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The armed conflict continued. Forces affiliated to two rival governments, as well as armed groups, committed war crimes and other violations of international humanitarian law and human rights abuses with impunity. Rights to freedom of expression, association and assembly were severely restricted. Detention without trial persisted; torture and other ill-treatment was common. Women, migrants and refugees faced discrimination and abuses. The death penalty remained in force; several former senior officials were sentenced to death after a deeply flawed trial.

Background

Two rival governments and parliaments claimed legitimacy and fought for control, each supported by loose coalitions of armed groups and forces over which they did not exercise effective control; armed groups exploited the absence of central authority to consolidate their power. Operation Dignity, comprising Libyan National Army battalions, tribal militias and volunteers, supported the government and House of Representatives (HOR) based in Tobruk and al-Bayda. The Tobruk and al-Bayda-based administration was the internationally recognized government until the adoption of the Libyan Political Agreement in December (see below). Libya Dawn, a coalition of militias from cities and towns in western Libya, backed the Tripoli-based self-declared National Salvation Government (NSG) and General National Congress (GNC). Military blocks fragmented throughout the year contributing to the chaotic situation.

In October, the HOR extended its mandate by amending the constitutional declaration. Both parliaments adopted new laws but it remained unclear to what extent they were enforced.

Most fighting between Libya Dawn and Operation Dignity forces occurred along Libya's western coast and in the Nafousa Mountains. Local ceasefires contributed to reduced fighting, prisoner exchanges and releases in western Libya. In the east, fighting between Operation Dignity and the Shura Council of Benghazi Revolutionaries, a coalition of Islamist armed groups including Ansar al-Shari'a, caused civilian casualties and extensive damage in Benghazi, and trapped civilians without access to humanitarian aid.

Elsewhere, armed groups pursuing their own ideological, regional, tribal, economic and ethnic agendas fought for control. In August, the armed group Islamic State (IS) consolidated its control of the city of Sirte and surrounding coastal areas. IS forces were also present in the cities of Benghazi, Sabratha and Derna, although they lost control of Derna in June after clashes with the Shura Council of Mujahidin in Derna, an apparently al-Qa'ida-affiliated coalition of armed groups.

In December, following 14 months of negotiations facilitated by the United Nations Support Mission in Libya (UNSMIL), members of the political dialogue including members of rival parliaments signed the Libyan Political Agreement to end the violence and form a "Government of National Accord" consisting of a Presidency Council and Cabinet. Despite being unanimously endorsed by the UN Security Council, the agreement did not cease hostilities and was opposed by the heads of rival parliaments who sought to reach a separate deal, highlighting rifts within the political blocks.

In October, the Constitution Drafting Assembly issued the first draft of a new Constitution which included key human rights provisions but failed to comply with Libya's international human rights obligations relating to freedom of expression, non-discrimination and the right to life.

In February, the HOR repealed Law 13/2013 on Political and Administrative Isolation that had barred officials from the previous administration of Mu'ammar al-Gaddafi from holding positions of responsibility within public institutions.

The lack of rule of law saw rising criminality, with increasing abductions of foreign nationals and others for ransom.

Internal armed conflict

Civilians continued to bear the brunt of the conflict. According to the UN Office for the Coordination of Humanitarian Affairs, by October some 2.44 million people needed humanitarian assistance and protection. The number of civilian casualties remained unknown, but some 20,000 were injured between May 2014 and May 2015,

the UN estimated. At least 600 civilians were killed in 2015 according to the ICC Prosecutor.

Violence impeded civilian access to food, health care, water, sanitation and education. Many health facilities were closed, damaged or inaccessible due to fighting; those still functioning were overcrowded and lacked essential supplies. Around 20% of children were unable to attend school.

All sides committed serious violations of international humanitarian law, including war crimes, and human rights abuses. They carried out reprisal abductions and detained civilians including humanitarian workers and medical staff because of their perceived political affiliation or origin, often holding them as hostages to secure prisoner exchanges or ransoms. They tortured and otherwise ill-treated detainees and carried out summary killings. The warring parties also launched indiscriminate and disproportionate attacks and direct attacks on civilians and civilian objects.

In May and June, Libya Dawn-affiliated armed groups abducted scores of Tunisians, including consular staff, in the capital, Tripoli, apparently in retaliation after Tunisian authorities arrested a Libya Dawn commander. They were released weeks later.

IS forces committed scores of summary killings of captured fighters and abducted civilians, including foreign nationals, suspected informants and opponents, and men accused of engaging in same-sex sexual relations or practising "black magic". In Sirte and Derna, IS enforced its own interpretation of Islamic law, carrying out public execution-style killings in front of crowds containing children, and leaving victims' corpses on public display. They also carried out public floggings and amputations, and publicized some crimes, including their beheading and shooting dead of at least 49 Egyptian and Ethiopian Coptic Christians, in videos posted on the internet.¹

IS forces carried out indiscriminate suicide attacks and direct attacks on civilians, such as the January shooting and bombing of a Tripoli hotel that killed at least eight people. In August, following an attempt to oust IS forces from Sirte, IS forces indiscriminately shelled a residential neighbourhood forcing civilians to flee, and destroyed homes of civilians they perceived as opponents.

Libya Dawn and the Libyan Air Force launched air strikes, some of which killed and injured civilians. Evidence of use of internationally banned cluster bombs was found in at least two locations; Operation Dignity forces appeared to be responsible.

Operation Dignity forces also attacked and burned the homes of suspected supporters of the Shura Council of Benghazi Revolutionaries and others, and reportedly abducted, detained, tortured and otherwise ill-treated civilians. They also reportedly committed summary killings of civilians and captured fighters.

In the south, fighting along ethnic and tribal lines often in urban areas, between Tebu and Tuareg militias in Obari and Sabha, as well as between Tebu and Zway militias in Kufra, caused hundreds of civilian casualties in addition to mass displacement and damage to civilian objects.

Allies of Libya's internationally recognized government, including the USA, carried out air strikes against IS and other armed groups they accused of "terrorism". In February, at least one air strike by Egypt appeared to be disproportionate; it hit a residential area killing seven civilians and injuring others.²

Impunity

In March, the UN Human Rights Council asked the UN High Commissioner for Human Rights to investigate violations and abuses of human rights committed in Libya since the beginning of 2014. Also in March, UN Security Council resolution 2213 called for an immediate, unconditional ceasefire; the release of arbitrarily held detainees and the transfer of others to state custody; and accountability, including targeted sanctions against perpetrators. The Security Council also called on the authorities to co-operate with the ICC; despite this the authorities failed to transfer Saif al-Islam al-Gaddafi to the ICC to face prosecution on charges of crimes against humanity. He remained in militia detention.

The ICC Prosecutor expressed concern about IS crimes and alleged international humanitarian law violations by Libya Dawn and Operation Dignity forces but failed to initiate new investigations, citing insufficient resources and Libya's instability, and called on state parties to the Rome Statute of the ICC to provide funding. The Prosecutor did not seek judicial review of a 2013 admissibility decision allowing a Libyan court to try former al-Gaddafi era Military Intelligence chief Abdallah al-Senussi; he was among nine defendants sentenced to death in July.

In July, the HOR adopted a law granting amnesty for some crimes committed since a similar law was adopted in 2012. It excluded terrorism; torture, including rape; and other serious crimes, but not forced displacement.

In December, UN Security Council resolution 2259 called on the new Government of National Accord to hold to account perpetrators of violations of international humanitarian law and human rights abuses.

Internal displacement

There were some 435,000 internally displaced persons in Libya; many were displaced more than once. Over 100,000 internally displaced persons resided in makeshift camps, schools and warehouses.

Under UNSMIL sponsorship, representatives of Tawargha and Misratah signed a document setting out principles and measures to allow the safe, voluntary return of 40,000 people forcibly displaced from Tawargha in 2011 as well as plans for reparations and accountability for human rights abuses.

Justice system

The criminal justice system remained dysfunctional and ineffective. Courts in Sirte, Derna and Benghazi remained closed for security reasons.

Judges, prosecutors and lawyers faced attacks, abduction and threats. The body of Mohamed Salem al-Namli, an appeal court judge in al-Khoms, was found near Sirte in August, 10 days after his abduction by IS.

Several GNC decisions further undermined the independence of the judiciary. The GNC appointed the President of the Supreme Court in May, and appointed 36 judges to the Supreme Court in October.

In Tripoli, judges suspended work in June in response to alleged interference by executive and legislative authorities, and called for protection for the courts and prosecutors.

Misratah authorities released scores of detainees that they had held without trial since the 2011 armed conflict, including people displaced from Tawargha. Thousands of other detainees remained held without charge or trial across the country.

Unfair trials

Although the criminal justice system largely failed to function, the Tripoli Court of Assize tried 37 former officials from the administration of Mu'ammār al-Gaddafi for allegedly committing war crimes and other offences during the 2011 armed conflict. The trial was marked by serious violations of due process, in particular defence rights and the court's failure to duly investigate allegations of torture and other ill-treatment of defendants. The defendants included Saif al-Islam al-Gaddafi, a son of Mu'ammār al-Gaddafi, who was tried in his absence as he continued to be held at an undisclosed location in Zintan. On 28 July, the court sentenced him along with Abdallah al-Senussi and seven other defendants to death and imposed prison sentences ranging from five years to life imprisonment on 23 other defendants.³ A review of the convictions before the Supreme Court was still pending at the end of the year.

Freedoms of expression, association and assembly

Armed groups and unknown perpetrators targeted media and NGO workers and human rights defenders with assassinations, abductions and threats.

In January, unknown assailants fired rocket-propelled grenades at al-Nabaa television station in Tripoli, a station perceived to hold pro-Libya Dawn views.

In February, armed men abducted two members of the National Commission for Human Rights, a local human rights NGO, in Tripoli; they were released a few weeks later. Also in February, Intissar Hussein, a civil society activist, and her aunt were found dead in a car in Tripoli; both had been shot in the head. The General Prosecution opened an investigation but did not disclose its findings.

In April, armed men killed journalist Muftah al-Qatrani at his Benghazi office. The bodies of five members of a crew from Barqa television station, missing since August 2014, were found near al-Bayda. The fate of Tunisian media professionals Sofiane Chourabi and Nadhir Ktari and Libyan political activist Abdel Moez Banoun, all missing since 2014, remained undisclosed.

The Tripoli-based NSG intermittently blocked access to online media outlets including Bawabat al-Wasat, perceived to be critical of the NSG's actions. In November, the Ministry of Culture of the NSG issued a statement urging civil society organizations not to attend any meetings abroad without prior notification, while the Minister of Culture of the internationally recognized government urged security agencies to ban any media or civil society organizations funded by foreign entities.

The NGO Reporters Without Borders recorded more than 30 militia attacks against journalists between January and

November.

Torture and other ill-treatment

Torture and other ill-treatment remained common in prisons and detention centres throughout Libya, under both the internationally recognized government and the Tripoli authorities, as well as militias, and led in some cases to death.

In August, a video circulated on social media apparently showed officials torturing As-Saadi al-Gaddafi and other detainees at al-Hadba Prison in Tripoli. Later videos showed officials threatening to torture As-Saadi al-Gaddafi.⁴ The prison director said he had suspended those responsible but it was unclear whether an investigation by the General Prosecutor resulted in prosecutions. The authorities informed UNSMIL that arrests had been carried out without providing further details. There were reports that those responsible went into hiding.

Women's rights

Women remained subject to discrimination in law and in practice, and were inadequately protected against gender-based violence.

Armed groups intimidated and threatened women activists and human rights defenders to deter them from engaging in public affairs and advocating for women's rights and disarmament.

Child marriage appeared to be increasing. Girls as young as 12 years old were reportedly married to IS fighters in Derna to protect their families.

In October, the Tripoli-based GNC amended the 1984 Law on marriage, divorce and inheritance, introducing more discriminatory provisions against women and girls, and increasing the potential for child marriage. The amendments allowed men to divorce their wives unilaterally without obtaining court approval and prohibited women from acting as witnesses to marriage.

Women faced arbitrary restrictions on their freedom of movement. Those travelling without a male companion were harassed by militias, and in some cases prevented from travelling abroad, in accordance with a 2012 fatwa by Libya's Grand Mufti.

Refugees' and migrants' rights

In September, the UN estimated that there were around 250,000 refugees, asylum-seekers and migrants in Libya in need of protection or assistance. Many faced serious abuses, discrimination and labour exploitation. Members of religious minorities, especially Christians, were particularly targeted by armed groups seeking to enforce their own interpretation of Islamic law. Foreign nationals who entered Libya irregularly were subject to extortion, torture, abduction and sometimes sexual violence by criminal gangs engaged in smuggling and people trafficking.

The Tripoli-based Department of Combating Irregular Migration continued to hold between 2,500 and 4,000 undocumented foreign nationals in indefinite detention at 15 centres across the country, where many faced torture, following their detention or interception at sea.

Amid violence and abuses, thousands sought to leave Libya and cross the Mediterranean Sea to Europe in unseaworthy vessels. By 5 December, some 153,000 refugees and migrants had reached Italy by sea, most after departing from Libya; about 2,900 drowned while attempting the journey, according to the International Organization for Migration.

The internationally recognized government prohibited the regular entry into Libya of Syrian, Palestinian, Bangladeshi and Sudanese nationals in January, and extended the ban to include nationals of Yemen, Iran and Pakistan in September.

Death penalty

The death penalty remained in force for a wide range of crimes. Former al-Gaddafi era officials and perceived supporters of his rule were sentenced to death. No judicial executions were reported.

1. Cold-blooded murder of Copts in Libya a war crime ([MDE 19/0002/2015](#))
2. Libya: Mounting evidence of war crimes in the wake of Egypt's air strikes, ([News story](#), 23 February)
3. Libya: Flawed trial of al-Gaddafi officials leads to appalling death sentences ([News story](#), 28 July)
4. Libya: Allegations of torture of As-Saadi al-Gaddafi and two others must be thoroughly investigated ([MDE](#))

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