

11 May 2026

CIVIL SOCIETY STATEMENT

DETENTION CRIMES IN LIBYA FINALLY BEFORE THE ICC: Judges to decide whether El Hishri case moves to trial

The confirmation of charges hearing marks a crucial step towards justice.

We, the undersigned organizations, stand in solidarity with survivors and victims of international crimes in Libya and remain committed to supporting their pursuit of justice.

After over a decade of impunity, the confirmation of charges hearing for Khaled Mohamed Ali El Hishri, marks an important step closer to justice for victims of the notorious Mitiga Prison complex in Tripoli. A senior figure within a powerful Libyan militia formerly known as SDF/RADA based in Tripoli, and affiliated with the Libyan Presidential Council, El Hishri, is accused of committing, ordering and overseeing crimes against humanity and war crimes against Libyan nationals as well as against migrants and refugees detained in Mitiga Prison.

The hearing takes place from 19 to 21 May 2026 at the International Criminal Court (ICC) in the Hague. ICC judges will then determine whether the evidence presented by the Office of the Prosecutor (OTP) establishes substantial grounds to believe that El Hishri is criminally responsible for all or part of the alleged crimes and whether the case will proceed to trial.

This is the first case resulting from the ICC's 15-year investigation into Libya to reach this phase and is a long-awaited step toward justice, truth, reparation, and deterrence for future crimes.

“El Hishri’s arrest bridges a distance many of us survivors of crimes at Mitiga thought would never close. We now carry not only renewed trust in the possibility of justice, but also a duty toward those who died, those still alive but made socially dead by torture and violence, and those who still cannot speak because they fear retaliation.

What do we say to someone violently intercepted at sea by the so-called Libyan Coast Guard, returned to Libya through a system financed and coordinated with European support, and later enslaved, tortured, or forcibly conscripted by militias such as Rada under El Hishri? It is our hope that this process will not only bring accountability to individual perpetrators, but confront the broader system that made such crimes possible.”

- A South Sudanese survivor of Mitiga Prison

“I do not know whether I should feel relief at his being brought to trial or wait until the confirmation of charges is issued. I have personally witnessed individuals who were left with permanent disabilities because of this person, and others who lost their lives as a result of his actions.

However, other officials at Mitiga Prison must also be brought before the Court, as they were his partners in these crimes and must not escape accountability. The announcement of El Hishri’s arrest has revived our hopes of obtaining justice and redress for the harm we endured over years of injustice, detention, humiliation, and ill-treatment in Mitiga detention facility.”

- F.A., a Libyan survivor of Mitiga Prison

According to the Prosecution, the Mitiga leadership which included El Hishri, also known as Al Booti or Sheikh Khaled, allegedly subjected detainees to manifold war crimes and crimes against humanity between at least 1 May 2014 and 30 June 2020, including torture and cruel treatment, imprisonment, outrages upon personal dignity, rape and other forms of sexual violence, murder and attempted murder, persecution, and enslavement, as listed in the prosecution’s [Document Containing the Charges](#).

Significantly, the prosecution recognizes the intersectional nature of the alleged crimes, including how victims were targeted and abused on the basis of overlapping factors such as nationality, race, ethnicity, gender, age, migration status, actual or perceived sexual orientation, gender identity or expression, and perceived opposition to, or non-conformity with, the perpetrators’ political, religious, and ideological views.

For many survivors, the hearing offers the first possibility for their experiences to be formally examined before a court. We recognize the courage of survivors who have come forward, often at great risk, and who have relived the horror of their detention in order to submit testimonies and evidence. These central contributions should lead to recognition, dignity, and reparations. **The Court should ensure that victims are properly informed, protected from further harm, and able to participate meaningfully at every stage of the proceedings.**

Meanwhile, grave crimes of which El Hishri is accused continue to be committed at Mitiga and across Libya. With this important step towards trial, **we urge Libyan authorities as well as all ICC States Parties to fulfil their obligations to cooperate with the Court**, to ensure access to evidence and protection of victims and to promptly arrest and surrender all individuals, such as Osama Elmasry Njeem, who are on their territory and also subject to ICC arrest warrants.

We further urge the ICC Prosecutor not to rest their investigations here. Mitiga Prison is part of a wider abusive detention system in Libya in which civilians, political opponents, human rights defenders, migrants, refugees, and others have been arbitrarily detained, tortured, disappeared, subjected to sexual and gender-based violence, enslaved, forced to work, extorted, and killed.

This case should mark only the beginning. **We also urge the OTP to continue and expand its investigations into the full range of crimes within its jurisdiction committed in Libya and the Mediterranean**, and to pursue those most responsible – whether Libyan or European actors – who perpetrate and enable these systematic crimes.

- European Center for Constitutional and Human Rights (ECCHR)
- Global Initiative Against Impunity (GIAI)
- International Federation for Human Rights (FIDH)
- Lawyers for Justice in Libya (LFJL)
- Libya Crimes Watch (LCW)
- REDRESS
- Refugees in Libya (RiL)
- TRIAL International

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- ABOLISH FRONTEX ITALIA
- Alarme Phone Sahara
- All Included Amsterdam
- Alma community therapies
- Coalition for the El Hiblu 3
- Community Peacemaker Teams - Aegean Migrant Solidarity
- CONVENZIONE DIRITTI NEL MEDITERRANEO
- Dakini
- de:criminalize e.V.
- Iuventa Crew
- IUVENTA Jugend Rettet e.V.
- Legal Centre Lesvos
- LIMINAL
- Louise Michel
- Maldusa Project
- Malta Migration Archive
- medico international e.V.
- MEDITERRANEA Saving Humans
- MELITEA
- OLTREMANI Italia - We Activate Humanity
- PRO ASYL
- r42 Sail and Rescue
- RESQSHIP
- Sea-Eye
- Sea-Watch e.V.
- SOS Humanity e.V.
- STOP BORDER VIOLENCE
- United4Rescue
- WatchTheMed Alarm Phone