with inmates. The research teams expressed concern for prison staff, many of whom engaged in negative behavior as a result of having found themselves in high-risk, high-stress positions without a clear delineation of their functions and of acceptable boundaries or accountability for their behavior; many also lacked the requisite skills and knowledge to appropriately handle care, security, and prisoner management duties. Judicial Police leadership expressed concerns over the physical and psychological vulnerability of prison guards, noting the need for better medical insurance for staff and psychological support. These systemic failures have had a negative effect on both detainee treatment and the guards themselves, although they must never serve as an excuse to ignore or justify abuses, ill treatment, or torture.

Any reform process should include a clear outline of roles, duties, appropriate conduct, and disciplinary measures, so that staff at all levels can be held to a high standard of professionalism. Independent and internal prison monitoring and oversight must ensure accountability for abuses. Staff accused of abuses or of exhibiting negative behavior or signs of severe psychological stress should be removed from active duty, held accountable, and provided the training or psychological support they need.

The reform process should provide strict guidance in such areas as perimeter security and delineation of security providers called on for backup support during security incidents. At present, many facilities rely on relationships between prison management and local armed-group actors—an arrangement that has proved risky, as demonstrated by examples outlined in the "Security" section. Clarification of different prison staff roles would increase order and security in Libya's prisons, improving conditions for both inmates and staff.

Security

Prisons throughout Libya struggle to meet basic standards of security and safety. According to international standards, "the safety and security of prisoners, staff, service providers and visitors shall be ensured at all times."[37] Maintaining secure prisons is challenging in all environments, but it is exponentially more difficult in highly insecure conflict and postconflict environments

such as Libya. Additionally, in Libya, as elsewhere, prisons can place detainees in situations where they are vulnerable to further criminalization, radicalization, and recruitment. The teams were not able to conduct the kind of in-depth security assessment required to better comprehend the extent and dynamics of criminalization, radicalization, and recruitment occurring within Libyan detention facilities. However, prison directors expressed near universal concern over this component of prison security when they were asked about the security challenges and the threats they face. This section of the report provides an overview of external and internal security threats to prisons, focusing on documented, verifiable security incidents and on physical observations from prison visits made by the assessment teams in 2012 and 2015–16.

External Threats to Prison Security

The ongoing conflict in parts of Libya and the resulting deterioration of security conditions have made prisons, prison staffs, and prisoners more vulnerable to external security threats, such as damage to infrastructure and the dangers to prisoners posed by conflict between armed groups; direct attacks on prisons; mass escapes, whether coordinated or opportunistic; and attacks on convoys transporting prisoners. Vulnerability to such threats has been compounded by a lack of sufficient perimeter security and strategy and by the reality that armed groups significantly outnumber and outgun the state in terms of firepower.

Armed groups significantly outnumber and outgun the state in terms of firepower.

Many Ministry of Justice prisons have been affected by violent conflict due to their proximity to conflict lines, especially in the context of battles between armed groups loosely allied to the Libya Dawn or Operation Dignity coalitions. For example, during ferocious fighting along the main road to Tripoli airport in July 2014, Al Jaibs Prison was forced to evacuate and transfer all inmates to Tajoura A, another prison in Tripoli's suburbs, as mortars landed around Al Jaibs prison complex and the fuel storage tanks of the adjacent major oil facility were set alight.[38] In the spring of 2015, Tajoura A was in a similar position: it had to evacuate its prisoners to Tripoli's Ain Zara Prison for almost a month after a fierce gun battle between prison guards and local armed groups allied to opposing political factions broke out around its perimeter. Inmates were left cowering in their cells before being removed from the facility.

Such incidents continue to occur, as demonstrated by the severe structural damage and major prisoner escape experienced by the Tajoura B facility in December 2015, when a local armed group used the prison as a defensive position in a mortar attack by a rival group. Guards opened cell doors and prison gates in an attempt to save prisoners' lives and with the aim of transferring them, but at least 200 prisoners escaped, with 127 reportedly recaptured.[39] Tajoura B remained severely damaged and closed at the time of writing.

Another security threat prisons face is from direct, targeted attacks by armed groups. Since the 2011 revolution, numerous attacks, external incursions, and threats of attack have taken place at prisons throughout the country, many by revolutionary armed groups or armed tribal groups seeking to free one of their own. These attacks have created another major security issue: mass escapes. Sabha Prison, in Libya's south, for example, has sustained repeated attacks and mass escapes. In spring 2013, shortly after the 2012 assessment team visit, an apparent coordinated prisoner uprising and armed-group attack led to a mass escape, virtually emptying the prison. The facility reopened immediately and managed to recapture many detainees, but persistent problems involving clashing armed groups and attacks on the facility led to further escapes, including a major incident in the spring of 2014. Local armed groups were called on to help quell another prison riot months later, but ended up turning on the Judicial Police,

detaining a number of them, taking control of the prison keys, and releasing the majority of prisoners. Subsequent investigations revealed that the armed group had been looking for a specific inmate whom it intended to assassinate. Following the incident, armed groups occupied the facility, and it has remained officially closed since. Prisons in Sabha and its surrounding area are now mainly controlled by tribes and armed groups, and most individuals detained locally are being held extrajudicially, without charge outside of the criminal justice system; in the limited cases where they are formally charged, they are generally transferred to prisons in Tripoli or Misrata.[40]

In 2013, Al Quafiya Prison in Benghazi, Libya's largest prison, was the subject of a spectacular mass prison break, provoked by a protest by inmates who set fire to their cells in combination with an attack on the compound launched by heavily armed brigades. Approximately twelve hundred prisoners escaped.[41] Similarly, in 2014, more than ninety prisoners escaped from a smaller facility in Zlitan during an attack on the facility.

Prisoner transport has become a serious point of vulnerability for security incidents. Convoys transferring prisoners to courts or hospitals in many parts of Libya are frequently attacked and hijacked by armed groups. In 2015–16, a third of the facilities visited reported serious problems in securely transporting inmates. In the case of female inmates at Al Jadeda Women's Prison in Tripoli, this problem has persisted since 2012 and is particularly troublesome. A number of female inmates held at the facility need regular transport to Zawiya, whose courts have jurisdiction over their cases. In recent years, security along the connecting roadways has deteriorated to a point where convoys are plagued by serious fighting and criminality, including kidnapping for ransom and conflict-related hostage taking. One result is an inability of inmates to physically report to court, contributing to the logjam in the judicial system and to the number of prisoners being held who have yet to be sentenced. Notably, although prisons in Misrata face crowded conditions for prisoners pending trial, there were no complaints about the danger of transportation within the heavily secured larger city area.

During the 2012 and 2015–16 assessments, prison guards spoke of the personal risk they assume when transporting inmates. At rural Tarhouna Prison, approximately 100 kilometers from the coastal city of Khoms, where many of the prisoners attend court, vulnerable convoys have been hijacked by armed groups several times, with inmates escaping in the process. Judicial Police officers have opted to transfer most inmates to Al Khoms Prison to avoid making this journey, as well as to stop what they call "revenge attacks" on inmates by local families. Tripoli prisons also suffer the chronic problem of attacks during inmate transport. Many courts are located far from prison facilities, but even in the few cases where court facilities have been constructed adjacent to prison facilities, judges and prosecutors have refused to hear cases, citing security concerns. For example, courthouses and prosecutors' offices were constructed adjacent to the large prisons of Tajoura A and Tajoura B but are rarely used.

Interviews revealed tension between prison directors and the Ministry of Justice over prison security, particularly regarding continued affiliations with armed groups and reliance on them for protection. For example, the prison director at one of Libya's largest and oldest prisons expressed concern that the Ministry of Justice had cut payments to armed groups contracted by prisons to help protect against attacks on prisons and convoys. At the ministry level, there has been a growing desire to regularize such arrangements and bring them under tighter state control. The Tripoli-based minister of justice noted the need to handle prison and convoy security through specialized protection units "based on merit," not on armed group affiliation or geography.

Attacks on Libya's prisons by Islamic State

The militant group Islamic State (IS) poses a grave security threat to Libyan prisons. IS first publicly emerged in Libya in a high-profile attack on the Corinthia Hotel in downtown Tripoli on January 27, 2015, and has since seized territory in and around the central Libyan city of Sirte, as well as the eastern town of Derna, carrying out televised brutal mass executions of hostages. On May 31, 2015, Ad Dafniya Prison suffered collateral damage in a deadly IS suicide attack on a nearby checkpoint on the outskirts of Misrata. There were allegations of the involvement of an IS branch called the Tripolitania Province of the Islamic State in the staging of a car bomb explosion on September 9, 2015, that damaged the walls of Al Hadbha Prison in Tripoli. Al Hadbha holds the majority of Libya's high-profile inmates formerly affiliated with the Gadhafi regime. On September 18, 2015, four heavily armed IS fighters launched a predawn attack on a detention facility inside Tripoli's Mitiga airbase, controlled by Abdul Raouf Kara, a Salafist leader of an armed group known as the Special Deterrence Force (known in Arabic as Rada) in an effort to free prisoners with suspected ties to IS held there. After a bloody firefight near Tripoli's busy commercial airport runway on the Mitiga airbase, the fighters, along with three guards and a prisoner, were killed. It is believed that IS operates at least three detention facilities in Sirte, including one housed in a former preschool.[42]

Internal Threats to Prison Security

As indicated above, inmate uprisings pose a significant threat to internal security within Ministry of Justice prisons. For example, Joodayem Prison, located on the main coastal highway in Zawiya, not only has been caught in the crossfire between armed groups but also experienced sustained violent uprisings by prisoners throughout 2015. Although the incidents were eventually controlled by guards, one major cellblock now lies empty and gutted by fire damage. Similarly, the ground floor of Tripoli's Ain Zara Prison remains severely damaged by fire and scarred by bullets after riots erupted in early 2015. Inmates, many of whom had been crowded into cells for up to four years without sentence, set fire to their cellblock in a protest that was violently put down by armed guards. The Al Baraka Prison, directly next door to Ain Zara—formerly known as Al Roemy but renamed to signal a break from its negative history as the notorious Gadhafi-era prison—has also experienced combined uprisings and external attacks. Al Baraka's deputy prison director was killed in unclear circumstances just outside the prison's gates in August 2015.

All prison systems face prisoner discontent, riots, and uprisings, and dealing with these issues requires special training for guards and carefully planned security protocols. Such trainings and protocols are absent in most facilities in Libya. The Ministry of Justice and the Judicial Police should conduct a review of internal security incidents since the revolution and implement reforms to address the multitude of issues that have contributed to frequent and widespread internal security incidents throughout the system. Key to such reforms will be exploring specialized de-escalation training for guards, putting in place clear crisis management protocols, acquiring appropriate riot equipment for guards, and making substantial physical infrastructure improvements.

Researchers observed two additional security concerns related to prison guard discipline and control during the 2012 and 2015–16 prison visits. First, many prison guards were not wearing uniforms, making it difficult to differentiate guards from prisoners. Second, the control of keys by guards was lax at a number of facilities; in one case, a female holding keys at Al Jadeda Women's Prison in Tripoli was determined to be an inmate. Allowing inmates to carry out such core security functions dangerously relinquishes control of prison security, and placing inmates in such positions of responsibility gives certain detainees power over others, creating a serious threat to overall security and inmate safety. This issue can be addressed by prison leadership at virtually no cost by applying strict procedures, implementing control systems, and repeatedly emphasizing the importance of key control and other basic security protocols during prison guard training, on-the-job instruction, and refresher training.

Both assessment teams witnessed staff entering prison compounds carrying firearms, observed small arms and heavy weapons on site at many facilities, and were informed that some prison facilities also housed armed group weapons caches. For example, during a 2012 visit to Ad Dafniya in Misrata, the prison director entered cell areas un-uniformed with a pistol concealed in his belt area. Once observed by the assessment team, they were forced to cut short and withdraw from the visit for their safety and security. In August 2015, at Al Jaibs Prison in Tripoli, cadets attending training at a Judicial Police academy in the small prison garden adjacent to the compound were observed openly carrying weapons during breaks. At Al Khoms Prison, a machine gun was observed mounted in the window of the administration office on the second floor of the compound; the gun was pointed toward the prison soccer field, kitchen, and clinic below. Heavy weapons, including antiaircraft weapons, were clearly visible within prison compounds and surrounding a number of facilities, including at Al Hadbha and Al Jazeera. At a limited number of facilities, assessment teams were informed that armed groups involved in prison security were using sections of prison complexes to store weapons caches. Practices such as these place both staff and prisoners in danger and should be reviewed and corrected immediately. Firearms should be strictly prohibited inside prison compounds and used for external perimeter security only. Although prison leadership and staff may consider firearms as protection, in all cases there is a risk of firearms falling into the hands of prisoners, with potentially dangerous consequences.

On a positive note, instruments of restraint—such as shackles and handcuffs—were observed to be seldom used by the Judicial Police, generally only when taking inmates to a court or hospital. No prisoners were observed shackled within any facility visited. This trend is in line with international standards.[43]

Physical Infrastructure

Historically, prisons in Libya have been located within urban areas. Due to ongoing violence and the mass release of prisoners from facilities during the revolution, however, communities have begun to demand the closure of facilities located adjacent to homes and within residential neighborhoods. Although the proximity of prisons to residential areas is likely the result of urban sprawl, a number of interviewees held the view that Gadhafi's positioning of prisons was an example of tactics used to subjugate or quell resistance in certain communities.[44] Regardless of the rationale behind prison placement, the assessment teams in 2012 and 2015–16 found the location of prisons within residential and city center areas concerning for reasons of community security and prisoner space. The Old Zlitan Prison compound, for example, is tightly surrounded by buildings in the heart of the city center. The facility has experienced numerous

Armed groups involved in prison security were using sections of prison complexes to store weapons caches.

escapes and violence, making it a significant security concern for the surrounding population. Al Huda Prison, in downtown Misrata, has also experienced prisoner uprisings and escapes. Similarly, Al Jazeera Prison, a decrepit and cramped facility on Zawiya's main road in the city center, shares the same compound as the municipality's office buildings.

Prison structures in Libya fall into three broad categories. One category—into which most prisons fall—consists of structures that were designed and built-for-purpose as prisons during the Gadhafi era. These prisons, which follow a similar blueprint, are composed of group cells (accommodating five to fifteen detainees) linked by a common corridor, and have small, internal, concrete courtyards for exercise. Many of the exercise yards are covered with wire fencing and have access to open air. Designs make little provision for other recreation or work space for prisoners. Prisons do not have any above-ground "cat walks" or internal watch posts for guards to observe prisoners. Another category is buildings taken over either before or during the revolution that have been adapted for use as prisons, such as Al Huda in Misrata and Al Jaibs in Tripoli. A third category includes one significantly older prison, Old Zlitan, which is housed in a structure dating back to the Ottoman era and was observed to be in considerable disrepair and not fit for purpose by the research team in 2015. Almost all facilities observed were in need of maintenance or significant repair; however, budgetary limitations have constrained any and all planned work. Tajoura A Prison, in Tripoli, stands out as an exception. It was built as a showcase prison in 2009 to house prisoners from Abu Salim and is Libya's most well-equipped prison, with classrooms and a large gymnasium with stadium seating and an unused sauna.

At the time of the 2012 assessment, the Judicial Police was responsible for twenty operational facilities. By 2016, this number had grown to twenty-six operational prisons, with a total of forty-four facilities under Judicial Police control but many remaining closed. The map on page 4 shows the location of the Ministry of Justice facilities, designates their branches, and indicates their operational status. Since the 2012 assessment was conducted, one large new facility, Al Jawiya, was opened at the military airbase in Misrata, and a temporary facility (formerly a school), Al Wehda, also in Misrata, was shut down. In 2012, the assessment team recommended the closure of Al Jaibs, Tajoura B, Joodayem, Ad Dafniya, Al Wehda, and Al Huda. Of these, only Al Wehda was closed, with most prisoners being transferred to Al Jawiya, also in Misrata.

The 2015–16 assessment team observed ten facilities that were not fit for purpose and should be prioritized for closure or urgent maintenance:

- Ain Zara: Some sections damaged in prisoner uprisings; major sewage flooding; repairs required.
- Al Jaibs: A former internal security building; not constructed as a prison; closure advised.
- Tajoura B: An older structure in poor repair; suffered serious conflict damage in December 2015 and is closed; it should remain closed unless significant repair and maintenance can be carried out.
- Joodayem: Serious damage sustained during prisoner uprisings; repair required.
- Al Jazeera: Not constructed as a prison; closure advised.
- Zawiya South: Constructed for grain storage; unsuitable for habitation; closure advised.
- Old Zlitan: An Ottoman-era structure; closure planned and strongly advised.
- Tarhouna: Urgent repairs to kitchen and clinic required; generator required.

Almost all facilities observed were in need of maintenance or significant repair.

- Ad Dafniya: Significant maintenance required.
- Al Huda: A former internal security building; not constructed as a prison; closure advised.
- Gernada: Urgent repairs and rehabilitation required.
- Al Quafiya: Repairs of certain sections required.

The need for construction and rehabilitation of facilities is clear; however, current standards should be carefully reviewed because the infrastructure is likely to be in place for a long time. Designing new prisons thoughtfully, with the well-being of prisoners as a top functional priority, will have important dividends for future prison policy and will help Libya meet international human rights standards for secure and humane imprisonment.

Prison Registry and Data Overview

Most Ministry of Justice prisons adhere to international requirements for basic standardized prisoner file management.[45] Following efforts to regularize detention across prisons run by the Judicial Police in 2012–13, prison files and record-keeping methods have become relatively uniform, with the exception of Al Jazeera, in Zawiya, which, according to its director, does not use computers but instead handles only paper files. The filing system at other prisons is a combination of paper files and a computerized data entry system. Each prison has a small administrative team to handle this work and almost all have a dedicated administrative section or office. Prisons still face considerable challenges in this area because of lack of funding and resources. For example, at Ad Dafniya Prison in Misrata, construction of dedicated administrative offices has been halted due to a lack of funds, leaving staff cramped in small rooms at the prison entrance and files stored in empty ammunition boxes. At Zawiya South, makeshift administrative offices did not appear to be in use; the director conducted his meeting with the assessment team under a tree in the overgrown garden. Frustrated by lack of funds and logistics support, his staff members were on strike and refused to house more prisoners.

Commendable work has been done in regard to record-keeping systems at the prison level, but poor communication of data to Judicial Police headquarters remains a concern.

Given postrevolution challenges, commendable work has been done in regard to record-keeping systems at the prison level, but poor communication of data to Judicial Police headquarters remains a concern. Although prison directors were able to provide basic prison statistics during visits, Judicial Police headquarters officials could not provide collated system-wide figures on staff, prisoners, sentencing status, or trends in the prison system; the officials explained that they do not have a database from which to generate such statistics. The exception was the medical department at headquarters, which closely traces shortages of equipment, medicine supplies, and patient status and whose staff expressed alarm at the lack of funds available to improve prison health care.

Monitoring prisoner volumes and trends, including inflow and outflow, is a vital component of branch and headquarters prison management. Strengthening data management, processing, and monitoring could greatly assist the Judicial Police in prioritizing prison planning and reforms; dealing with overcrowding, inmate placement, infrastructure needs, and prisoner classification; and establishing a uniform approach to the ratio of prison guards to inmates. Significant progress in addressing prison monitoring issues could be achieved by training administrative staff on collecting, managing, and using prisoner data to strengthen overall management; providing access to the Internet in each prison; and relaying statistics to headquarters.

Due Process, Unsentenced Prisoners, and Releases

Since the revolution, the critical issue of unsentenced prisoners has come to define the prison and criminal justice system in Libya, and this issue has only worsened as the security situation has deteriorated. Conflict-related detainees held since the 2011 revolution make up a sizable population in Ministry of Justice prisons; most of these detainees are held at Al Huda and Al Jawiya Prisons in Misrata; Ain Zara, Al Baraka, and Al Hadbha Prisons in Tripoli; Joodayem and Al Jazeera Prisons in Zawiya; Al Quafiya Prison in Benghazi; and Zintan Prison. Most unsentenced prisoners have been detained for almost five years without trial, thereby violating their right to a fair trial; the prolonged nature of their incarceration amounts to arbitrary detention.[46] Prison directors expressed concern over the status of these detainees and the pressures that they place on the system.

The escalation of civil war in Libya since July 2014 has produced new waves of conflict-related detainees. On all sides of the civil conflict in Libya, large numbers of detainees are held outside the criminal justice system entirely, many without any formal charges against them. In the west, conflict-related detainees are generally held not at Judicial Police prisons but at Ministry of Interior and Ministry of Defense facilities or by armed groups operating outside the state apparatus and its laws governing the treatment of prisoners. In eastern Libya, scores of conflict-related detainees and detainees with alleged ties to extremist organizations have been captured by General Haftar's Libyan Army, which exerts jurisdictional control over certain wards of Judicial Police prisons Al Quafiya and Gernada. Other conflict-related detainees in the east are held at makeshift detention facilities run by armed groups. In Libya's south, although all Judicial Police facilities are officially closed, a Ministry of Defense unit from Misrata known as the Third Force holds a number of detainees at its Sabha Fort facility, and numerous tribal and armed group detention sites are believed to be scattered in and around Sabha, Awbari, and Murzuq. Reports indicate that very serious human rights abuses occur at these facilities, including torture, inhumane and degrading treatment, incommunicado detention, and disappearances.[47] The number of and conditions for these detainees are extremely difficult to track and are of urgent concern. As efforts continue to stabilize Libya, it is critical that the status of these detainees be addressed.

Libya suffers from a case processing backlog seen in many conflict, postconflict, and developing countries, meaning that even straightforward criminal cases are not heard in a timely manner. Assessment teams in both 2012 and 2015–16 met numerous inmates who had been languishing in pretrial detention for months or years, many serving more time in pretrial status than if they had been found guilty and sentenced for the minor crimes they committed.

In discussions with prisoners whose court cases have not yet been heard, have been postponed, or are unresolved, the protracted nature of the judicial process is their single greatest concern. In the case of unsentenced prisoners, the uncertainty of their fate and the lack of information as to their personal circumstances can lead to depression and anxiety.

In 2013–14, a few conflict-related detainees were released in Tripoli and Misrata; in 2015–16, Misrata staged a series of high-profile releases of conflict-related detainees, seemingly to build good faith with the international community in conjunction with the UN-led political dialogue. Libya must urgently address the prolonged detention of the conflict-related and "political" detainees who have been held since the 2011 revolution, respecting their fundamental right to a fair trial.[48] Libya needs to rebuild its criminal justice system to achieve this goal, and should consider interim measures such as mobile courts, amnesties, and pardons to clear backlogs.

The critical issue of unsentenced prisoners has come to define the prison and criminal justice system in Libya.

Use of Isolation Cells

All but one of the twenty prisons visited in 2015–16 had isolation cells that varied in size, condition, and use. Isolation cells are generally considered a necessary element of prison infrastructure. The core issue is how they are used. International standards for accommodation, light, water, and sanitation are the same for inmates held in isolation as they are for the general prison population.[49] In Libya, nearly all isolation cells observed were behind heavy steel doors and consisted of a tiny place to stand or sit with a combined toilet and shower or with no sanitary provisions. Natural light and ventilation varied from some to none. The most concerning conditions were observed at Old Zlitan Prison, where isolation cells were cramped and dirty, located off a narrow and low corridor, and with no source of natural or artificial light, and at Tobruk Prison, where windowless and unsanitary isolation cells measured less than one square meter and had almost no light or ventilation.

All prisons received advance notice of assessment team visits, and almost all isolation cells visited were empty, with two exceptions. At Al Jadeda Women's Prison in Tripoli, an inmate, who the prison director said was fasting, was let out of an isolation cell during the team visit looking dazed. She had been held since the prior day for unclear reasons. A makeshift prison cell at Zawiya South held three prisoners lying on mattresses. At Al Huda Prison in Misrata and Gernada Prison in Al Bayda, assessment teams were not permitted to visit isolation cells.

Although many directors stated during interviews that the use of isolation cells requires an order from a prosecutor, most admitted that prison leadership and guards generally use isolation cells without submitting necessary paperwork to the office of the prosecutor, including for prisoners caught fighting or misbehaving in isolation. Medical staff at one facility noted that prisoners are sometimes kept in isolation cells for up to a month, with little oversight and few checks or controls.

Given the clear misuse of isolation cells in Libya, policies and procedures on their use at prison facilities should be urgently reviewed and standardized for implementation, including processes of appeal, review, medical observation, and oversight.[50]

Communication with Inmates

Maintaining constructive and open lines of communication is crucial to good prison management. Communication may be between inmates and guards, between inmates and prison directors, between guards and prison directors, or between directors and staff at branches and headquarters. Constructive communication is an important means of promoting stable prison management, ensuring flow of information, predicting and handling prisoner concerns, addressing security issues without allowing them to reach crisis points, and advancing progressive, healthy detention environments. Communication is particularly important in handling detainees in conflict and postconflict settings: detention of conflict-related or political detainees, as well as the very existence of conflict in a country, can breed tension within prison confines.

Faced with few resources and a lack of skilled and trained staff—a situation unlikely to change soon given the ongoing budget restraints in Libya—prison administrations tend to shift into a security-and-efficiency mindset, which could undermine the development of appropriate relationships between staff and prisoners. The interaction observed between Judicial Police officers and inmates at the facilities assessed varied widely. At smaller facilities such as Tarhouna, guards clearly maintained control but in a relatively relaxed fashion, and tension between guards and inmates was low. In exercise yards and cellblocks at physically degraded, overcrowded facilities such as Tajoura B, Old Zlitan, and Ad Dafniya Prisons, it was hard to discern a chain of

command and the atmosphere appeared both tense and chaotic. Inmates were obedient and orderly in facilities with "high-value" conflict-related detainees from the 2011 conflict, such as Al Hadbha, Al Jawiya, and Al Jaibs Prisons, but the environment was subdued. Fear and tension were markedly high at almost all prisons in Libya's east; for example, prisoners would stand to attention and remain silent with their hands behind their backs when guards entered cell areas. At one such facility, guards vacillated between warm, caring exchanges and rough behavior, depending on whom they were interacting with. During a February 2016 visit to Gernada Prison in Al Bayda, the assessment team witnessed guards castigate two inmates who had been caught fighting; the guards dragged the prisoners out into a cold yard; ordered them to get on their knees, barefoot against a wall; and beat them with sticks, shouting, "You think this is some game. I'll show you what this is; it's a prison."

In theory, prisoners can submit complaints via complaints boxes, which are installed in all Judicial Police facilities and are supposed to be emptied and managed by social workers. A prisoner's family or legal representative can also submit formal complaints to the prosecutor's office. Many prison directors and prison leaders observed that this system is not operational at most facilities and that social workers, who are employed by the Judicial Police and report to prison directors, are neither neutral nor well trained to handle such responsibilities, and are not even present at many facilities. Going forward, procedures should be examined and reformed to ensure that prisoners have viable and safe options for the submission of complaints. Additionally, urgent attention must be given to improving communication with inmates. Prison leadership and guard training must include programs that teach staff to maintain positive working relations and professional communication with prisoners. Ongoing prison monitoring by international and local NGOs is advised.

Fear and tension were markedly high at almost all prisons in Libya's east.

Prisoner Well-being

Prisons in Libya are crowded, damaged by ongoing conflict, and held together by a decaying infrastructure. Facilities suffer from significant water and sanitation problems, with sewage disposal issues plaguing many sites. Inadequate medical care means that many detainees receive treatment only if their families step in. Many prisons are dark, and detainees generally have little access to sunlight. There are few meaningful activities to engage in. Prisoner well-being concerns are manifold, but they must be understood within the context of the political crisis and the deteriorating security environment. The realities of the conflict and deep budget cuts have shattered postrevolution hopes for infrastructure investment, training, and system reform. Tremendous backlogs of cases within the justice system have overloaded prisons. In the face of such challenges, a number of Judicial Police directors and staff members should be commended for their efforts to improve the condition of prisons and the treatment of prisoners. However, in the majority of facilities, the enormity of the problems has overwhelmed staff, who do not have the skills, support, or financial means to overcome such challenges. This section focuses on the following key elements of prisoner well-being:

- Accommodation
- Recreation, exercise, education, and labor
- Food and drinking water
- Water, sanitation, and electricity
- Access to medical care
- Visits and contact with the outside world

Accommodation

Accommodation standards and overcrowding continue to be a challenge throughout prisons in Libya. Although there is no universally accepted standard for living space, Rule 13 of the Standard Minimum Rules is clear that "all accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation." Overcrowding affects safe management of prisons and often triggers poor management practices. It also places a heavy burden on the basic infrastructure and sanitation systems and has a negative impact on the physical and mental health of detainees.

The following signs generally indicate overcrowding, regardless of cultural variations:

- Disorderly, packed spaces, including persons and personal items crowding cell areas; items hanging from walls, roof, and bunks blocking ventilation, light, or cell sight lines
- Stale or airless environs, with little or almost no ventilation
- Guards incapable of controlling inmate populations
- Irregular sleeping arrangements, including sleeping in shifts; sleeping two per bed or on the floor; sleeping in corridors, communal spaces, or bathrooms; too few mattresses and blankets for the number of inmates; and visibly cramped conditions
- Unhygienic sanitary systems, whether blocked or overflowing
- Virulent illnesses that are common and difficult to eradicate
- Insufficient food and water sources

Figures 7 and 8 show levels of overcrowding in Judicial Police prisons in 2012 and 2015–16. Overall prison overcrowding was down from one visit to the other. Prison capacities (i.e., the number of inmates each prison is designed to accommodate) were provided by all institutions, but in many cases estimated capacity limits provided were observed as too high for the spaces viewed, given the clear incidence of overcrowding even in prisons that in theory were not full according to Judicial Police figures. Additionally, many prisons experienced overcrowding due to damage to certain wards or cell areas resulting in their closure, although this reduction of capacity was rarely factored in when providing estimated overall capacity levels. Determining appropriate capacity levels at facilities that were not originally designed to be prisons (e.g., Al Huda in Misrata, which is a converted Internal Security building) is significantly more difficult, as such facilities were not designed for habitation.

Accommodation standards vary throughout the system, but a number of commonalities exist. Prison cellblocks in Libya have little natural light and are generally crowded, with prisoners and their clothes, towels, and blankets hanging off cell bars; bunk beds are crammed into small spaces; and one combined toilet and shower is adjacent to each cell. At most facilities, the cell doors are opened during the day onto dimly lit corridors and small, wire-encased exercise yards. These conditions, combined with the lack of activities and the slow judicial process, feed overcrowding and discontent, which can in turn trigger prisoner uprisings.

Overcrowding has a negative ripple effect on almost all aspects of prisoner care and thus should be considered a priority issue.

Both assessment teams were concerned about accommodation conditions at Al Huda Prison in Misrata. The facility was not designed to be a prison, and instead of cell areas, large communal rooms are filled with bunk beds. Chains of blankets serve as doors; narrow warrens between beds are crowded with personal belongings, hot plates, and food; and sight lines are obscured by what resembles a tent village: many inmates use bedding to erect makeshift walls around their beds in an effort to gain privacy. Prisoners mill through narrow staircase areas with no railings; recreation is very limited and almost exclusively faith based. In stark contrast,

Figure 7. Inmates and prison capacity, 2012 (number of prisoners relative to capacity)
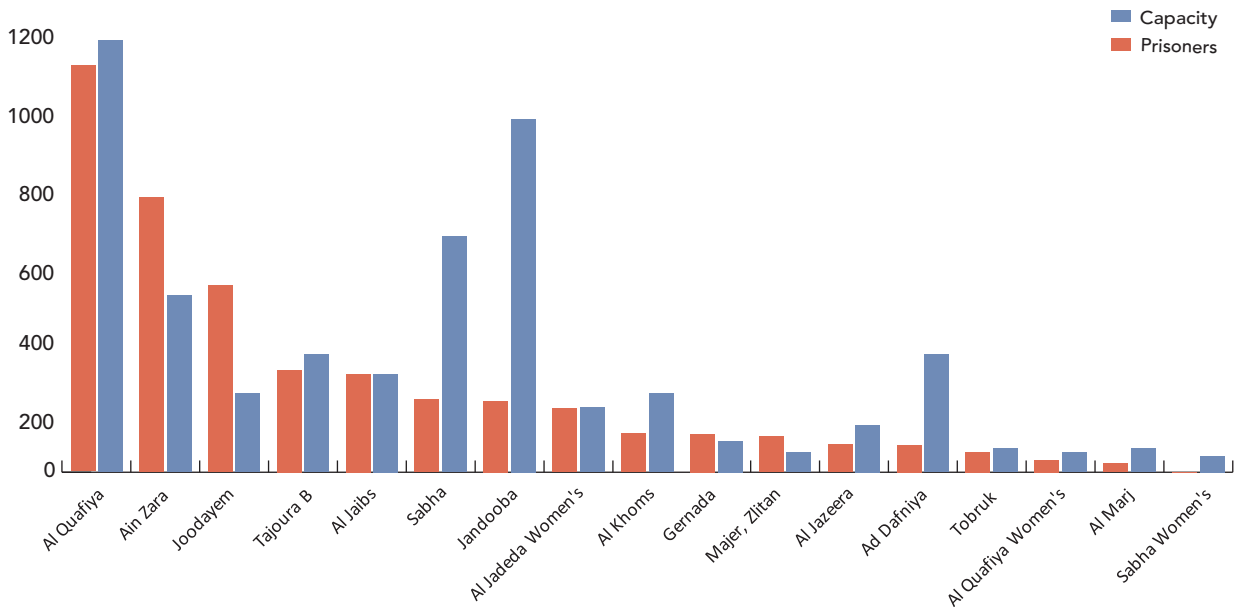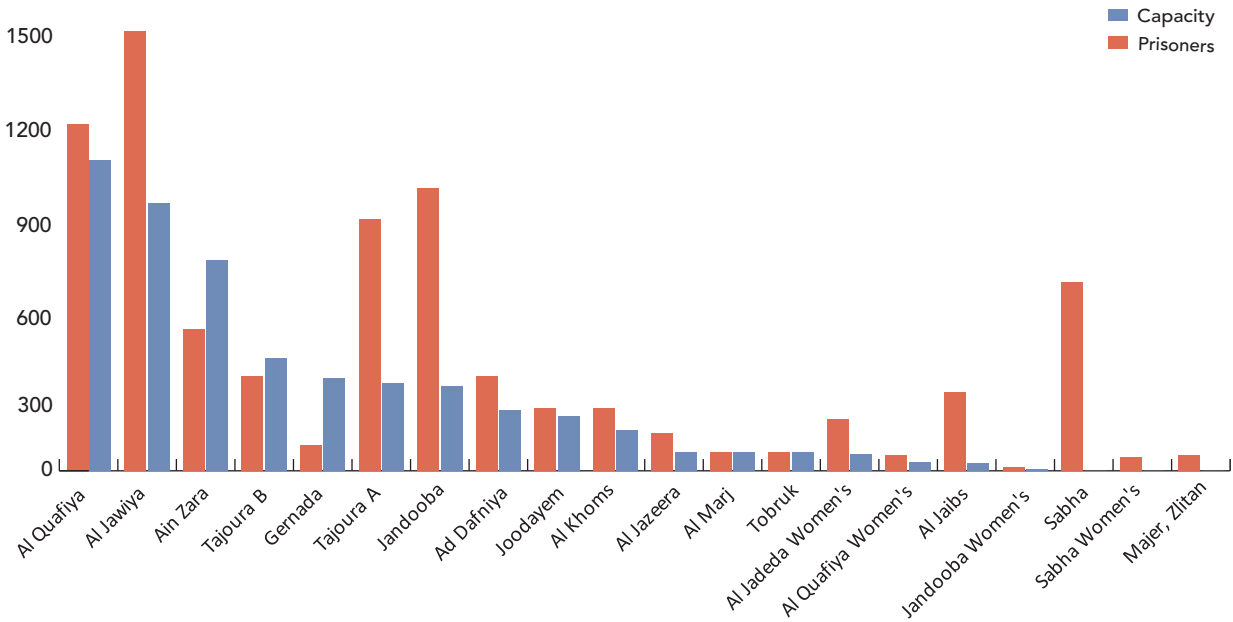

Figure 8. Inmates and prison capacity, 2015–16 (number of prisoners relative to capacity)

Tarhouna Prison has cells with adequate space for bunk beds, clean corridors, an exercise yard, and plenty of natural light.

Accommodation standards and overcrowding should be examined at branch and headquarters levels to clarify system-wide standards. Better prison data will help prison leaders, directors, and staff cope with prisoner flows, ease overcrowding in critical facilities, and track and better handle internal security incidents. Overcrowding has a negative ripple effect on almost all aspects of prisoner care and thus should be considered a priority issue. Facilities that are at capacity should stop receiving inmates, and support contingencies should be put in place at branch and headquarters levels so that coping with such problems does not fall only to prison directors. Resolving the root causes of overcrowding requires activating and examining the criminal justice system as a whole.

Recreation, Exercise, Education, and Labor

Recreation, exercise, and meaningful activity such as education and work are important parts of an inmate's routine. These activities not only have a positive effect on physical health but also give prisoners positive outlets for stress, pent-up energy, and aggression.

In 2012, the assessment team was concerned that some detention facilities were confining detainees to their cells twenty-four hours a day, without sunlight and exercise. In 2015–16, some improvement was observed, with cell doors generally left open from morning until sundown, allowing prisoners to spend most of the day in corridors and exercise yards. A minority of facilities allowed prisoners outside their cells for only short periods, for staggered shifts during the day, or not at all.

Many prison directors indicated that a lack of funds due to the political crisis had stalled plans to provide inmates with recreation, exercise, education, and labor. Nonetheless, some facilities have endeavored to provide some recreation and educational opportunities for prisoners. Ain Zara, Al Baraka, and Khoms Prisons, for example, have built soccer fields, and Tajoura A has a gymnasium. Ain Zara provides gardening lessons, with inmates planting vegetables for use in prison kitchens. Tajoura A and Al Jadeda Women's Prisons provide education classes, allowing inmates to take the equivalent of high school courses in brightly furnished classrooms; exams and certificates are also part of the program. Most prisons encourage inmates to attend religious classes, with an especially strong emphasis at Al Huda Prison. Al Jazeera and Zawiya South Prisons have no exercise yards, and, along with Old Zlitan and Al Jaibs Prisons, they offer little activity to speak of. At Al Quafiya and Gernada Prisons in eastern Libya, prisoners are kept in their cellblocks all day, even though both facilities have a soccer field and some green space. The prison director at Gernada noted that reducing access to yard areas is the prison's standard winter practice because of the cold weather. Prisoners in one cell area at Ain Zara complained that they had not been outside since the end of Ramadan, one month before the site visit. The case of Ad Dafniya Prison is unique. The prison director decided to keep birds at the facility to provide detainees with a therapeutic distraction from the stresses of incarceration. Large numbers of birds in cages were seen in cells and corridors; pigeons, chickens, and ducks lived in hutches in the exercise yard, where many birds could also wander freely.

Labor opportunities for prisoners also vary radically among the facilities. Tajoura B runs a mechanics shop for prisoners. At Al Baraka, inmates sew uniforms for compensation. At Ain Zara Prison, a small number of inmates were observed working at a clinic. In many prisons, inmates run small supply shops, staff kitchens, and clean their cellblocks. For example, at Tarhouna Prison, the inmates run their own kitchen. However, there were exceptions: prisoners

were not involved in cooking and cleaning duties at Al Jazeera, Zawiya South, Joodayem, and Tajoura A Prisons; companies were employed instead.

Although budgetary constraints severely hamper the delivery of satisfactory recreation, exercise, education, and labor programs, a number of facilities have found commendably creative approaches to bridge the gap. As a short-term measure, peer-to-peer support between directors could extend these creative solutions throughout the prison system. In the medium to long term, clear policies for recreation, exercise, education, and labor need to be discussed and developed, as well as instructions for prison directors that take into account variations in the size of prisoner populations, the profiles of detainees, and security conditions.

Food and Drinking Water

The issue of food and water is of critical significance, particularly in prisons in postconflict and transitional societies where systems of food production and supply may have broken down.[51] Inmates in most Judicial Police prisons seem to be receiving sufficient food. Three meals, offering a variety of fruit, vegetables, meat, and starches, are served every day. Contracted companies either deliver prepared meals or bring supplies that are then cooked in kitchens by their staff or, in some prisons, by inmates.[52] The ongoing conflict has caused some food shortages, particularly in the east. Prison staff noted a shortage of flour for bread, which is generally considered a staple of the Libyan diet, in eastern Libya during 2016 visits. Even with such shortages, the assessment teams observed that prisoners generally appeared well fed and noted that prisoners never complained to them about food. Prison staff reported that they ate the same food as the prisoners.

Although the food provided by the prison administration is generally sufficient, inmates also benefit from food brought in by visitors, with some prisons allowing detainees to cook for themselves in cell areas using small hot plates and gas stoves. This practice, although intended as a considerate gesture, should be halted, because such appliances present a serious fire hazard—cells are filled with flammable blankets and cellblocks are often locked. Prison authorities could instead grant detainees supervised access to the prison kitchen, where kitchen and staffing resources allow, to cook or heat food provided by visitors.

Overall, the Ministry of Justice and the Judicial Police should be credited for their effective management of food supplies and distribution. Unlike in many postconflict countries, in Libya, this aspect of prisoner care is generally prioritized, and prisoners do not go hungry. Nonetheless, reports of inflated food costs, overdue bills, and armed groups profiting from prison food delivery began surfacing from local groups involved in prison oversight and human rights in 2015 and 2016. Such issues should be investigated and swiftly addressed. By spring 2016, concerns over food insecurity arising from overdue bills and insufficient funding to pay contracted companies reached fever pitch, with Judicial Police threatening strike action or the release of prisoners in their care in June 2016 if actions to remedy the situation were not taken.[53] In Tarhouna Prison, for example, the company contracted to provide meals stopped doing so in 2014 because it was not being paid, and the main kitchen was in disrepair and not in use. Now the guards and the sixteen prisoners at the facility cook using makeshift kitchens, and they generally have enough supplies to feed themselves.

The issue of drinking water remains a critical concern in a small number of prisons. In the majority of institutions, companies contracted to deliver food also bring in bottled water. Tobruk, which reported serious water shortages in 2012, continues to suffer from significant water problems, as does Al Marj. Staff at both facilities noted that water shortages are a concern in their localities and that they address it by employing water trucks to fill prison tanks and by

Prisoners do not go hungry.

purchasing bottled water. In the west, three prison directors—from Joodayem, Ad Dafinya, and Al Huda—reported sustained water shortages and said that families brought water for inmates. Failure to provide drinking water free of charge to prisoners is a serious issue, and contracting arrangements for prisons that do not provide drinking water should be urgently addressed to bring them in line with other facilities in Libya. The issue of washing water is addressed below.

Water, Sanitation, and Electricity

Maintaining hygiene and sanitation standards is challenging in any institutional context, given the number of people using facilities; however, it is significantly more complex in conflict and postconflict environments, where basic sewage and waste management systems may not be effectively operating at the state level. International Committee of the Red Cross (ICRC) guidelines published in 2012 note the importance of sanitation in controlling the spread of disease within prisons.[54] The guidelines also observe that the World Health Organization (WHO) recommends the provision of one toilet per twenty-five persons, but that one toilet per fifty persons is considered an acceptable minimum. Disinfection of toilets should occur once per week or twice per week in the case of an epidemic. One shower per fifty persons is considered the minimum ratio to meet basic accommodation standards.[55]

Assessment teams in 2012 and 2015–16 observed that the majority of prisons under Judicial Police control were of a reasonable sanitary standard, albeit with room for improvement. Washing water was sufficient at all facilities, mostly coming from wells or water trucks that fill tanks on the premises. The ICRC guidelines on the number of prisoners per toilet and shower appear to have been met in most cases, though broken showers and taps were frequently noted as management concerns. It is less clear, however, that these standards have been met in places of confinement that were not originally designed as prisons, most notably Al Huda, Al Jazeera, and Zawiya South Prisons, or in aging facilities such as Old Zlitan Prison.

The chief sanitation concern affecting Libyan prisons in 2015–16, almost across the board, was sewage and waste removal. Many of the core sanitation concerns in Judicial Police prisons can be linked to poor infrastructure, poor design, and overcrowding. Sanitation systems, especially in facilities not built for purpose, have serious design problems and cannot manage waste for populations living there 24/7. Many such facilities were designed for daily use as offices, and they cannot accommodate the strain of being occupied full-time by large prison populations. At Ain Zara and neighboring Al Baraka Prisons in Tripoli, and at Ad Dafniya and Al Jawiya Prisons in Misrata, the prisons were not connected to main city sewage systems, and cesspits were overflowing. In Ain Zara's case, sewage was in close proximity to kitchen and cell areas, but the prison's budget lacks the funds to tackle the problem. Serious sewage concerns were reported as either persistent or recently resolved at Tajoura B, Al Hadbha, Zawiya South, Al Jazeera, Al Khoms, Al Huda, Tobruk, Al Bayda, Al Quafiya, and Jandooba Prisons. Given the prevalence of this issue, the Judicial Police and Ministry of Justice, in conjunction with local authorities, should take steps to address sewage and waste issues, because they could lead to serious health concerns for both prisoners and staff at affected facilities.

Many of the core sanitation concerns in Judicial Police prisons can be linked to poor infrastructure, poor design, and overcrowding.

Libya has been crippled by electricity outages since the return to conflict in 2014, but blackouts were particularly bad in the summer of 2015, when, in soaring heat, outages lasted up to twelve hours a day in Tripoli. Most prisons visited relied on diesel generators to provide power. The assessment team visited Tarhouna Prison during a power cut and conducted interviews with senior staff in the dark because the prison did not have a generator. The prison director of Al Jaibs noted that the prison had managed to maintain constant electricity despite the cuts

due to its location adjacent to "their neighbor," a power plant. The prison director at Al Jazeera indicated that the armed group involved in prison management "controlled the area," and thus the prison had no electricity problems. Prisons in Misrata, an area that experienced significantly fewer power cuts than the rest of the country, reported no problems with electricity.

Access to Medical Care

Libya's prison law and regulations provide detailed guidance on medical care—including provisions that each institution has a resident doctor, the ability to recommend the release of detainees with life-threatening or incapacitating illness, and the ability to conduct transfers—and outline how to deal with epidemics in the prison setting.[56] However, following the revolution, and particularly since 2014, the Ministry of Justice and the Judicial Police have struggled to maintain even basic medical care, let alone the high standards set out in legislation.

The majority of prisons visited had a dedicated prison clinic, but the level of care and quality of clinics varied widely. Some prisons, such as Ain Zara, Al Hadbha, and Tajoura A in Tripoli, and Al Quafiya in Benghazi, ran substantial, clean, multiroom clinics, while others, such as Old Zlitan, Tajoura B, Joodayem, and Ad Dafniya, had cramped, inadequate facilities. During visits, prison leadership at all facilities, and medical staff when present, highlighted a severe lack of medicine, broken and lacking equipment, and a shortage of doctors. Prisons without working clinics, such as Al Jazeera, Tobruk, and Tarhouna, relied on favors from local hospitals for treatment. Chronic shortage of medication was raised as a concern at almost all facilities, even those with ample clinic space. Some shortages reflect the state of the health sector in the country, which is at a breaking point. Most equipment was not working, and, at Tajoura A, the clinic—staffed with mostly female workers during the day, which according to the director helps to create a "calm" environment—had been looted during a gunfight between guards in spring 2015. Some but not all facilities had an ambulance to assist with medical transfers; a number of directors remarked that they had to use their own private vehicles to transfer inmates to the hospital. This situation, like court transfers, was highlighted as a security concern.

Further complicating the provision of medical care, Libyan prisons are experiencing an acute shortage of medical staff. The reform of the system for assigning national ID numbers, although helpful in cutting duplicate salaries to armed groups, has adversely affected the staffing of prison clinics. Most doctors, nurses, and medical aides working in prisons also held hospital jobs within the Health Ministry. When their wages were reduced to just one state income stream, most staff were unwilling to leave their ministry positions for lower-paid and less prestigious positions catering to the prison population. To ensure basic provision of medical care, Judicial Police headquarters officials sought to issue bonuses to prison medical staff to circumvent the salaries rule, but they have experienced difficulty in getting Libya's Central Bank to release the funds. As a result, many clinics do not have regularly employed medical staff, and many facilities rely on volunteers, prisoners, and donations to get by.

General medical concerns of detainees ranged from common ailments, such as colds, headaches, allergies, and skin and chest infections, to chronic conditions, such as diabetes and heart disease. High rates of skin and chest infections may be indicative of overcrowding, damp conditions, or poor bedding. Diabetes and heart disease were reported across the prison population and are likely attributable to the above-normal numbers of aging and elderly prisoners—given the demographics of conflict-related detainees—many of whom are older regime loyalists, as discussed in the "Special Category Prisoners" section. Both conditions are also linked to poor diet, a concern that is found throughout Libya.[57] A spike in prisoners suffering from alcohol

Prison leadership at all facilities, and medical staff when present, highlighted a severe lack of medicine, broken and lacking equipment, and a shortage of doctors.

Mental illness is also a significant problem that receives little attention or funding.

dependency was reported at numerous facilities, with all four prisons in eastern Libya reporting it as a growing trend. Mental illness is also a significant problem that receives little attention or funding. A number of prisons segregated prisoners with psychological illnesses from the larger prison population; trying to provide proper care for such detainees is a significant struggle.

The incidence—or, perhaps more accurately, the diagnosis and reporting—of communicable diseases such as HIV/AIDS and hepatitis rose sharply, from just one detainee reported as diagnosed as HIV positive in 2012 to six facilities reporting HIV-positive inmates and seven reporting hepatitis-infected detainees in 2015–16. Tuberculosis was reported to be present at two facilities in 2015–16, as compared to three prisons in 2012. At most facilities, prison directors segregated infected prisoners from the rest of the prison population. The head of medical care at Judicial Police headquarters has expressed concern over this practice, noting that it risks ostracizing prisoners and can promote psychological or psychiatric problems.

Judicial Police headquarters is aware of the shortcomings in health care provision and has expressed concern and frustration over current conditions. A detailed plan to upgrade prisoner health care was drafted in 2013, but Libya's return to conflict in summer 2014 strained national funds, and there are barely enough funds in the budget to sustain basic health services. As an interim arrangement, Judicial Police officials are seeking to contract a company to provide medicine on the basis that payment will be made at a future date. Additionally, they are exploring the possibility of integrating prisoners into the Ministry of Health system so that prisoners can use Ministry of Health medical cards to secure their monthly medication needs. The integration of the prison health system into the public health system would likely improve both access to medical care and the standard of care for inmates. In 2003, WHO stressed the importance of closely linking health services and prison departments to ensure high standards of treatment for detainees, independence of personnel, application of modern standards of disease control, and continuous treatment for all members of society.[58]

Visits and Contact with the Outside World

International prison standards guarantee all prisoners the right to contact their families and legal representatives.[59] Visits and correspondence, including telephone calls, are not privileges but rights, and they are extremely important for the protection of family life, access to justice, and the mental well-being of prisoners. Visits by and consultation with legal representatives is also an absolute right for detainees awaiting trial.

Prisons under the control of the Ministry of Justice generally adhere to international standards on visits from prisoners' family and friends. In practice, visits are allowed in all prisons operating under the control of the Judicial Police, and many prison directors have tried to allow family and friends to visit regularly by designating visiting times and providing the necessary security oversight. In some prisons, such as Tajoura B and Old Zlitan, visitors and inmates are separated by wire mesh; in other prisons, such as Al Hadbha, entire families were observed visiting prisoners (who were dressed in blue uniforms) in one open room. The modality and frequency of prison visits varied throughout the system. For example, some prisons required scheduling in advance, while others created preset allotted times. Some prisons allowed daily visits, some permitted weekly visits, and some deemed two visits per month to be sufficient. Some visitors, it should be noted, travel long distances and, especially after fighting broke out in 2014, through areas of considerable danger to reach the prisons where their family members are held. Some visitors regard both the prison location and the prison staff with fear.

Regarding contact with legal representatives, Article 51 of Law No. 5 allows legal representatives to meet inmates only with the permission of the public prosecutor or investigating judge. This requirement is not in line with international standards, which allows free unfettered access to legal representation without the presence of guards. This provision of Law No. 5 should be examined and updated to accord with international standards.

Special Category Prisoners

In all prison systems, certain categories of inmates have specific needs that require additional attention from the prison administration. These categories include women, children imprisoned with their mothers, the elderly, juveniles, foreign nationals, mentally ill persons, drug-dependent persons, and prisoners under sentence of death. For the purposes of this review, the last three categories are not considered, although concerns over mental health provisions for inmates is referenced above, and there is evidence that drug and alcohol dependence are growing challenges among inmates.

Women

Women constitute a very small proportion of the prison population in Libya, with just 114 female detainees held in 2015–16, down from 197 in 2012. Nonetheless, the sensitive design of female detainee care is important because women are vulnerable in prisons and their requirements—given social dynamics, culture, and childcare responsibilities—differ from men's. The United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, adopted by the United Nations in 2010, is an important advance in recognizing the gender-specific needs of, and necessary safeguards for, women in the criminal justice process.[60] Separation from community, home, and family life has a particularly detrimental impact on the mental well-being of women prisoners in Libya, and the risk of stigma and abandonment by families—particularly in a traditional society such as Libya—are high. Female offenders often need specialized psychosocial support to counter the disruption to family life and isolation induced by incarceration. Additionally, many women in prison are former victims of abuse or are imprisoned for crimes with an abuse component.

Women are held at four facilities in Libya: Al Jadeda Women's Prison in Tripoli, a dedicated women's compound within Jandooba Prison in Gharyan, a dedicated women's compound within Al Quafiya Prison in Benghazi, and Al Jawiya Prison in Misrata. It was clear from visits with female inmates that imprisonment imposes a great social and psychological burden; women spoke in anguished terms about their circumstances. Most were held for domestic violence, drug dealing, "moral crimes," adultery, and murder. Three women were being held as conflict-related detainees for their role in the 2011 revolution, including a female colonel who had served under Gadhafi. Although Al Jadeda, Jandooba, and Al Quafiya housed fully separated women's prisons, female inmates at Al Jawiya were accommodated in a separate cell, but were not fully segregated from the prison population—a concern that should be addressed through either the provision of an appropriate facility for female detainees in Misrata or their transfer to a dedicated women's institution.

Prison leaders are cognizant of the limited care currently provided to female inmates, particularly of the low number of female prison guards within the system. Recruitment challenges are significant because of the social stigma of females working in security institutions, especially in prisons, and efforts are being made to correct this imbalance. It should be noted

Separation from community, home, and family life has a particularly detrimental impact on the mental well-being of women prisoners in Libya.

that Law No. 5 states that "female Guards and Supervisors shall be exclusively entrusted with guarding the Women's Institution internally and guarding the prisoners and supervising them externally," a standard that is not being met at present.[61]

Finally, according to Law No. 5, children under the age of two are permitted to remain with their mother. At least six infants were observed in the care of female detainees during prison visits. Judicial Police should seek to improve female and infant health care, including nursery, play, and educational facilities.

The Elderly

Accommodating older prisoners is a challenge because their health care and other needs may be different from those of younger inmates and more onerous to meet. The provision of specific accommodation for older people, who may be more sensitive than young people to factors such as changes in temperature, is also often a requirement. In most societies, young men account for the largest proportion of inmates. This is the case in Libya but, based on the profiles of the prison population in some facilities assessed, Libya has a higher than usual proportion of older prisoners, particularly among conflict-related detainees held since 2011.

Although definitions vary, older people are usually regarded as those over the age of sixty. Evidence suggests, however, that the stresses of imprisonment lead to premature aging and concomitant medical and mental health challenges.[62] Arguments have been made both for and against confining elderly people separately. Separation may be required if elderly prisoners are subject to victimization by their younger peers. Alternatively, older prisoners often have a calming effect on younger inmates and can serve as a source of advice and guidance.

Older prisoners were observed to constitute a relatively high proportion of the prison population during both the 2012 and 2015–16 visits. Most, but not all, of these older inmates were former regime officials in their sixties. Several prisoners over the age of sixty were detained in various prisons, with the eldest being over eighty. If such individuals have to serve long sentences, the Libyan prison system will continue to have a disproportionate number of older men incarcerated and will require relevant strategies of care that take this trend into account.

Juveniles

A juvenile is defined as a person under the age of eighteen. Libya is a party to the Convention on the Rights of the Child, which states explicitly that the arrest, detention, or imprisonment of a child must be used only as a measure of last resort and for the shortest appropriate period of time.[63] It also provides for every child deprived of his or her liberty to be treated with humanity and respect for his or her inherent dignity and in a manner that takes into account the needs of the person and his or her age.[64] According to the convention, juveniles should never be confined with adult prisoners and should not be housed with adults.[65]

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (known as the Beijing rules) provides the framework for how justice systems should handle juveniles, emphasizing that the institutionalization of juveniles should be avoided where possible. The Rules for the Protection of Juveniles Deprived of their Liberty gives detailed guidance on treatment of juvenile offenders, including the use of pretrial detention only in exceptional cases, with preference being given to alternative measures, as well as to measures that take into account the provision of a rehabilitative environment.

It was reported to the 2012 and 2015–16 assessment teams that there are no functioning juvenile facilities in Libya and that juveniles have been confined in adult prisons. The assessment team did not have the time or opportunity to examine the broader challenge of reestablishing the juvenile justice system in Libya; therefore, comments here address only the narrow issue of juveniles confined in adult prison facilities. Although low numbers of juveniles in detention were reported by authorities in 2012 and 2015–16, assessment teams observed a significant number of young male prisoners in almost all facilities across the prison system who, when questioned, said that they were under the age of eighteen. At most facilities, such juveniles were observed confined alongside adults or, in some cases, accommodated in separate cells at night but generally mixing with adult prisoners during the day. One female juvenile detainee, age fifteen, was held at Al Jadeda Women's Prison in Tripoli, and one female teenager was held at Al Jawiya Prison in Misrata, reportedly awaiting forty lashes for a "moral crime." It is strongly recommended that such cases be reviewed by the relevant authorities and that alternative forms of detention be found so that all juveniles are placed outside of the prison system.

Foreign Nationals

Foreign nationals in Libyan prisons experience a range of problems related to the fact that they are far from home, may be discriminated against within the prison system, and generally have few local support networks. They may also face barriers in terms of language and culture and may often be confined in considerably worse and more crowded conditions than national prisoners. Certain international standards apply to foreign national prisoners, the most important of which is the ability to have consular and legal access and representation.[66]

Foreign nationals held in Libyan prisons—particularly detainees of sub-Saharan African origin—were almost always segregated to their own cells and were often found to be in significantly more cramped conditions than Libyan prisoners. This situation was particularly severe in 2012, with foreign nationals held on criminal charges being mixed with "illegal migrants" detained within the Libyan prison system. The number of foreign nationals being held within Judicial Police prisons had fallen by 2015–16, with foreign national prisoners generally being held on criminal charges, whereas illegal migrants were held within the Ministry of Interior's DCIM detention centers.

It is strongly recommended that the care of foreign national prisoners be recognized as a key management issue in Judicial Police facilities. Appropriate strategies should be developed, including the appointment of specialized guards or social workers to ensure that inmates are kept informed about their cases and rights and have access to interpreters. Clear guidelines should be issued to prison management regarding providing appropriate accommodations for and working to reduce discrimination against foreign prisoners.

Foreign nationals held in Libyan prisons...were often found to be in significantly more cramped conditions than Libyan prisoners.

Conclusion

When USIP began assessing Libya's detention facilities in 2012, prison directors spoke hopefully of ambitious plans to transform the overall prison system despite the manifold challenges that lay ahead. Five years after the start of Libya's revolution, optimism has evaporated and the little progress that was initially made has stalled. The prison system is struggling in the face of political and organizational division, severe budgetary constraints, a lack of resources, inadequate training, and ongoing violent conflict.

A few dedicated prison officials and directors around the country have persevered in their efforts to provide basic care for prisoners and to keep prison facilities secure and functional in very challenging environments. Other prisons—although nominally under Ministry of Justice jurisdiction—still operate with the significant involvement of politically aligned armed groups, and the management of and conditions within such prisons are of grave concern. Furthermore, reports of extrajudicial detentions outside the criminal justice system by both state-affiliated and nonstate armed groups have mushroomed since the outbreak of civil war in 2014, with documented accounts of arbitrary detention, incommunicado detention, disappearances, physical and psychological abuse, and torture occurring throughout Libya.

Libya's prison system has been operating in survival mode for the past few years, waiting for stability to return to the country. Libya needs a unified, legitimate government capable of bringing an end to the ongoing civil conflict and creating an environment in which wholesale prison reform, rehabilitation of damaged facilities, and regularized detention are feasible. Local and international actors should not discount the important role that control and reform of prisons can play in the process of restoring coherent governance, state security, stability, and the rule of law. Libya's Judicial Police leadership and prison directors should not discount the significance of their role in this process or the impact of smaller-scale reforms and improvements that fall within their spheres of influence. Local and international support is needed to bolster the resilience of prison officials working to keep the system together during this time of crisis and to plan for future reforms. Analyses and recommendations that address both core and thematic areas of concern are woven throughout this report and are summarized below.

In 2012, a politician from Libya's parliament remarked, "If prisons are a reflection of society …we must build a prison system for a free and democratic Libya." The country's political leaders must move beyond the fighting that has tarnished dreams of a new, free Libya and create space for such ideals to grow once more.

> *"If prisons are a reflection of society…we must build a prison system for a free and democratic Libya."*

Recommendations

Legal and Regulatory Framework

- Undertake mulitstakeholder review and reform of Libya's prison law, Law No. 5, analyzing challenges associated with the acceptance and application of its provisions, addressing resource and management requirements for compliance, and identifying progressive goals for the improvement of prisoner care. Key to this process is a clear conception of the purpose of imprisonment and an articulation of prisoner rights.

Organizational Structure

- Develop and clarify the Judicial Police organizational structure, headquarters, and branch-level departmental duties and communication flow among headquarters, branches, and prisons.
- Recognize and resolve institutional cleavages in the Judicial Police resulting from the civil war, clarifying the status of the Judicial Police headquarters in Al Bayda in eastern Libya.
- Clarify and implement prisoner classification and segregation provisions set out in Law No. 5.

Staffing and Integration Issues

- Review staff numbers and the distribution of staff across the prison system.
- Develop and articulate clear staffing roles and structure with coherent career expectations regarding rank, appointment, promotion, chain of command, discipline, and training.
- Urgently address the chronic shortage of female staff, both at prison guard and leadership levels.
- Work to realize the integration of revolutionary armed group elements into the ranks of the Judicial Police and to demobilize armed group command structures within prisons.
- Address the physical and psychological support needs of prison staff, ensuring that all prison workers have appropriate medical insurance and psycho-social support.
- Immediately remove from active duty guards accused of ill treatment, abuse, or torture and closely monitor guards exhibiting negative behavior or signs of severe psychological stress.

Security

- Urgently address the use, carrying, and storage of firearms within prison compounds. Firearms should be strictly prohibited inside prison compounds and used for perimeter security only.
- Undertake a detailed security review, including an analysis of and lessons learned from external and internal security incidents, with the goal of improving the security and safety of the prison system and identifying most urgent needs in terms of security infrastructure, equipment, and training.
- Develop clear protocols for handling external and internal security incidents and attendant specialized staff training protocols.

Physical Infrastructure

- Prioritize the closure of Al Jaibs, Al Jazeera, Zawiya South, Old Zlitan, and Al Huda Prisons, and plan for urgent maintenance at Ain Zara, Tarhouna, Ad Dafniya, Gernada, and Al Quafiya.
- Undertake a review, over the medium to long term, of the rehabilitation and construction needs for the prison system, carefully assessing the needs, budgetary constraints, planning, and purpose of imprisonment in Libya and carrying out consultation on prison design standards and human rights–based approaches to incarceration. Particular attention should be paid to addressing outdoor and recreation space concerns.

Prison Registry and Data Overview

- Institute clear monitoring and reporting procedures for administrative staff, leadership, branch, and headquarters levels with a view to improving communication of reporting and to facilitate strategic data-driven prison system management and planning in the medium to long term.

Due Process, Unsentenced Prisoners, and Releases

- Urgently and securely manage the release of conflict-related detainees held in prolonged, arbitrary detention since the 2011 revolution.
- Address widespread extrajudicial detentions outside of the criminal justice system by both state-affiliated and nonstate armed groups.
- Conduct a review of detention within Judicial Police prisons and consider interim measures such as mobile courts, amnesties, and pardons to address severe case processing backlogs.

Use of Isolation Cells

- Review and standardize policies and procedures for the use of isolation cells, including processes for appeal, review, medical observation, and oversight.

Communication with Inmates

- Clarify, secure, and reinstate complaints procedures for prisoners.
- Incorporate in prison leadership and guard training the importance of maintaining positive and professional communication with prisoners as well as deescalation techniques.

Accommodation

- Facilities that are at capacity should stop receiving inmates, and support contingencies for prison directors should be put in place at branch and headquarters levels.
- Consider immediate relief measures for overcrowding, such as transfers and releases.
- Examine accommodation standards and overcrowding at branch and headquarters levels to clarify system-wide standards, including reexamining assigned capacity level for facilities.

Recreation, Exercise, Education, and Labor

- In the short to medium term, develop peer-to-peer support among prison directors to share creative approaches to the delivery of recreation, exercise, education, and labor programs in spite of budgetary constraints.
- In the medium to long term, develop clear policies and instructions for recreation, exercise, education, and labor, taking into account variations in prisoner population, profiles of detainees, infrastructure, and security conditions across the prison system.

Food and Drinking Water

- Address food insecurity concerns arising from unpaid bills to companies contracted for food and water delivery.
- Investigate allegations of inflated food costs and armed groups profiting from food delivery.
- Urgently address drinking water supply issues at Tobruk, Al Marj, Joodayem, Ad Dafniya, and Al Huda.

Water, Sanitation, and Electricity

- Address sewage and associated sanitation issues across the prison system.

Access to Medical Care

- Draft clear policies and protocols on the provision of medical services to prisons in conjunction with the Ministry of Health, addressing critical shortages of medication and health workers.
- Raise awareness among prison medical personnel that their duties include the ongoing inspection of and reporting on the overall physical care of detainees and documenting and raising any concerns if signs of abuse or torture, malnutrition, or hygiene issues are observed.

Visits and Contact with the Outside World

- Standardize the frequency and timetables for external visits to prisoners.
- Ensure unfettered access to legal representation without the presence of guards or the express permission of a public prosecutor or investigating judge, including the reform of Law No. 5, Article 51, which contravenes international standards in this regard.

Special Category Prisoners

- Women: Remove female detainees from Al Jawiya prison in Misrata and ensure that they are accommodated in a dedicated women's prison.
- The elderly: Conduct an assessment of the number of older prisoners within the prison system and develop a departmental response with regard to key issues, such as medical service provision and appropriate accommodation.
- Juveniles: Conduct an urgent review of the cases of all juveniles held within Judicial Police prisons. Clarify that the Judicial Police have no legal authority to hold juveniles and remove them from the prison population as soon as possible, either to a facility designed for their specific needs under the authority of social services or into the custody of their families.
- Foreign nationals: Adopt appropriate strategies for the management and care of foreign nationals within the prison system, recognizing that additional international standards apply to foreign national prisoners. Issue clear guidelines to prison management regarding the provision of appropriate accommodation standards and the importance of ensuring the equal treatment of all prisoners within the Libyan system.

Notes

1. For ease of reading and because of the fluid nature of both pre- and postsentence detention in Libya, the terms "detainee," "prisoner," and "inmate" are used interchangeably throughout this report. Where a detainee's status was clearly pretrial, the term "detainee" is used.

2. The Judicial Police Authority is generally known as the Judicial Police, which is the term used in this report.

3. Human Rights Watch (HRW), *World Report 2011: Libya*, www.hrw.org/world-report/2011/country-chapters/libya.

4. Stuart Franklin, "Abu Salim: Walls That Talk," *Guardian*, September 30, 2011, www.theguardian.com/world/2011/sep/30/mass-grave-libya-prison-abu-salim.

5. USIP consultant Dr. Mark Shaw, a member of the 2012 assessment team, visited Judicial Police prisons in Libya during the Gadhafi era. Based on a comparison of his recollection of those visits, it is the belief of the research team that the Judicial Police were significantly more transparent in granting relatively open access to USIP research teams in 2012 and 2015–16.

6. This was in fact a re-creation of the Ministry of Justice structure, which had existed when Libya gained independence, merged with the Ministry of Public Security during early Gadhafi-era reforms, and was reformed in 2004.

7. Both of these system reforms are discussed in greater detail below.

8. HRW, *World Report 2011: Libya*.

9. USIP interviews, May–June 2013, November 2015.

10. USIP interviews with Judicial Police, November 2012, November 2015. The brigades reportedly included Mohamed al-Magarief's brigade. Al-Magarief was a key security figure in the Gadhafi regime.

11. Ibid.

12. Kareem Fahim, "Rebels Yank Open Gates of Infamous Libyan Prison, Seeking Clues to a Massacre," *New York Times*, September 1, 2011.

13. Al Jazeera Prison in Zawiya and Al Baraka Prison in Tripoli, for example, have no old order Judicial Police staff. Such prisons are staffed exclusively by armed-group members who have been integrated into the ranks of the Judicial Police and receive salaries from the Ministry of Justice.

14. See Fiona Mangan and Christina Murtaugh with Ferdaouis Bagga, *Security and Justice in Post-Revolution Libya: Where to Turn?*, Peaceworks no. 100 (Washington, DC: U.S. Institute of Peace, 2014).

15. HRW, *World Report 2015: Libya*, www.hrw.org/world-report/2015/country-chapters/libya; and USIP interviews with judges and prosecutors in Tripoli, Benghazi, Zawiya, and Misrata, January 2013, April 2013, May–June 2013.

16. UN High Commissioner for Refugees (UNHCR), October 2015.

17. Libya Body Count is a local media monitoring site that compiles casualty statistics, available at www.libya-bodycount.org. Note that this figure includes all "violent deaths" in Libya, both conflict-related and crime-related.

18. See Mark Shaw and Fiona Mangan, *Illicit Trafficking and Libya's Transition: Profits and Losses*, Peaceworks no. 96 (Washington, DC: U.S. Institute of Peace, 2014).

19. HRW, "The Endless Wait: Long-Term Arbitrary Detentions and Torture in Western Libya" (New York: HRW, December 3, 2015); and HRW, "Libya: Widespread Torture in Detention: Government Should End Arbitrary Detentions, Ill-Treatment in Eastern Libya" (New York: HRW, June 17, 2015).

20. These activities included regularly consulting with Deputy Minister of Justice Wael Najm on prison management and reform issues between 2012 and 2014; using the 2012 prison report to guide strategic planning on prison reform with Judicial Police and Ministry of Justice officials in 2013; providing advice on closure of facilities deemed unfit during 2012–13; using a consultative design process with prison directors to draft transitional regulations on prisons in partnership with STATT Consulting in 2014; providing advice to international stakeholders and donors on detention issues and program design in 2012–15; and participating in a UN-led Judicial Police workshop on conduct and discipline for prison guards in 2015.

21. Law No. 5 of 1373 P.D. (2005) on Correctional and Rehabilitation Institutions. See www.security-legislation.ly/node/31427.

22. The United Kingdom funded the work, which was carried out by the International Centre for Prison Studies; the UN Office on Drugs and Crime (UNODC) provided most of the significant training and assistance during this period.

23. Other countries that have made the transition from authoritarian rule to democracy have faced similar challenges, with older legislation being technically in accord with international standards but lacking a vision of what imprisonment should achieve and how it must be aligned with human rights in a new democratic context. A good example is South Africa.

24. USIP interview with prison director, November 2015.

25. United Nations Standard Minimum Rules (Mandela Rules), 2015.

26. A number of detention facilities were outliers to this policy shift, for example, Abu Salim in Tripoli, which remained tightly controlled by Gadhafi's internal security apparatus, as well as intelligence facilities around the country.

27. The location of the Judicial Police headquarters is set out in Ministry of Justice Decree No. 1960 (2013), "Regarding the Organizational Structure and Powers of the Judicial Police Authority."

28. For example, Al Wehda Prison in Misrata was closed in late 2013–early 2014. Al Wehda—a school converted into a detention facility during the revolution—had been listed as a priority for closure by USIP in the 2012 report. Two other facilities, Taminiah and Al Huda in Misrata, were briefly closed in 2014, according to former minister for justice Salah Marghani, but appear to have since reopened.

29. Funded by the UK Department for International Development.

30. Law No. 5 (2005), Articles 5–7, 19; and Executive Regulations to Law No. 5 (2005), Articles 14–25.

31. USIP interviews with the Tripoli-based Minister of Justice Mustafa al-Glaib, September 2015, and Judicial Police Director Brigadier General Mohamed Besha in Tripoli, September 2015. Plans were submitted to the General National Congress for approval in summer 2015.

32. USIP interviews, November 2012, November 2015.

33. In the pre- and postrevolution periods, trainings, strategic planning exercises, and study trips were carried out by the International Centre for Prison Studies and funded by the UK Department for International Development, UNODC, UNSMIL, and USIP; Romanian trainers were funded by the European Union, Spain, Portugal, and the Netherlands, among others.

34. Law No. 10 (1992) on Security and Police and its amendments. An English-language copy of Law No. 10 and many other Libyan laws can be found in a Libyan security sector legislation database maintained by the Geneva Centre for the Democratic Control of the Armed Forces, available at www.security-legislation.ly/.

35. USIP interview with the head of the Judicial Police's Integration and New Intake Division, November 2015.

36. See HRW, "The Endless Wait: Long-Term Arbitrary Detentions and Torture in Western Libya," December 3, 2015; and HRW, "Libya: Widespread Torture in Detention—Government Should End Arbitrary Detentions, Ill-Treatment in Eastern Libya," June 17, 2015.

37. United Nations Standard Minimum Rule 1.

38. Al Jaibs Prison and a Judicial Police training center on the site reopened in August 2015.

39. Saber Ayyub, "Tajoura Escaped Prisoners Recaptured Say Justice Authorities in Tripoli," *Libya Herald*, December 17, 2015.

40. USIP interviews with Sabha Judicial Police and security officials, 2012, 2013, 2015.

41. British Broadcasting Corporation (BBC), "More Than 1,000 Inmates Escape from Libyan Jail," *BBC News*, July 27, 2013, www.bbc.com/news/world-africa-23479913.

42. See HRW, "Libya: ISIS Executed Dozens in Newest Stronghold," May 18, 2016, www.hrw.org/news/2016/05/18/libya-isis-executed-dozens-newest-stronghold; "Inside Former IS-Held City in Libya: Secret Prisons, Bomb Workshops," *Middle East Eye*, June 27, 2016, www.middleeasteye.net/news/inside-former-islamic-state-Libya-secret-prisons-suicide-bomb-workshops-1349638862.

43. United Nations Standard Minimum Rules 47–49.

44. USIP interviews, November 2012.

45. See United Nations Standard Minimum Rule 6.

46. The right to a fair trial is considered a fundamental right under international human rights law. See Universal Declaration of Human Rights, Article 10. It is also enshrined in Articles 3, 7, and 26 of the African Charter on Human and Peoples' Rights.

47. HRW, "The Endless Wait: Long-Term Arbitrary Detentions and Torture in Western Libya," December 3, 2015; and HRW, "Libya: Widespread Torture in Detention—Government Should End Arbitrary Detentions, Ill-Treatment in Eastern Libya," June 17, 2015.

48. The right to a fair trial is considered a fundamental right under international human rights law. See Universal Declaration of Human Rights, Article 10. It is also enshrined in Articles 3, 7, and 26 of the African Charter on Human and Peoples' Rights.

49. See United Nations Standard Minimum Rule 42.

50. See the recommendations on the use of solitary confinement in HRW, "The Endless Wait: Long-Term Arbitrary Detentions and Torture in Western Libya" (New York: HRW, December 3, 2015).

51. See United Nations Standard Minimum Rules 22–23, which require that prisoners receive food of nutritional value and drinking water whenever needed.

52. Of the facilities visited in 2015, Joodayem, Al Jazeera, Zawiya South, Al Jadeda Women's, Al Jaibs, and Al Jawiya have no kitchens, and food is delivered.

53. The issue of budgetary concerns and food insecurity were discussed in depth at a Retreat for Libyan Prison Leadership hosted by USIP in Tunis in May 2016. For details of threatened strike action see, "Police

Threaten to Release Prisoners over Unpaid Food," *Libya Herald*, June 27, 2016, www.libyaherald.com/2016/06/27/police-threaten-to-release-prisoners-over-unpaid-food-bills-demand-immediate-presidency-council-action/.

54. International Committee of the Red Cross (ICRC), *Water Sanitation Hygiene and Habitat in Prisons: Supplementary Guidance* (Geneva: ICRC, July 2012).

55. See ICRC, *Water Sanitation Hygiene and Habitat in Prisons,* chapter 3.

56. Law No. 5 (2005), Chapter 7; and Executive Regulations to Law No. 5, Chapter 10.

57. See, for example, A. S. Elhwuegi et al., "Cross-sectional Pilot Study about the Health Status of Diabetic Patients in City of Misurata, Libya," *African Health Sciences*, 12, no. 1 (March 2012), www.ncbi.nlm.nih.gov/pmc/articles/PMC3462506/.

58. WHO/Europe, "Declaration on Prison Health as Part of Public Health," adopted in Moscow on October 24, 2003.

59. See United Nations Standard Minimum Rule 58(1).

60. Also known as the Bangkok Rules. Available at www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf.

61. Executive Regulations to Law No. 5, Article 29.

62. UNODC, *Handbook on Prisoners with Special Needs* (New York: United Nations, 2009), 124–127.

63. United Nations Convention on the Rights of the Child, Article 37(b).

64. Ibid., Article 37(c).

65. Ibid.

66. See UNODC, *Handbook on Prisoners with Special Needs*, 79–98.

Drawing on two studies conducted by USIP assessment teams in 2012 and 2015–16, this report describes the chaotic, dilapidated, and insecure prisons and detention system in Libya. The turmoil of the 2011 revolution and the subsequent emergence of two governments have created a splintered system struggling to cope with structural, security, and budgetary challenges. Prisons are run not only by the rival governments but also by armed groups or by a combination of the two. The assessment teams traveled to about twenty facilities in different parts of the country, and interviewed prison officials, government officials, human rights activists, and other national and international actors. Staff must contend with unreliable salary payment, little training, and faltering hopes for reform. Inmates—most of whom have not been prosecuted or sentenced—live in often crowded and sometimes insanitary conditions, and suffer abuse at the hands of guards who may see them as wartime "enemies" rather than inmates. The report offers a variety of recommendations for reform, some of which can be implemented by prison leadership even amid current challenging circumstances. However, the prospects for deeper institutional reform depend on helping prison officials hold the system together until political stability can be restored and detention is regularized.

Other USIP Publications

- *Tribe, Security, Justice, and Peace in Libya Today* by Peter Cole and Fiona Mangan (Peaceworks, August 2016)

- *Policing Libya: Form and Function of Policing Since the 2011 Revolution* by Peter Cole and Fiona Mangan (Peaceworks, August 2016)

- *Peacebuilding in Libya: Cross-Border Transactions and the Civil Society Landscape* by Sherine N. El Taraboulsi (Peace Brief, June 2016)

- *Prisons in Yemen* by Fiona Mangan and Erica Gaston (Peaceworks, March 2015)