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The State of the World's Human Rights; Libya 2023

Militias, armed groups and security forces across Libya intensified their suppression of dissent, and attacks on civil society. Thousands of people remained arbitrarily detained in conditions violating the absolute prohibition of torture and other ill-treatment, while hundreds of peaceful protesters, activists, journalists and others were arrested solely because of the peaceful exercise of their human rights. Militias and armed groups killed and wounded civilians and destroyed civilian infrastructure during intensified armed hostilities. Armed groups forced thousands of people out of their homes, including in reprisal for their alleged affiliation or to appropriate their lands. Amid pervasive impunity and ongoing funding and integration of abusive militias and armed groups in state institutions, calls for accountability grew in the aftermath of the staggering loss of life, destruction and forced displacement in the wake of Storm Daniel. Discrimination and violence against women and girls remained pervasive. LGBTI individuals continued to be subjected to arbitrary arrests, unjust prosecution and other abuse. Ethnic minorities continued to face discrimination and barriers to accessing health, education and other services. Refugees and migrants, including those intercepted at sea by EU-backed coastguards and armed groups, were subjected to torture and other ill-treatment, extortion and forced labour; thousands were forcibly expelled without due process.

Background

Libya's political stalemate continued as rival factions failed to agree a new unity government or set new dates for long-delayed presidential and parliamentary elections.

In June, a leaked report by the Administrative Control Authority pointed to 80,000 administrative and financial violations across state institutions under the Tripoli-based Government of National Unity (GNU) in 2022. In October, Libya's audit bureau released its annual report revealing widespread embezzlement of public funds in 2022.

In August, the Libyan Central Bank announced reunification after a decade-long division. The move followed struggles over its control and the shutting down of oil fields by actors affiliated to the Libyan Arab Armed Forces (LAAF) armed group.

In September, Storm Daniel triggered the collapse in Derna city of two dams, neither of which had been maintained for decades, leaving about 4,540 people dead and 8,500 missing, and causing widespread destruction and displacement.

Also in September, the UN Panel of Experts on Libya reported that foreign fighters and private military companies were continuing to pose a severe threat to security in Libya and that the arms embargo, in force since 2011, was being violated with impunity.

Arbitrary detention, unlawful deprivation of liberty and unfair trials

Thousands of people, including children, were arbitrarily arrested and detained by militias, armed groups and security forces solely for their actual or suspected political or tribal affiliations and/or opinions; or following grossly unfair trials, including by military courts; or without legal basis.

According to the GNU Ministry of Justice, in October over 18,000 people were held in 31 prisons nationwide, two-thirds of them without trial. Thousands more were held in detention facilities controlled by militias and armed groups.

In May, Libya handed over to Tunisia four Tunisian women and their five children who had been arbitrarily detained without charge or trial since 2016 solely for being relatives of killed fighters with the Islamic State (IS) armed group.

Attacks on judges, prosecutors and lawyers continued. Deterrence Apparatus for Combating Terrorism and Organized Crime (DACTO) militiamen continued to arbitrarily detain Farouq Ben Saeed, a military prosecutor from Tripoli, abducted in June.¹

Torture and other ill-treatment

Torture and other ill-treatment remained systemic in prisons and other detention facilities across Libya. On camera “confessions” extracted under torture continued to be published online and on TV.

At least 15 people died in custody across Libya amid reports of physical torture and deliberate denial of medical care, including in facilities controlled by DACTO, the Internal Security Agency (ISA) in Derna, the Stability Support Apparatus (SSA) militia, and the Interior Ministry’s Directorate for Combating Illegal Migration (DCIM). In August, the body of Walid Al-Tarhouni was found in Tripoli’s Abu Salim Hospital morgue with signs of torture, according to a forensic report. SSA militiamen had abducted him in July.

Detainees were held in conditions violating the absolute prohibition of torture and other ill-treatment, including overcrowding; lack of hygiene, sufficient food and access to sunlight; and denial of family visits.

Freedom of association

Militias, armed groups and security forces across Libya further stifled civic space, including through arbitrary arrests, summons for interrogation and other forms of harassment of Libyan and foreign NGO staff and humanitarian workers.

Between March and May, the GNU issued multiple decrees that threatened to dissolve NGOs unless they complied with the repressive Law No. 19 of 2001 on NGOs.

In April, the Department of Criminal Investigation allied to the LAAF arbitrarily arrested five members of the pro-Saif al-Islam al-Gaddafi Together for the Homeland party in Sirte city, and held them without charge or trial until their release in October.

In May, the ISA in Tripoli arrested and aired torture-tainted forced confessions of Libyan contractors of the Italian NGO Ara Pacis “admitting” to working for the resettlement of sub-Saharan African nationals in southern Libya, amid rising smear attacks on NGOs working on refugee and migrant rights. Ara Pacis’s activities in Libya were suspended indefinitely.

Freedom of expression and assembly

Militias and armed groups arbitrarily arrested, detained and threatened hundreds of activists, journalists, protesters and others solely for exercising their rights to freedom of expression and peaceful assembly.

In February, the ISA in Benghazi arrested singer Ahlam al-Yamani and content creator Haneen al-Abdali for “offending the traditions of Libya”, accusing them of violating Law No. 5 of 2022 on Cybercrimes. They were released in April without charge or trial.

During the year, the ISA in Tripoli arbitrarily arrested at least one child, four women and 22 men solely for exercising their human rights, and published some of their forced “confessions” alongside claims of their involvement in activities contravening “Libyan values”, including “apostasy”, “homosexuality”, proselytizing and feminism. Eighteen remained detained awaiting trial, including on the charge of “apostasy”, which carries the death penalty.

Between May and September, in the cities of Tripoli, Benghazi and al-Zawiya, militias and armed groups unlawfully fired live ammunition into the air to disperse peaceful protests against their grip on power and the deteriorating security situation.

The Tariq Ben Zeyad (TBZ) armed group arrested at least nine protesters who had gathered at Derna’s Sahaba Mosque on 18 September calling for accountability and resignations of politicians in the wake of the catastrophic floods. Most were released within 10 days, but a protest organizer and one other activist remained detained at the end of the year.²

In October, investigations by the European Investigative Collaborations revealed that corporate entities within the “Intellexa alliance” had sold surveillance technology to the LAAF in 2020.

Unlawful attacks

During sporadic localized clashes, militias and armed groups violated international humanitarian law, including by carrying out indiscriminate attacks and destroying civilian infrastructure and private property.

In January, a 10-year-old boy, Abdel Moez Masoud Oqab, died after the detonation of unexploded ordnance left from the 2019 armed conflict in Tripoli’s Qasr Bin Ghashir district.

In May, the Tripoli-based Ministry of Defence carried out air strikes on targets in al-Zawiya city and other locations in western Libya, with the declared aim of rooting out criminal networks, leading to injuries of civilians and destruction of civilian infrastructure, including a medical clinic.

In August, fighting in residential Tripoli neighbourhoods, including Ain Zara, Firnaj and Al-Tibbi, between DACTO and the 444 Brigade using explosive weapons with wide-area effects, killed at least 45 people and injured over 164, including civilians.

Clashes between 6 and 8 October in Benghazi between the LAAF and fighters loyal to Al-Mahdi Al-Barghathi, a former minister of defence, left at least five people dead and more injured, including civilians, amid an internet shutdown imposed by the LAAF. LAAF affiliates also took hostage 36 women and 13 children to compel Al-Mahdi Al-Barghathi and his son to hand themselves over. The fate of Al-Mahdi Al-Barghathi and 33 of his relatives and supporters following their abductions remained unknown at the end of the year.

In September and October, the TBZ and other armed groups destroyed civilian homes in apparent reprisal for their owners’ political affiliations, including in Qasr Abu Hadi, south of Sirte, and Benghazi.

Impunity

Officials and commanders of powerful militia and armed groups enjoyed near total impunity for crimes under international law and serious human rights violations committed in 2023 and previous years.

In March, the UN Independent Fact-Finding Mission (FFM) on Libya concluded that “there are grounds to believe State security forces and armed militia groups have committed a wide array of war crimes and crimes against humanity”. Despite this, the UN Human Rights Council ended the

FFM's mandate and adopted a capacity-building resolution with no monitoring and investigative component.

In May, the GNU prime minister signed a decree integrating members of militias from Tripoli, Misrata city and other parts of western Libya into a new security force, the National Apparatus of Support Forces, without any vetting.

Also in May, the ICC prosecutor announced four new arrest warrants in connection with the Libya situation, but did not name the suspects.

In December, the Tripoli-based public prosecutor concluded investigations in relation to the collapse of the Derna dams and referred 16 middle-ranking officials to the Accusation Chamber for negligence and mismanagement, amid concerns over the transparency and independence of the investigation and its failure to address the responsibility of senior officials and powerful commanders of armed groups.

Discrimination

Women and girls

Women faced discrimination in law and practice, including in relation to marriage, divorce, inheritance, employment, the right to impart their nationality to their children, and political office. Women politicians, activists and municipal councillors faced gendered threats and insults, including online.

From April, the ISA in Tripoli required women travelling alone to complete a form on their reasons for travelling abroad without a male “guardian” (*mahram*).

Authorities failed to protect women and girls from violence by armed groups, militias, their family members and other non-state actors; in some cases, militias prevented survivors from lodging judicial complaints.

LGBTI people

Consensual same-sexual relations remained criminalized. The ISA in Tripoli and other armed groups continued to arrest individuals for their actual or perceived sexual orientation and/or gender identity, amid reports of torture and other ill-treatment. In her May report, the UN Special Rapporteur on violence against women and girls stated that GNU officials had said there were no LGBTI individuals in Libya.

In September, the ISA in Benghazi confiscated rainbow-coloured toys, clothing and other items from stores, claiming that these encourage “homosexuality”.

Ethnic minorities and Indigenous Peoples

Members of the Tabu and Tuareg communities without national identity cards owing to discriminatory laws and regulations governing Libyan citizenship faced barriers in accessing education and health services.

In August, LAAF-affiliated armed groups raided the “Chinese Company” neighbourhood in Umm Al-Aranib, looting private belongings and arbitrarily arresting Tabu men, according to local activists and politicians. The attack took place against a backdrop of rising racist and xenophobic rhetoric against Tabus.

Internally displaced people

Over 170,664 people remained internally displaced, according to the International Organization for Migration (IOM). They included 44,862 people who lost their homes in the wake of Storm Daniel, with most sheltering with relatives or renting private accommodation amid need for basic services and trauma support.

From March, the TBZ evicted thousands of Benghazi residents from their homes, including from the historic city centre, without compensation, and harassed those who protested.

People displaced during previous armed hostilities in Benghazi, Derna and other parts of eastern Libya as well as Murzuk town in south-west Libya were unable to return to their areas of origin, owing to a risk of persecution or retaliation by armed groups.

In January, militias forced dozens of families of Tawerghans, internally displaced since the 2011 armed conflict, out of informal settlements where they had been sheltering around Tripoli and Bani Walid city. LAAF and affiliated armed groups prevented hundreds of internally displaced Tawerghans from returning to seven camps for internally displaced people in and around Benghazi, where they had lived for years and from where they were told to evacuate on 10 September ahead of Storm Daniel. Scores were forced to return to the city of Tawergha despite a lack of services and employment opportunities.

Refugees' and migrants' rights

Security forces, armed groups, militias and non-state actors committed widespread and systematic human rights violations and abuses against refugees and migrants with impunity.

According to the IOM, as of 25 November, 947 migrants had died and a further 1,256 had gone missing at sea off the Libyan coast in 2023. In addition, 15,057 were intercepted at sea and forcibly returned to Libya by EU-backed coastguards in western Libya as well as the LAAF-affiliated Libyan Special Naval Forces and the TBZ in eastern Libya.

On 19 August, the TBZ intercepted in Malta's search and rescue area a boat carrying about 110 people, mainly Lebanese and Syrian nationals. The boat had departed from Akkar in Lebanon heading for Italy, and disembarked them in Benghazi. Five of the people from the boat said they were arbitrarily detained in a large tent in Benghazi port and that some, including children, were subjected to forced labour.

From late April, security agencies across Libya carried out mass arrests targeting thousands of refugees and migrants, including those with valid visas or who had registered with UNHCR, the UN refugee agency.

As of September, 3,913 foreign nationals were arbitrarily detained in DCIM-run detention centres, while thousands of others were held by the SSA and other militias and armed groups. They were held in cruel and inhuman conditions and subjected to torture and other ill-treatment, including sexual violence, extortion of ransoms to secure their freedom, and denial of adequate medical care.

From July, Tunisian authorities forcibly expelled thousands of refugees and migrants to deserted areas on the border between Tunisia and Libya, leaving them without food or water and resulting in reported deaths (see Tunisia entry).

Armed groups affiliated to the LAAF forcibly expelled over 22,000 refugees and migrants towards Chad, Egypt, Niger and Sudan, without giving them the opportunity to challenge their deportation or seek international protection.

Death penalty

Libya's legislation retains the death penalty for a wide range of offences. In July, the public prosecutor, Al-Siddiq Al-Sour, announced the establishment of a committee to examine the resumption of executions, which had been halted since 2011.

Death sentences continued to be passed after grossly unfair trials, including by military courts. In May, a court in Misrata sentenced 23 people to death for their involvement with IS, after a trial marred by allegations of torture and enforced disappearances.

Right to a healthy environment

Libya had still not ratified the Paris Agreement, nor submitted mitigation or adaptation strategies, while announcing plans to double fossil fuel production by 2030. The country's poor preparedness for the impacts of climate change was laid bare by the vast loss of life in the wake of Storm Daniel. Officials in eastern Libya provided Derna residents with conflicting instructions on whether to evacuate or respect a curfew ahead of the flooding. The World Meteorological Organization deemed that deaths could have been avoided with proper warnings and evacuations. According to a study published by the World Weather Attribution, similar extreme events have "become up to 50 times more likely and up to 50% more intense compared to a 1.2°C cooler climate."

1. ["Libya: Military prosecutor forcibly disappeared: Farouq Alsquidig Abdulsalam Ben Saeed", 24 July](#)
2. ["Libya: Lift restrictions on media and facilitate relief efforts in wake of catastrophic floods", 21 September](#)