

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	263
Land:	Libyen
Kilde:	Amnesty International
Titel:	Amnesty International Report 2016/17 – The State of the World's Human Rights - Libya
Udgivet:	22. februar 2017
Optaget på baggrundsmaterialet:	3. marts 2017

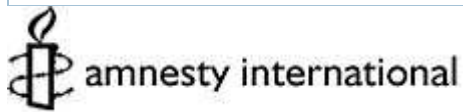
[EN](#) | [DE](#)

- **Source:**
AI - Amnesty International
- **Title:**
Amnesty International Report 2016/17 - The State of the World's Human Rights - Libya
- **Publication date:**
22 February 2017
- **ecoi.net summary:** Annual report 2016/17 (covering 2016) [ID 336527]
- **Countries:**
Libya
- **Original link** <https://www.amnesty.org/en/countries/middle-east-and-north-africa/libya/report-libya/>

Recommended citation:

AI - Amnesty International: Amnesty International Report 2016/17 - The State of the World's Human Rights - Libya, 22 February 2017 (available at [ecoi.net](http://www.ecoi.net))

http://www.ecoi.net/local_link/336527/466164_en.html (accessed 02 March 2017)



Amnesty International Report 2016/17 - The State of the World's Human Rights - Libya

Rival government forces and other armed groups and militias committed serious violations of international law and abuses of human rights with impunity. All sides to the conflict carried out indiscriminate attacks and direct attacks on civilians, forcing thousands to become internally displaced and causing a humanitarian crisis.

Thousands of people continued to be detained without trial in the absence of a functioning justice system, and torture and other ill-treatment were rife. Armed groups including Islamic State (IS) abducted, detained and killed civilians and severely curtailed the rights to freedom of expression and assembly. Women faced discrimination and were subjected to sexual and other violence, particularly by IS. Refugees, asylum-seekers and migrants faced serious abuses, including indefinite detention and torture and other ill-treatment by the authorities, armed groups and people smugglers. The death penalty remained in force; no executions were reported.

Background

Libya remained deeply divided as rival governments continued to vie for political legitimacy and assert control against a background of economic collapse and widespread lawlessness in which armed groups and militias abducted people for ransom and committed unlawful killings with impunity.

The Presidency Council of a UN-backed Government of National Accord (GNA) entered the capital, Tripoli, in March and seized power from the National Salvation Government (NSG) with support from armed groups from western cities and towns who previously backed the NSG. The NSG continued to claim legitimacy and unsuccessfully sought to reclaim power by force in October. The GNA failed to consolidate power amid continued sporadic clashes between armed groups, including in areas it controlled, while its legitimacy remained contested by Libya's recognized parliament, the House of Representatives (HOR) based in Tobruk.

The HOR-affiliated Libyan National Army (LNA), an armed group composed of former army units and tribal militias, commanded by retired army General Khalifa Haftar, consolidated its power and made significant territorial gains in the east. The LNA replaced some elected municipal council heads with military-appointed governors in areas they controlled, while their forces captured vital oil terminals from a GNA-allied armed group in September. The LNA continued to participate in fighting against the Shura Council of Benghazi Revolutionaries (SCBR) armed group in Benghazi, and conducted air strikes in Derna.

IS controlled parts of the coastal city of Sirte and contested other areas. In February, a US air strike on an alleged IS training camp in the western city of Sabratha reportedly killed up to 50 people, including two Serbian nationals held hostage by IS. In May, GNA forces composed mostly of armed groups from Misrata began an offensive against IS positions in Sirte, supported by US air strikes in August, and gained control of the city in early December.

In April the Constitution Drafting Assembly issued a revised draft constitution to be approved by national referendum, but no date for the referendum had been set by the end of the year.

The UN Security Council extended the mandate of the United Nations Support Mission in Libya (UNSMIL) until 15 September 2017.

Internal armed conflict

Indiscriminate shelling and direct attacks on civilians

Armed groups on all sides of the conflict committed war crimes, including direct attacks on civilians and indiscriminate attacks using imprecise weapons such as mortars and artillery shells, killing and injuring scores of people. IS carried out indiscriminate attacks using improvised explosive devices and suicide bombings against pro-GNA forces.

In Benghazi, the LNA shelled and launched air strikes in the suburb of Ganfouda and other civilian areas under SCBR control and the SCBR shelled other densely populated civilian areas. A LNA air strike on 1 July killed two civilians in Ganfouda. On 4 October, indiscriminate shelling apparently by SCBR forces killed three civilians in Sidi Hussein, central Benghazi.

Some attacks by armed groups and militias in Benghazi targeted hospitals and other civilian buildings. They included a car bomb attack on 24 June at al-Jalaa hospital that killed five and wounded 13, mostly civilians.

LNA air strikes killed civilians in the eastern city of Derna while targeting al-Qa'ida-linked armed groups in the city. In June, LNA air strikes killed six civilians, including children, according to UNSMIL.

Fighting between rival armed groups in Tripoli, al-Zawiya and other cities in western Libya, as well as tribal fighting in southern Libya, also caused deaths and injuries among civilians. On 16 October, indiscriminate shelling between GNA forces and pro-NSG armed groups hit a camp for internally displaced people in Tripoli, killing one civilian and injuring others.

Humanitarian impact

The conflict had a devastating impact on civilians, cutting or severely curtailing their access to food, health care, education, electricity, fuel and water supplies, and causing many to be displaced from their homes. Economic collapse left many struggling to support their families.

The World Health Organization reported in April that Libya's health care system had virtually collapsed and in June estimated that almost 60% of public hospitals in areas of conflict had shut down or become inaccessible.

Hundreds of civilians remained trapped without access to clean water, food, power or medical care in Benghazi's Ganfouda area due to fighting.

In October, the UN Office for the Coordination of Humanitarian Affairs estimated that 1.3 million people across Libya were in need of humanitarian assistance.

Abductions and hostage-taking

Armed groups, including some operating under Libya's rival governments, abducted and detained civilians on account of their origin, opinions and perceived political or tribal affiliations. Rising criminality in the absence of a functioning justice system also saw armed groups and gangs abducting civilians for ransom in Tripoli and other cities.

Those abducted included political, human rights and other activists, journalists, and judicial and other public officials. Some foreign nationals were targeted based on their religion, race or nationality. Some were released after payment of ransoms or local mediation.

Some armed groups continued to hold civilians abducted in 2014 as hostages for use in prisoner exchanges. In September, a Zintan-based armed group released Suleiman al-Zubi, a former member of Libya's General National Congress abducted in 2014, reportedly in exchange for Zintani prisoners held in Misrata.

IS abducted and detained members of opposing armed groups and civilians, including foreign nationals employed in the oil industry, migrant workers and refugees.

Other armed groups also targeted foreign nationals for abduction for ransoms. Victims included two Italians and a Canadian abducted on 19 September while working in Ghat, southwest Libya. They were freed in early November.

Unlawful killings

Armed groups, including some affiliated to the rival governments, committed unlawful killings of captured opposition fighters and civilians they perceived as opponents.

In February, IS forces reportedly beheaded 11 members of a local security force whom they had captured in Sabratha.

In June, 12 men detained in connection with alleged offences during Mu'ammar al-Gaddafi's rule were reportedly shot dead shortly after their release from Tripoli's al-Baraka Prison, run by the Ministry of Justice. They appeared to be victims of extrajudicial execution.

In July the bodies of 14 men were found dumped in al-Laithi, an area of Benghazi that the LNA had recaptured from the SCBR. The men's hands and legs had been tied and they had been shot dead by unidentified perpetrators.

Libya's rival governments failed to conduct independent or effective investigations into such killings or hold those responsible to account.

Impunity

Impunity continued to prevail, although in January Libya's Public Prosecutor informed the International Criminal Court (ICC) that arrest warrants had been issued against three officials accused of torturing As-Saadi al-Gaddafi in detention. It remained unclear whether those accused were arrested and prosecuted. The head of al-Hadba Prison, who was suspended after the torture of As-Saadi al-Gaddafi, was reportedly restored to his position.

In November the ICC committed to prioritize its investigations in 2017 into ongoing crimes in Libya, including those committed by IS and other armed groups, and issue new arrest warrants. However, the ICC initiated no new investigations in 2016, citing security concerns and insufficient resources.

Saif al-Islam al-Gaddafi, against whom the ICC issued a Warrant of Arrest in relation to alleged crimes against humanity committed during the 2011 conflict, continued to be detained by a militia in Zintan.

None of the parties to the conflict implemented any human rights provisions of the UN-brokered Libya Political Agreement of December 2015, including those obliging them to release detainees held without legal basis.

Internally displaced people

By August the number of internally displaced people in Libya had risen to almost 350,000, according to the International Organization for Migration (IOM). This included an estimated 40,000 former residents of Tawargha who had been forced from their homes five years earlier. In August, a reconciliation agreement between Misrata and Tawargha representatives aimed to facilitate their return to the town.

Most of Sirte's civilian inhabitants fled the city at the time of the GNA offensive against IS in May. The fighting caused extensive damage but some residents were able to return. Conflict in Benghazi and tribal fighting in southern Libya also caused population displacement.

Freedoms of expression, association and assembly

Armed groups and militias continued to harass, abduct, torture and kill human rights defenders, political and other activists and journalists.

In March, unidentified assailants killed human rights activist Abdul Basit Abu-Dahab in a car bombing in Derna. The same month, members of an armed group ransacked the offices of Tripoli's al-Nabaa TV station and assaulted journalists, and in al-Marj, eastern Libya, armed men abducted blogger and journalist Ali al-Asbali, releasing him four months later.

In August, members of an armed group briefly abducted al-Ahrar TV station journalist Aboubaker Al-Bizanti in Tripoli after he criticized the presence of armed groups and militias in the capital.

People who attended public gatherings and demonstrations faced attack. In May, unidentified assailants fired mortars at protesters demonstrating in al-Kish Square, Benghazi, killing six civilians.

Justice system

The justice system remained in a state of collapse, with courts unable to process thousands of untried detainees' cases, some dating from 2011. Thousands of detainees continued to be held without trial in official prisons and detention facilities and in unofficial prisons run by armed groups. Some detainees were freed in amnesties, including 17 men held in Misrata who were released in March.

The trial of As-Saadi al-Gaddafi continued to be postponed while he remained detained at al-Hadba Prison, Tripoli. In April, the UN Working Group on Arbitrary Detention declared that his detention and that of 11 other former al-Gaddafi-era officials was arbitrary and without legal basis.

At the end of the year, the Supreme Court had still to review the death sentences imposed on Saif al-Islam al-Gaddafi, Abdallah al-Senussi and seven other former officials in 2015.

Torture and other ill-treatment

Torture and other ill-treatment remained common and widespread and was committed with impunity, especially upon arrest or abduction and during detention in official and unofficial prisons.

Conditions deteriorated in official prisons including al-Hadba, al-Baraka and others, where those held included former high-level al-Gaddafi-era officials. Inadequate health care and food led to a decline in many inmates' health, while torture was reportedly used to punish inmates.

Refugees' and migrants' rights

Refugees and migrants were subjected to serious abuses by armed groups, people smugglers and traffickers, and guards in government-run detention centres.

The IOM said in October that it had identified 276,957 migrants in Libya but estimated the true number to be between 700,000 and 1 million. UNHCR, the UN refugee agency, had registered 38,241 refugees by the end of the year.

Libyan law continued to criminalize foreign nationals who irregularly enter, leave or remain in the country. Many actual and suspected irregular migrants and asylum-seekers were seized at checkpoints and in house raids or reported to the authorities by their employers. Thousands were held in indefinite detention pending deportation in facilities of the Department for Combating Irregular Migration (DCIM). Although they formally reported to the Ministry of the Interior, DCIM detention facilities were often run by armed groups outside the effective control of the GNA. Those detained were held in squalid conditions and were subject to torture and other ill-treatment by guards, including beatings, shootings, exploitation and sexual violence. UNHCR reported that there were 24 migrant detention centres across Libya.

On 1 April, guards shot dead at least four people seeking to escape from al-Nasr migrant detention centre in al-Zawiya.

Thousands of refugees, asylum-seekers and migrants sought to flee Libya and cross the Mediterranean Sea to Europe in unseaworthy craft provided by people smugglers. The UN estimated that 5,022 people had died while trying to cross the Mediterranean from North Africa by the end of the year, mostly departing from Libya.

The EU renewed its anti-smuggling naval mission "Operation Sophia" in June, extending its mandate to include training for Libya's coastguard service, which began in October. The Libyan coastguard intercepted thousands of those seeking to cross the Mediterranean, returning them to Libya and indefinite detention in the DCIM-run facilities. At times the coastguard committed abuses, including shooting at and abandoning boats at sea, and beating migrants and refugees aboard their vessels and on shore. By 18 December, the Libyan coastguard had intercepted and/or rescued more than 14,038 people, according to UNHCR.

Refugees, asylum-seekers and migrants were subjected to serious human rights abuses by criminal gangs, including abduction, extortion, sexual violence and killing. IS also abducted refugees and migrants, forcing some to convert to Islam, and sexually abused migrant and refugee women reportedly subjecting some to forced marriage. In October the IOM reported that 71% of migrants who took the central Mediterranean route from Africa to Europe said they had experienced practices amounting to human trafficking, with 49% having faced abduction and extortion in Libya.

Women's rights

Women continued to face discrimination in law and practice and were marginalized socially, politically and economically. The draft constitution published in April proposed to guarantee women 25% of HOR and local council seats for 12 years.

In Sirte and other areas that they controlled, IS and other armed groups imposed strict interpretations of Shari'a law that restricted women's movement and dress, and reportedly sanctioned the practice of child marriage.

Armed groups also threatened and harassed women who engaged in public activism.

Death penalty

The death penalty remained in force for a wide range of crimes; no executions were reported.

© Amnesty International

published on

