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Country Report on Human Rights Practices for 2011 - Libya

EXECUTIVE SUMMARY

At year's end, a 38-day-old interim government began to exercise authority in Libya, formerly the Great Socialist People's Libyan Arab Jamahiriya. After eight months of civil war, ending with the ouster of the Qadhafi regime, construction of a republican form of government began. The opposition leadership in the Transitional National Council (TNC), which was formed on February 27, exercised executive authority prior to naming an interim government on November 23 and thereafter acted in a de facto legislative capacity as an arm of the government engaged in transition planning. Adopted by the TNC on August 3, Libya's Constitutional Declaration provides the basis of governance and allows for the exercise of a full range of political, civil, and judicial rights, including Article 3, which safeguards freedom of expression and assembly, and Article 8, the right to due process--rights that the Libyan people were systematically deprived of during Qadhafi's 42-year rule. While Qadhafi-era laws that did not contravene the declaration remained in force, the applicability of former laws remained unclear at year's end, due in large part to the absence of functioning courts. Although an indirect electoral system existed on paper under Qadhafi, in practice his inner circle monopolized all positions of power and security forces reported to them. During the conflict and in the brief period that followed until the end of the year, the TNC and later the interim government had yet to establish full political or military control over the country. In the 10-week period after the TNC declared the country's "liberation" on October 23, few security forces reported to the interim authorities, while militias acted sometimes in concert with government directives but did so more often autonomously.

Qadhafi's fall ended an era of systematic, state-sanctioned human rights violations. Although human rights abuses did continue to occur, most frequently in areas where the TNC had yet to exert influence over militias, the scope and extent of abuse in the country measurably diminished following the end of the Qadhafi regime in October. The Qadhafi government's immediate response to protests begun on February 15 was to crack down on dissent, using excessive and violent force against civilians. Protests rapidly evolved into armed clashes, escalating into a nationwide armed conflict. Qadhafi's death on October 20 and the takeover of his last stronghold of Sirte ended the conflict. While the transition led to a relatively free political environment--apart from hostility to real and perceived Qadhafi loyalists--the new authorities lacked the capability to fully protect civil and judicial rights in practice.

During the year the most significant human rights problems stemmed from the Qadhafi regime's denial of its citizens' right to peacefully change the government. While human rights violations were reportedly committed by both sides, Qadhafi's government was responsible for the bulk of abuses committed during the armed conflict. A

legacy of decades of sustained oppression, corruption, and organizational dysfunction challenged efforts by both the interim government and the TNC to enforce the rule of law. Continuing violence, organizational dysfunction, and widespread corruption further degraded the human rights environment. Militias were largely responsible for continued human rights abuses following the end of the war.

The Qadhafi regime carried out a deliberate policy of human rights abuse. The following other important governmental human rights abuses and societal problems were reported: extrajudicial killings; excessive and indiscriminate use of force against antigovernment protesters, civilians, and civilian facilities; disappearances; torture and other cruel, inhuman, or degrading treatment or punishment, including rape; poor conditions in frequently illegal detention and prison facilities; arbitrary arrest and detention; impunity; denial of fair public trial; political prisoners and detainees; feeble judicial authority; arbitrary interference with privacy and home; use of excessive force and other abuses in internal conflicts; restriction on humanitarian aid to civilians; limits on freedoms of speech, press, assembly, and association; restrictions on freedom of movement; internally displaced persons (IDPs); lack of transparency and significant, widespread corruption at all levels of government; constraints on international and nongovernmental organizations' (NGOs) investigations of alleged violations of human rights; discrimination against and societal abuses of women and ethnic and racial minorities, including foreign workers; trafficking in persons; and limitations on labor rights in practice, including forced labor.

Impunity for abuses was a serious problem. Although revolutionary militias detained abusive Qadhafi-era officials, there was no functioning judicial system to try them. Similarly, with the judiciary still not functioning, the interim government had not taken steps by year's end to prosecute opposition militia members and fighters who committed abuses during and after the conflict.

During the year opposition forces reportedly violated human rights and humanitarian norms. Militias and their supporters--which were not fully under the control of the TNC or transitional government authority--committed unlawful killings, other physical violence, and other abuses. Principal targets were actual or suspected detained Qadhafi soldiers or supporters, possible sub-Saharan African mercenaries or dark-skinned Libyans, and former members of the security forces. Disappearances, illegal detentions, and imprisonment of persons on political grounds occurred, as did looting and further violence. Vulnerable civilian populations, including ethnic minorities and migrants, faced discrimination and violence during and after the conflict.

The lack of independent observers and communications disruptions, particularly in Western Libya, resulted in a heavy reliance on secondary sources in the preparation of this report.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were widespread reports that the Qadhafi government and its agents, as well as opposition forces and their supporters, committed arbitrary or unlawful killings, including of civilians.

Violent government responses to protests in February led to civilian deaths. In the eastern part of the country, according to Amnesty International (AI), most protester fatalities occurred in Benghazi and al-Bayda, where security forces met peaceful protests with excessive and lethal force beginning on or about February 16 and 17. When protests turned violent, particularly after February 18, security forces responded using automatic assault rifles to fire into crowds without warning and did not employ precautions to minimize harm, firing live ammunition in the streets and from rooftops, targeting protesters and bystanders outside and indoors, well as those attempting to rescue the wounded. Scores of deaths in the East due to wounds to the head, neck, and chest suggested that Qadhafi forces were given shoot-to-kill orders. In February alone, hundreds were reported killed. Most of the victims were reportedly unarmed protesters, while a smaller number were armed protesters and defectors killed in clashes with Qadhafi security forces. Government forces subsequently fired on protesters in other cities, including Misrata, Tripoli, Zawiya, Zintan, Kufra, and towns in the Nafusa Mountains, among others. Qadhafi security forces also rounded up and detained those suspected of political dissent, in many cases detaining them without food or water, leading to numerous deaths. Qadhafi forces also conducted attacks on Zawia, Zintan, Ajdabiya, and other cities, leading to heavy damage of residential areas and large numbers of civilian deaths.

In the East in mid-February, anti-Qadhafi armed groups reportedly killed police, soldiers, security force members, and suspected mercenaries and loyalists captured in and around al-Bayda, Benghazi, and Derna. When military facilities were overrun, Qadhafi loyalists were in some cases hanged, beaten to death, or shot and killed after being captured or surrendering. Armed groups also killed various sub-Saharan nationals, accused of mercenary

activity, and at times displayed their bodies publicly, including two reported incidents of hanging in al-Bayda and Benghazi. On February 18, anti-Qadhafi groups took control of the military airbase in Derna and reportedly executed approximately 50 suspected African mercenaries and two others, according to indirect reporting provided to AI.

As confrontations between protesters and security services turned more violent after February 18 and 19, in part due to police and security services defections, the violence escalated into a large-scale internal armed conflict in late February, and all groups involved committed further arbitrary or unlawful killings (see section 1.g.).

b. Disappearance

Qadhafi-era law includes provisions against enforced disappearance that neither the Qadhafi regime nor its armed opponents respected in practice. The TNC made several declarations rendering null the “special security” provisions of Qadhafi laws, some of which facilitated political repression. Prior to and during the conflict (see also section 1.g.), the Qadhafi government pursued a campaign of enforced disappearances, rounding up persons suspected of supporting the opposition, including known activists or critics, online dissidents, journalists, protesters, and migrant workers. Other categories included members of the armed forces that refused to fire on protesters or joined demonstrations as well as those who later disappeared in combat. Activists and government critics reportedly began disappearing in al-Bayda, Benghazi, Misrata, and Tripoli in advance of popular protests widely planned for February 17.

The total number of persons subjected to forced disappearance by the Qadhafi regime remained unknown at year’s end; however, reported estimates included thousands of persons, some of whom rights groups presumed were unlawfully killed upon capture or in captivity. The Qadhafi government did not share details about those held or their location, strictly increasing its limitations on visits by independent organizations to only certain Ministry of Justice-equivalent facilities in January and February.

The discovery of numerous mass graves revealed the remains of those killed in previous years in addition to others apparently killed en masse by Qadhafi security forces during the conflict (see section 1.g.). For example, on September 25, anti-Qadhafi groups found a mass grave near the prison in Tripoli reportedly containing the remains of an estimated 1,200 prisoners killed in 1996 by prison guards during riots. According to AI, most of the prisoners were previously the victims of enforced disappearances. In addition, pro-Qadhafi forces buried 170 bodies in a mass grave in Bin Jawwad; some of the deceased had been executed.

Anti-Qadhafi groups reportedly conducted targeted disappearances against suspected or real Qadhafi supporters (see section 1.g.). This practice continued after the establishment of the interim government.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Under Qadhafi the law prohibited such practices, with the exceptions of judicially sanctioned corporal punishments such as amputation and flogging. There was no information as to whether such punishments were carried out. The Constitutional Declaration stated that no punishment could be implemented outside the law.

The Qadhafi government’s security personnel routinely tortured and abused detainees and prisoners, including political opponents, during interrogations or as punishment. Frequent methods reportedly included electric shocks, beatings, targeted beating on the soles of the feet, hanging or contortion of the body for prolonged periods, sleep deprivation, solitary confinement, and burning of the skin with cigarettes during interrogation. Testimonies from those detained in Sirte or Tripoli by the Qadhafi regime indicated that torture and mistreatment were common during arrest and the initial period of detention (see section 1.g.).

Following the fall of Qadhafi, fighting forces and militias largely outside the command of the interim government or the TNC filled the security vacuum and some reportedly violently abused detainees and prisoners. Treatment varied from facility to facility and was typically worst at the time of arrest. Reported abuses included beatings across the body with belts, sticks, rifles, and hoses; administration of electric shocks; and threats of rape. In one case, media and rights groups documented severe abuse of detainees, including IDPs, by militias in Misrata, especially former residents of Tawargha, during the internal conflict and afterwards (see also section 1.g.). Abuses against detainees, particularly alleged Qadhafi loyalists and sub-Saharan Africans aligned with Qadhafi, were similarly reported at other militia-run facilities throughout the country.

Prison and Detention Center Conditions

According to international organizations and rights groups, Qadhafi government prison and detention center conditions ranged from poor to adequate in formal facilities, but there was scant information available about conditions inside prisons. As a result of the conflict, makeshift facilities appeared throughout the country to accommodate detainees collected by all sides. In such cases conditions were uneven and varied widely, but consistent problems included overcrowding; insufficient food, water, and ventilation; the lack of basic necessities such as mattresses; and poor access to hygiene and health care. There were reports that the Qadhafi government used informal facilities, including but not limited to warehouses, military buildings, shipping containers, and other venues, in addition to formal detention facilities. Militias reportedly detained persons at schools, former government military sites, and other informal venues, including private homes and, in one case, a soccer club. In the aftermath of the conflict, prison and detention conditions were largely but not entirely under government authority, and conditions in some were poor to the point of being life threatening.

The total number of prisoners and detainees was unknown. The International Committee of the Red Cross (ICRC) reported that it visited 14,000 detainees in 100 detention facilities during the year. At year's end, the ICRC caseload was approximately 8,500 detainees in 68 facilities under the control of local councils, militias, private individuals, or in some cases reported criminal enterprises. The ICRC did not register every detainee at each site, suggesting that the total number of those held were higher. Men and women were reportedly held separately; there was no information available about conditions specifically for women. Human rights organizations reported that militias held minors with adults. There was no credible ombudsman who could serve on behalf of prisoners and detainees.

During the Qadhafi era, the government did not allow independent monitoring of prison conditions by independent NGOs, the media, or international human rights groups. International organizations had some access to Ministry of Justice-run prisons but not to security services' facilities. The Internal Security Organization (ISO) controlled two main prisons in Tripoli, Abu Salim and Ain Zara, as well as numerous unrecognized facilities outside of legal remit and not accessible to independent monitors. According to AI, there were no known independent monitor visits to the Abu Salim or Ain Zara prisons, the Salaheddin detention facility in Tripoli, or the military police barracks in Sirte, a city where many of the missing were thought to be held by Qadhafi forces.

The ICRC opened an office in the country and generally had good access to facilities and known informal detention sites under the control of the TNC and revolutionary militias; access for other international organizations varied.

d. Arbitrary Arrest or Detention

The Qadhafi-era criminal code establishes procedures for pretrial detention and prohibits arbitrary arrest and detention, but the Qadhafi regime did not observe these prohibitions. There were reports that Qadhafi security forces arbitrarily arrested and detained citizens without formal charges and held them indefinitely without court convictions. At year's end, the interim government had little control over police and regional militias providing internal security and also did not observe these prohibitions. After the fall of Qadhafi, certain armed groups, including militias, carried out illegal and arbitrary detentions through the end of the year.

Role of the Police and Security Apparatus

The Qadhafi regime maintained an extensive security apparatus of police and military units, multiple intelligence services, local "revolutionary committees," "people's committees," and "purification committees." The result was a multilayered, pervasive surveillance system that monitored and controlled the activities and everyday lives of individuals. In theory military and internal security forces were under direct civilian control through the Jamahiriya, or "sovereignty of the masses" system. In practice an inner circle of elites close to Qadhafi wielded total control. The police and ISO shared responsibility for internal security. The armed forces and External Security Service were responsible for external security.

During the conflict and in the 10 weeks after the fall of the regime in October, there was no coherent or effective national police and security force. The collapse of state institutions led to a security and institutional vacuum. The tasks of policing during and after the conflict often fell to self-constituted decentralized militias which often exercised police power largely without training, supervision, or accountability.

There were no known automatic judicial mechanisms for investigating abuses by new postrevolutionary security forces. There were reports that emerging security institutions lacked control in the militia-dominated environment and did not always respond to societal violence.

Arrest Procedures and Treatment While in Detention

The Qadhafi-era law stipulated that a warrant is required for arrest but that authorities can obtain permission to detain persons without charge for as long as eight days after arrest. The law also specified that detainees be informed of the charges against them and that, for a detention order to be renewed, detainees must be brought before a judicial authority at regular intervals of 30 days. In practice the Qadhafi government did not adhere to these provisions, at times holding detainees indefinitely, arbitrarily, and secretly, without charges or process.

Following the outbreak of the revolution and attendant breakdown of judicial institutions and process, the interim government and opposition forces also arbitrarily detained persons, holding them in formal and informal locations, including unknown locations for extended periods without formal legal charges or legal authority. In some cases orders for arrest came from official or quasiofficial sources. At times during the conflict, the opposition military command or the TNC formed committees that issued orders and warrants to militias for the arrest of certain individuals. One notable example occurred on July 28, when TNC military commander Abdelfatah Younis was arrested under the authority of a TNC committee. He was subsequently killed while in militia custody in Benghazi.

Under Qadhafi the law provided for bail, access to counsel for pretrial detainees, and a public defender for anyone unable to afford a private attorney. The Constitutional Declaration recognizes the right to counsel. During the year the vast majority of detainees by both the Qadhafi and revolutionary forces were not known to have had access to bail or a lawyer.

Incommunicado detention was a severe problem. The Qadhafi government, militias, and post-Qadhafi authorities held detainees incommunicado for unlimited periods in unofficial and unknown detention centers.

Qadhafi-era law allowed women and girls, some of whom were victims of gender-based or domestic violence suspected of violating moral codes, to be detained in "social rehabilitation" facilities. They could be detained indefinitely without access to legal representation or the opportunity to contest their detention in court. Women at these sites could be released only to their families, often the source of the threat to their safety. Following the conflict, it was unclear whether this practice of detention without review was considered legal or continued.

Arbitrary Arrest: The criminal code under Qadhafi prohibited arbitrary arrest and detention, but the Qadhafi government did not observe these prohibitions. Arbitrary arrest was widespread throughout the year and was employed by Qadhafi authorities and a range of often autonomous armed groups that conducted arrests without legal authority. It was unclear at year's end if the new authorities abided by the Qadhafi government's criminal code.

Qadhafi security services arrested activists, writers, and members of the opposition in the lead-up to planned protests on February 17. For example, on February 1, plainclothes police arrested Jamal Haji, a former political prisoner and human rights activist, in Tripoli after he called online for prodemocracy demonstrations. Authorities justified his arrest on the grounds of an alleged traffic violation. On February 15 in Benghazi, secret police arrested Fathi Terbil, a human rights activist and lawyer coordinating the defense for families of Abu Salim prisoners who had planned a demonstration related to the cases of 100 prisoners whose bodies were never returned.

Anti-Qadhafi groups also conducted widespread arbitrary arrests in the areas under their control. Following the outbreak of the conflict, members of the opposition in Benghazi arbitrarily and extrajudicially arrested suspected Qadhafi loyalists; ISO or revolutionary committee members; people accused of "subverting the revolution"; and sub-Saharan Africans, often migrants, suspected of mercenary activity, according to AI. Militias across the country arrested many migrants in the areas under their control, particularly in Tripoli following its capture by revolutionary forces in August.

While some detainees were released, approximately 8,500 persons remained in detention by the transitional government and prorevolution groups at year's end. Some international organizations claimed that this figure was significantly underestimated. As of year's end, the interim government had not reconstituted the courts or justice system, and very few detainees had access to counsel, faced formal charges, or had the opportunity to challenge their detention before a judicial authority.

Pretrial Detention: Most persons in detention at year's end had been detained by militia groups without charges and outside of the interim government's authority. Decentralized control of the security environment among militia groups and a largely nonfunctioning judiciary prevented most detainees from accessing a review process, meaning that few detainees were formally held in a pretrial status.

Amnesty: In a de facto amnesty, opposition troops opened Abu Salim prison while capturing Tripoli in August, releasing hundreds of the Qadhafi government's opponents and political prisoners. In early November the press reported that, on the occasion of Eid al-Adha, the TNC released hundreds of prisoners from facilities under its direct and indirect control. Those released were primarily Libyan citizens who assisted or fought with Qadhafi forces.

e. Denial of Fair Public Trial

Qadhafi law and the Constitutional Declaration provide for an independent judiciary and stipulate that every person has a right to resort to the courts, but the judicial system under Qadhafi was not independent in practice and was often subject to interference. As a result of the conflict, the judicial system collapsed. Although the new government pledged to restore judicial functions, at year's end, the judiciary remained largely ineffective and unable to dispense justice. Thousands of persons held in detention had not received a trial, and no investigations had been initiated into alleged abuses by either pro- or anti-Qadhafi groups. In addition, judges cited concerns about the overall lack of security in cities and around the courts as one of the reasons that they had not yet returned to work, further hindering the reestablishment of the judiciary.

Trial Procedures

The law under Qadhafi and the interim government provides for the presumption of innocence and the right to legal counsel, provided at public expense for the indigent. During the year these standards were generally not respected in practice. Qadhafi security agents and largely independent revolutionary militias detained persons without legal authority, undermining the prospect of fair public trials.

As of year's end, neither the interim government nor the TNC before it had taken known steps to formalize the status of irregularly held detainees or transfer them into the paralyzed legal system. As of year's end, no known criminal trials had been undertaken by the judiciary under the control of post-Qadhafi authorities.

Political Prisoners and Detainees

Under the Qadhafi government, a large but unknown number of persons were in detention or imprisoned for engaging in peaceful political activity or belonging to an illegal political organization. Political prisoners held in Abu Salim Prison, some for more than 15 years for security-related offenses, were also subjected to disappearance after protests began in February, according to AI. The families of more than 100 such prisoners were unable to establish contact with them from mid-February, but in late August some of these long-term political detainees reemerged once opposition forces took control of Abu Salim Prison (see section 1.d., Amnesty).

The TNC, interim government, and various militias, to the extent that they controlled security forces, held persons in a variety of ad hoc facilities on political grounds, particularly former Qadhafi officials, ISO members, and others accused of "subverting the revolution."

Civil Judicial Procedures and Remedies

Under Qadhafi citizens did not have access to courts to seek damages for or demand cessation of human rights violations perpetrated by his regime, although in a series of special cases, some released political prisoners were legally able to seek compensation through the court system beginning in 2010. Citizens did not have the right to seek redress in civil court for Qadhafi-era security service actions.

The Constitutional Declaration provides for the right to resort to the judiciary, but the post-Qadhafi judicial system did not have the capacity to provide citizens' access to civil remedies for human rights violations. Under TNC and interim government control, some civil proceedings restarted, albeit unevenly, in different parts of the country.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Qadhafi-era law prohibits such actions, but the government did not respect the prohibitions in practice. Until the fall of the regime in October, Qadhafi security forces regularly entered private homes of those accused of supporting the opposition and seized and hoarded belongings. As revolutionary groups gained territory throughout the conflict, there were also reports of similar behavior by militias. In particular, press reports after the fall of Tripoli in late August suggested a number of break-ins and thefts by incoming regional militias, at times targeting suspected Qadhafi supporters.

In addition to maintaining a widespread informant network (see section 1.d.), the Qadhafi government routinely monitored telephone calls and Internet usage, including e-mail communication, reportedly increasing such monitoring prior to the February protests and throughout the conflict. There were no known reports that the TNC or transitional government monitored private communications or had the capacity to do so.

In areas under their control, Qadhafi authorities increased their ongoing policy of collective punishment of relatives of certain individuals, particularly oppositionists. In previous years this often amounted to structural discrimination by curbing access to public utilities or works. During the unrest it included direct intimidation and sometimes arrest of family members. Although the transitional government was not responsible for such behavior, it was unable to deter militia groups from pursuing reported attacks or discrimination on similar grounds. For example, rights groups reported that militia and armed actors' intimidation and violence against dark-skinned displaced persons from Tawargha, a town from which Qadhafi forces launched their siege of Misrata, which amounted to collective punishment of Tawarghans for attacks by Qadhafi's forces on Misrata during the first months of the conflict (see sections 1.g.).

g. Use of Excessive Force and Other Abuses in Internal Conflicts

The period of broad-scale internal armed conflict lasted from late February, after protests in the East and West escalated into rebellion, until the TNC declared "liberation" of the country on October 23. Beginning in February and March, Qadhafi forces met protesters with excessive and often deadly force (see section 1.a.). Localized opposition activities evolved into an armed conflict by late February, with regular clashes between government forces and armed opposition fighters continuing until October. Opposition fighter groups were often composed of disparate local movements, rather than a cohesive national resistance, which only began demonstrating effective offensive coordination by August. Investigations by the prosecutor of the International Criminal Court (ICC), the UN-appointed International Commission of Inquiry on Libya (COI), and international human rights organizations reported evidence of Qadhafi forces' killings, forced disappearances, arrest and imprisonment, torture, persecution of civilians, rape, forcible transfers, intentional restrictions on humanitarian access to afflicted populations, and attacks on civilians. In its attempt to regain areas taken by the opposition, these forces launched a military campaign that included both deliberate killings and indiscriminate use of force, which NGO observers described as widespread and systematic. Prorevolution opposition fighters, many grouped into loosely organized bands and regionally based militias, also engaged in deliberate killings, arbitrary arrest and imprisonment, and other abuses. Abuses by unknown actors also occurred.

Killings

In its attempts to quell protests, silence critics, and respond to armed opposition, Qadhafi forces failed to take sufficient precautionary measures to protect civilians and in various cases directly targeted civilians with intent to kill, according to various rights groups. In a May 4 report, the ICC prosecutor asserted that the shooting of protesters and persecution of civilians alleged to support the opposition was systematically employed as a matter of policy. The regime's use of force was reported to be disproportionate, according to rights groups, in areas across the country. For example, according to AI reports, regime forces fired live ammunition and heavy weapons, including tank shells and rocket-propelled grenades, at fleeing residents and set up antiaircraft guns in streets, firing at and killing protesters. Such disproportionate force caused deaths from serious injuries, including dismemberment and severing of the torso, according to the COI. In Tripoli and elsewhere, government efforts to cover up evidence of killings by removing bodies from streets and hospitals made confirming the number of deaths difficult.

Qadhafi's campaign of enforced disappearances, which deliberately targeted opposition supporters in addition to arbitrarily targeting civilians, led to extrajudicial killings. Executions of persons held by Qadhafi forces were reportedly common upon withdrawal of Qadhafi forces from areas where opposition troops were advancing. For example, according to a September 14 Human Rights Watch (HRW) report, 34 bodies discovered in a mass grave in al-Qawalish in western Libya, in addition to three others nearby, were likely the bodies of men detained by Qadhafi forces at checkpoints or taken from their homes in early June and executed upon the retreat of Qadhafi forces from the area. Exhumed bodies with bullet wounds were found blindfolded and their hands bound. Local testimonies collected by HRW claimed that identified victims were from the nearby town of al-Qal'a and included at least nine men over 60, including an 89-year-old individual.

The Qadhafi regime's use of snipers on rooftops was widespread, with media reports of snipers deliberately shooting and killing both civilians (including children) and opposition combatants in cities across the country, including but not limited to Ajdabiya, Misrata, Tripoli, and Zawiyah.

Qadhafi forces also used indiscriminate force during the conflict, often in efforts to regain control of opposition-controlled areas, affecting noncombatant residents. According to widespread reporting, Qadhafi forces used imprecise heavy weaponry and munitions, including cluster munitions, rocket launchers, mortars, and artillery shells, to attack dense urban areas in various regions. The use of force in residential areas led to widespread reports of civilian deaths and injuries, including children.

While Qadhafi forces' use of indiscriminate attacks was common across the country, damage was particularly severe in Misrata, which came under siege in February. Qadhafi's forces closed in on the city and attacked the port (which was the only avenue for humanitarian aid and evacuations), launching indiscriminate rocket attacks on residential areas until May, only to resume in mid-June and sporadically thereafter. The siege led to widespread reports of civilian deaths. Human rights groups also documented other indiscriminate tactics, such as using ball bearings in rockets. Qadhafi forces similarly conducted attacks on Zawia, Zintan, Ajdabiya, and other cities, leading to heavy damage of residential areas and large numbers of civilian deaths.

Since the beginning of the armed conflict, opposition forces—including independent militias and armed protesters--reportedly killed actual and suspected Qadhafi loyalists, sub-Saharan alleged mercenaries, and security force members, as well as persons who were accused of being Qadhafi supporters by virtue of their location or darker skin color. As the conflict progressed, NGOs reported that a pattern of targeted attacks appeared against regime loyalists, including members of revolutionary committees, and Revolutionary Guard and ISA members.

In various instances opposition fighters reportedly killed Qadhafi loyalists and civilians and captured (and sometimes injured) fighters as they advanced on major cities, including Tripoli and Sirte. For example, on August 25 and 26, the media widely reported on the discovery of approximately 30 bodies of Qadhafi fighters in a pro-Qadhafi encampment in Tripoli, two of which had hands bound with plastic handcuffs. Press reports speculated that those killed may likely have been surrendered or captured by pro-Qadhafi combatants. Nevertheless, the scale of killing by opposition forces was less than the scale of killings by Qadhafi forces during the conflict.

Following a firefight on October 20, Misrata fighters detained and later killed Mummar Qadhafi shortly after capture. His son, Muatassim, was also captured and was filmed alive in captivity but later was reported dead in uncertain circumstances. HRW found approximately 95 bodies at the site where Qadhafi was captured; between six and 10 bodies had gunshot wounds to the head and body and had apparently been executed at the site.

On October 23, HRW found 53 bodies, some later identified as civilians and Qadhafi loyalists and some of which showed signs of having been treated for previous injuries before dying, in the Mahari hotel in Sirte. According to HRW, the hotel was under the control of Misrata opposition fighters around the time the killings were estimated to have taken place. The names of five Misrata brigades were written on hotel walls, including al-Nimer, al-Isnad, al-Fahad, al-Asad, and al-Qasbah.

There were additional reports that numerous deaths in custody occurred due to mistreatment. For example, HRW reported that in late August guards at the Zarouq School detention facility in Misrata beat to death Ashraf Salah Muhammad, a mentally ill man from Tawargha, in an attempt to learn a password for a radio.

Opposition fighters, with fewer and more selectively targeted weapons, also reportedly engaged in indiscriminate attacks during combat, albeit on a more limited scale. Information remained sparse on opposition militias' activities in this regard, although anti-Qadhafi forces launched Grad rockets around Dafniya, Misrata, Sirte, and possibly Tawargha, according to AI.

The discoveries of multiple mass graves across the country, particularly in the capital, indicated that deliberate killings were widespread, yet in many cases identifying the specific individuals responsible was difficult. Following the capture of cities in the West, opposition forces discovered several mass graves containing remains dating from the conflict as well as prewar graves. On October 6, for example, a mass grave thought to contain an estimated 200 bodies was found in Gargarish, on the coast just north of Tripoli, according to media reports. Unidentified and sometimes bound corpses found across Tripoli, including in hospitals following the seizure of the city by the opposition, were attributed to killings by regime or opposition forces, depending on the source of the reporting.

Abductions

Information was lacking about the whereabouts of persons who disappeared during the fighting or were abducted and detained when Qadhafi forces retreated from areas. While scores of persons disappeared due to alleged support of the opposition or participation in protests, others disappeared when Qadhafi forces in reprisal campaigns arrested and enforced disappearances of adults and children on the street, at mosques, and during home raids, such as in Misrata, Zawiya, and Zuwara, according to rights groups. Family testimonials to the international NGO Physicians for Human Rights (PHR) reported that Qadhafi forces kidnapped, raped, and held girls and women, sometimes for days at a time. It was unclear at year's end if kidnapped persons were killed, held for ransom, or later released. Other civilians disappeared after leaving opposition-held areas, often when attempting to travel to purchase basic necessities.

Opposition forces detained civilians, including sub-Saharan migrants and Qadhafi loyalists, often arbitrarily and without legal authority, and transported detainees when forces moved between locations during and after the conflict. Following the seizure of Tripoli, some opposition forces pursued an informal campaign of arresting and

holding hostage migrant workers, including women, on the grounds that they were suspected Qadhafi loyalists or mercenaries. They were held in a range of informal facilities in the capital, including schools, and many had been released by year's end.

Other Conflict-related Abuses

Civilians, including foreign nationals, were vulnerable to abuses by both Qadhafi and opposition forces, including arbitrary detention and torture. Civilians were reportedly subject to different forms of mistreatment and attack by Qadhafi forces because of their suspected association with the uprising. A campaign of systematic arrests, torture, killings, deportations, enforced disappearances, violence, and rape was reported across the country that did not discriminate between civilians and fighters. Victims were civilians allegedly participating in demonstrations or supporting opposition fighters, activists, or journalists; those who communicated with foreign journalists; and some migrant workers who were forcibly expelled. Thousands of civilians, including children, were violently abducted from the streets, homes, and mosques. Their whereabouts remained unknown, often until they escaped or were freed. Some of these "disappeared" persons appeared on television "confessing" to membership in al-Qaida or acting against regime interests.

Violence against civilians was particularly harsh after Qadhafi forces recaptured towns and appeared to enforce a policy of collective punishment.

Media and human rights groups reported that both sides stirred a climate of racism that increased the vulnerability of sub-Saharan nationals and dark-skinned civilians, including violent attacks, robbery, beatings, and abuses such as sexual violence. Following the outbreak of violence, for example, Qadhafi claims that the opposition forces were supported by sub-Saharan African mercenaries led to widespread media reports of attacks on sub-Saharan workers in Tripoli.

Opposition fighters and supporters reportedly abducted, arbitrarily detained, tortured, and killed former and suspected Qadhafi loyalists, government officials, and foreign nationals, including civilians, suspected of being mercenaries. In February groups of protesters assaulted, captured, and raided homes of sub-Saharan African and Libyan civilians in eastern and central parts of the country, including al-Bayda, Benghazi, Derna, and Misrata. The number of such victims, including deaths, was difficult to corroborate due to local reluctance to disclose details of the attacks to rights groups, yet many victims reportedly wore civilian clothing. Some militias were responsible for widespread arbitrary arrests that took place. The number of reported attacks and arbitrary arrests decreased following the opposition's early victory in the East but spiked again following the capture of Tripoli. Incidents continued intermittently throughout the year.

There were sporadic reports that opposition forces attacked some civilians when taking new areas. In mid-June and July, opposition fighters gaining Qadhafi-held territory in the West attacked property, including homes and hospitals, and beat some individuals alleged to have supported government forces in al-Awaniya, Rayayinah, al-Qawalish, and Zawayat al-Bagu, according to HRW. In October HRW reported on increased looting, detentions, and abuse as opposition fighters increasingly took control of Qadhafi strongholds, claiming that the opposition did not take sufficient measures to protect civilians.

There was widespread mistreatment of detainees arrested by Qadhafi forces. Victims were held outside the protection of the law, denied outside contact, and were particularly vulnerable to abuse. After opposition forces captured Tripoli and Sirte, where Qadhafi forces transferred scores of persons detained in different parts of the country, testimonies from released detainees gave consistent reports of severe mistreatment in captivity, some of which amounted to torture. Evidence of torture among dead detainees was documented by human rights groups in various parts of the country. There were various reports of forced confessions, abuse during interrogation, burying detainees in underground cells, and detainees shot in the foot. Abuses took place in formal prisons and other converted spaces such as schools, warehouses, and in some cases, shipping containers.

Opposition groups also engaged in detainee abuse. Treatment varied widely from location to location, and abuse was not necessarily systematic. There were reports in March and April of abuse of captured security service members and civilian detainees, including perceived Qadhafi loyalists, sub-Saharan Africans, and dark-skinned Libyans, in the East in addition to their being held in poor and overcrowded facilities. Violence, including beating, was common at the time of capture, particularly for Qadhafi fighters caught on the battlefield, but treatment in detention varied. Bodies of Qadhafi fighters found with serious injuries, including near Zintan in July, suggested that opposition fighters in some instances engaged in abuses such as stripping, electrocution, decapitation, and beating.

Misrata milita members reportedly violently abused detainees from Tawargha, a town near Misrata with a population of primarily dark-skinned Libyans, due to allegations that they were complicit in Qadhafi's attacks and mistreatment of Misrata's population during a two-month onslaught, which included reported rapes and killings.

Allegations of rape as a tactic of war by Qadhafi forces were widespread. On March 28, Iman al-Obeidi, a woman who said she was held by Qadhafi soldiers and raped over consecutive days, appeared at a Tripoli hotel to share her story with foreign journalists. The Qadhafi government responded to her allegations by publicly stating al-Obeidi was unstable, drunk, and potentially a prostitute. On May 19, the BBC reported the first widespread incidence of rape as Qadhafi forces retreated from Misrata. The ICC prosecutor's report called for investigations into reports that Qadhafi's forces used rape as a matter of policy. The PHR later documented evidence of military-sanctioned rape in Misrata.

Some opposition forces reportedly engaged in rape, allegedly in retaliation for widespread use of rape by Qadhafi forces, but often in circumstances where witnesses did not come forward to identify a perpetrator.

The use of land mines by Qadhafi forces without measures to prevent civilian casualties was widespread during the conflict, including in civilian and residential areas. The COI reported that such use of mines was indiscriminate. Mines identified by HRW and other groups in at least six locations included antipersonnel, antivehicle, and antitank mines as well as plastic mines. HRW reported that forces did not mark, monitor, or map minefields in cases of hand-planted mines near Ajdabiya and antipersonnel mines in Misrata. In addition, parachute Type 84 Model A (antivehicle) mines were remotely launched into Misrata's port via Grad rockets, scattering mines across a wide area of the port and preventing the delivery of humanitarian aid, according to HRW. Qadhafi forces were similarly observed planting sea mines in the Misrata harbor. At year's end, there was no evidence that Qadhafi forces recorded the use of such scattered mines. There were no known reports of opposition forces using landmines.

The restriction of relief supplies and humanitarian aid to isolated populations was a result of both intensive fighting and deliberate attempts by Qadhafi forces to restrict assistance to vulnerable populations. For example, heavy fighting in Zintan in late May forced humanitarian organizations to temporarily withdraw. Qadhafi forces additionally restricted humanitarian access, including medical aid and delivery of key items indispensable to the survival of the civilian population, in particular during their siege of opposition-held territory in the Western Mountains, including Zintan and Misrata.

There were widespread reported violations by Qadhafi forces of medical neutrality during the conflict, in addition to attacks on health care workers, patients, ambulances, and medical facilities. By March the PHR reported incidents of armed men storming and shooting in medical facilities, attacks on medical professionals, disappeared patients, secret disposal of bodies from hospitals, gunmen using ambulances to fire on protesters, denial of medical staff and supplies, and cases where the injured were shot dead instead of being taken to hospitals. The COI reported that pro-Qadhafi forces entered Zawiyah hospital to arrest patients with gunshot wounds (on the assumption that they were opposition fighters) and their doctors.

Opposition forces also violated principles of medical and humanitarian neutrality. In July opposition forces looted medical equipment and vandalized medical facilities in the formerly Qadhafi-held areas in Rayayinah, al-Awaniya, and Zawiyat al-Bagul in the West. Although there were reports that doctors tended to treat both opposition and Qadhafi fighters, on October 10, HRW reported that the "Kilometer 50" field hospital west of Sirte had a policy of treating only opposition fighters and not injured Qadhafi loyalists or civilians. Denial of medical care by prorevolution doctors was not systematic, according to the PHR's observations.

Throughout the conflict Qadhafi forces concealed tanks and heavy armor near civilians and civilian objects and in urban areas, including in Misrata, in what rights groups claimed was a deliberate attempt to use human shields as cover. For example, the PHR reported eyewitness accounts that, in April and May, Qadhafi troops forcibly detained 107 civilians south of Misrata for use as human shields to guard munitions. There were no known reports of opposition forces using human shields.

Civilians were forcibly displaced for reasons other than military necessity. In late March, in a campaign of shelling and violence against civilians in Misrata, Qadhafi troops forced thousands of people from their homes. In August violent activity and arbitrary arrests by Misrata militias in Tawargha led many Tawarghan civilians to flee the town, which had been previously used by Qadhafi forces as a base for attacks on Misrata. There were reports, including by the UN high commissioner for refugees, of armed men going door to door in the opposition-held East in early March in an attempt to force persons suspected of being sub-Saharan Africans to leave the country. The identities of the perpetrators could not be confirmed.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

Under Qadhafi, the law provided for freedom of speech “within the limits of public interest and principles of the [1969] Revolution,” but in practice freedom of speech and press was severely limited and censored, particularly criticism of government officials or policies. There were provisions in the penal code that criminalized “insulting public officials.” The Constitutional Declaration provides for freedoms of opinion, expression, and the press, all of which the new postrevolution authorities generally respected.

Freedom of Speech: Freedom of speech was limited in law and practice under Qadhafi; the penal code provided life imprisonment for undermining the country’s reputation and the death penalty for anyone who advocated changing the principles of the Qadhafi-era law or his political, economic, and social structures, which effectively prohibited all political activities and expression. The Qadhafi government enforced these provisions through widespread arrests of known online activists and government critics calling for protests in February (see section 1.d.). The TNC and subsequent interim government did not restrict freedom of speech.

Freedom of Press: Before the uprising the government censored, scrutinized, and controlled the media; newspapers often published articles provided by the state verbatim. As early as late February, the Qadhafi regime jammed independent broadcast media. It also restricted foreign journalists’ ability to cover the unrest in areas under its control by requiring escorts and expelling foreign correspondents. The TNC and the successor interim government generally accommodated freedoms of expression, including online.

Violence and Harassment: In an attempt to stifle coverage of the unrest, from mid-February Qadhafi forces led a campaign of severe harassment of journalists, including abductions and detentions, violence, and movement restrictions. For example, on March 18 and 21, respectively, proregime gunmen in Benghazi shot and killed Ali Hassan Jaffer, a Qatari cameraman for al-Jazeera, and Mohammed Nabbous, a Libyan and founder of news channel Libya al-Hurra. Throughout the conflict in Tripoli, Qadhafi forces effectively detained foreign journalists at the Rixos Hotel, selectively limiting their movement and access to sites in order to influence their reporting. Other journalists were injured, captured, and in some instances killed on the front lines or traveling between conflict areas.

Censorship or Content Restrictions: The Qadhafi government effectively censored all media and restricted criticism, which was in part made possible by its ownership and control of virtually all print and broadcast media.

Actions to Expand Press Freedom

The TNC and interim government promoted a climate of free expression, provided for in the Constitutional Declaration, setting up a committee with the goal of establishing a climate favorable to a free press. The number of media outlets grew in the country. For example, as of May, 60 new print publications had been registered with the Benghazi Municipal Council.

Internet Freedom

A single government-owned service provider offered Internet access. The Qadhafi government actively attempted to impede the flow of information within, to, and from the country by cutting landlines and restricting the Internet and all other forms of communication. As of year’s end, communications infrastructure had been largely restored to prerevolution levels, with functioning but inconsistent cellular telephone and Internet services.

Academic Freedom and Cultural Events

The Qadhafi government severely restricted academic freedom. The TNC’s Constitutional Declaration specifically provides for freedom of scientific research. Following the end of the conflict, academics with a background studying or teaching Qadhafi’s “Green Book” ideology faced discrimination.

There were no known restrictions on cultural events under the new government. Amazigh communities, particularly in the West, were able for the first time in 42 years to use their language in public communications.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for peaceful assembly with prior approval, but in practice under Qadhafi peaceful meetings or demonstrations were generally allowed only when they were in support of the government. In April the ICC prosecutor reported evidence that officials planned to control demonstrations by using tear gas before resorting to shooting. Security forces responded to protesters in February and March with lethal violence, injuring and killing scores of peaceful civilians in addition to some armed protesters, many of which were reportedly security force defectors (see sections 1.a. and 1.g.).

While the TNC and interim governments respected freedom of assembly, autonomous militias clashed violently with pro-Qadhafi protesters, for example, on December 28 in Tarhouna.

Freedom of Association

The Qadhafi government severely restricted the right of association and generally allowed only institutions affiliated with the government to operate. In areas under control of the opposition, which included the entire country by the end of October, the TNC and interim government respected and promoted freedom of association. The Constitutional Declaration included freedom of association for political and civil society groups. Libyans founded hundreds of self-styled NGOs, some of which supported the war effort. Other NGOs took on political colorings. The new government tolerated the emergence of nascent political groups and self-described parties.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

Both Qadhafi-era law and the Constitutional Declaration recognize freedom of movement. However, both parties to the conflict restricted freedom of movement.

The Qadhafi government allowed the Office of the UN High Commissioner for Refugees (UNHCR) to operate on a limited basis and provide some services but generally did not cooperate with it or other humanitarian organizations. The UNHCR operated throughout the conflict and provided services to refugees, returnees, and IDPs. The new government generally cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: The Qadhafi government generally did not restrict freedom of movement within the country, apart from conflict zones. In-country movement became more dangerous as a result of the conflict, and after the conflict ended in October some autonomous militias imposed barriers to movement.

Foreign Travel: Under the Qadhafi regime, freedom to travel outside the country was at times restricted by the arbitrary seizure or nonissuance of passports.

Internally Displaced Persons (IDPs)

As many as 240,000 citizens were internally displaced at the height of the conflict, as well as approximately 500,000 foreign workers. By the end of the year, all but 65,000 citizens had returned home. Very few of the foreign workers returned to the country. The entire town of Tawargha, containing 35,000 citizens, was displaced following the fall of the Qadhafi regime after Tawarghans faced Misrata militia violence for having served as a base for Qadhafi forces' siege of Misrata earlier in the year. Most Tawarghans remained displaced at year's end. More than 30,000 citizens and migrants from cities that experienced heavy fighting, including Ajdabiya, Sirte, Misrata, Bani Walid, and Ras Lanuf, also remained displaced. The UN, ICRC, and NGOs provided assistance to IDPs during and after the conflict. The TNC and interim government did not have the capability to promote the safe, voluntary return, or resettlement of IDPs, nor were there adequate laws and policies in place to assist them.

IDPs were vulnerable to abuses, such as armed attacks, widespread arbitrary detention, trafficking, forced labor, and reported gender-based violence, from some militia forces or other armed groups. For example, at Sidi Bilal Port outside of Tripoli, there were reports in October that an estimated 450 sub-Saharan Africans were isolated and vulnerable, unable to reintegrate into the community due to fear of discrimination and violence. Refugees International reported that women were targets of sexual violence at the port and that local groups harassed men,

accusing them of mercenary activity. On about October 23, armed men shot two sub-Saharan African men at the port. Local leaders were unwilling or unable to provide alternative sites for the migrants.

Additionally, IDPs from tribes known to be loyal to the Qadhafi government, such as the Tawargha, Qawalish, and Mesheshiya, faced harassment, violence, intimidation, and discrimination. Opposition forces in Misrata arbitrarily arrested hundreds of Tawarghan IDPs, including women and children, and transferred them to detention in nearby Misrata, where rights groups and humanitarian reported there was serious mistreatment and torture.

The Qadhafi government responded to conflict-induced displacement in areas under its control, such as Tripoli, Zlitan, al-Khums, and Gharian, by temporarily housing some IDPs in hotels, dormitories, and private homes, according to humanitarian organizations. There were no known efforts or policies to address permanent resettlement.

Informal local coordination structures among the prorevolution population emerged during and after the conflict to address various humanitarian challenges, including the displaced population. The transitional government's efforts to address permanent resettlement had not begun by year's end.

As of year's end, the TNC and interim government had not begun to address questions concerning laws and policies to protect IDPs in accordance with the UN Guiding Principles on Internal Displacement.

Protection of Refugees

Prior to the conflict the UNHCR had registered an estimated 9,000 refugees from the Palestinian territories, Iraq, Sudan, Somalia, and other African countries, and identified approximately 3,700 asylum seekers in the country. Many registered refugees and asylum seekers fled to Tunisia, Egypt, and Europe during the conflict. As of year's end, the UNHCR office in Libya could not verify the numbers and nationalities of those who remained.

More than 100,000 citizens and as many as 500,000 migrant workers fled the country during the conflict. By year's end nearly all citizens had returned, but only a negligible number of nonspecialized migrant workers had returned.

The UN estimated that as many as 34,000 Syrians arrived in Libya beginning in May. The UNHCR found that many were fleeing general and targeted violence in Syria in addition to seeking economic opportunities in Libya. Only approximately 1,000 Syrians opted to register as refugees with the UNHCR.

Access to Asylum: Neither the Qadhafi government nor the new transitional government established a system for providing protection to refugees or asylum seekers. The Constitutional Declaration recognizes the right of asylum and forbids repatriation of asylum seekers. Asylum seekers were not legally recognized as a class distinct from migrants in the country without residency permits. As such, refugees and asylum seekers were subject to laws pertaining to irregular migrants and were regularly held in detention. While the flow of persons across the border continued throughout the conflict, there were reports that hundreds to thousands of sub-Saharan Africans entered the country illegally near year's end.

Refugee Abuse: Some refugees faced abuses including killings, arbitrary detention, attacks on camps, and gender-based violence. Detention of sub-Saharan African refugees and migrants increased significantly after the fall of the Qadhafi government, when revolutionary forces rounded up and detained scores of sub-Saharan Africans on suspicion that they supported the Qadhafi regime or were complicit in abuses during the conflict. While the new government and affiliated militias subsequently released several thousand detainees, estimates of sub-Saharan Africans detained in scattered detention sites ranged from 1,500 to 2,500 at year's end. The UNHCR, ICRC, and International Organization for Migration (IOM) were able to access many detention sites and provided basic assistance. Most detainees were not officially charged and had no access to review and judicial processes.

In August an assessment team of several humanitarian agencies found 3,000 to 4,000 sub-Saharan African migrants living in poor conditions in a camp, lacking basic services, including sufficient health care, near the town of al-Kufrah and reportedly having been subjected to physical abuse. In September humanitarian organizations reported that the living conditions for migrants camped outside Tripoli were very poor, with migrants reportedly lacked access to food, water, shelter, and medical care. Fear of violence or harassment caused migrants to avoid leaving the camp to collect necessary supplies.

Stateless Persons

By law citizenship is derived from birth in country or from a citizen parent; there are naturalization provisions for nonnationals.

The UNHCR identified as many as 25,000 primarily nomadic Tuareg in the southwest who had been living in the country for several decades but held no citizenship documentation. The UNHCR estimated that the number of potentially stateless Tuareg could be as high as 100,000.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Under Qadhafi the country did not have a constitution, and there were no legal means for the people to change their government. Antigovernment groups took up arms against the government in a civil war that, after eight months, resulted in Qadhafi's fall and a political transition. A temporary Constitutional Declaration and road map for political transition guided the interim government's activities. The declaration, which defines the country as a democratic state deriving authority from the people, provides for a range of political, civil, and judicial liberties.

Elections and Political Participation

Recent Elections: The Qadhafi-era "Jamahiriya" system of government included indirect elections for a layered pyramidal structure of committees. The most recent elections, held in 2009, were heavily influenced by Qadhafi's inner circle and the Revolutionary Committees and ultimately had no influence on the governance of the country, which was tightly controlled by Qadhafi. By the end of the year, the TNC was preparing to hold nation-wide elections in June 2012.

Political Parties: The Qadhafi government prohibited the creation of and membership in political parties. However, the TNC and interim government promoted freedom of political parties, associations, and other civil society organizations in the Constitutional Declaration and in practice. At year's end, political groups were in the process of formation under the interim government.

Participation of Women and Minorities: The 51-member TNC had one female member, and the interim government had two women among the 24 ministers. Five Amazigh members of the TNC boycotted the government swearing-in ceremony to protest that no Amazigh were named to ministerial positions.

Section 4. Official Corruption and Government Transparency

Laws stipulating criminal penalties for official corruption are unclear and were inconsistently applied under Qadhafi, when officials regularly engaged in corrupt practices with impunity. The transitional government and citizens called for prosecutions of Qadhafi regime officials' corruption.

The Qadhafi-era law did not provide for financial disclosure by public officials or public access to government information, but popular demands for accountability and transparency from the interim government prompted it to pledge that it would pursue open practices, such as publicly disclosing budgets and oil contracts.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Under Qadhafi the government prohibited the establishment of independent human rights NGOs, and none operated in country. The TNC and interim government were receptive to international and local human rights organizations and were responsive to international observers.

UN and Other International Bodies: The new authorities generally cooperated with UN bodies, including human rights components of the United Nations Support Mission to Libya. However, as of year's end, the UNHCR had not secured a memorandum of understanding from the interim government that would allow it to expand its activities.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Qadhafi-era law prohibits discrimination based on race, sex, religion, disability, or social status. The Qadhafi government did not enforce these prohibitions effectively, particularly with regard to women and minorities. The Constitutional Declaration contains clear references to equal rights, stating that all citizens are equal before the law in enjoying civil and political rights, equal opportunities, and the duties of citizenship without discrimination on the basis of religion, sect, language, wealth, sex, descent, political views, social status, or regional, family, or tribal affiliations.

Women

Rape and Domestic Violence: Under Qadhafi, the law prohibited domestic violence, but there was scant information on the penalties for violence against women. The law criminalized rape. A convicted rapist must marry the victim, with her agreement, or serve a prison term of as long as 25 years. In previous years rape victims who failed to meet high evidentiary standards reportedly could face charges of adultery, according to HRW. The law did not address spousal rape. The PHR and other groups reported that Qadhafi forces systematically raped female civilians during the siege of Misrata (see section 1.g.).

Harmful Traditional Practices: In August the PHR reported that a father killed his three daughters (ages 15, 17, and 18) in Tomina, near Misrata, after they were raped. The PHR reported that persons with knowledge of honor killings in the country claimed that the practice had "a strong foothold" and that, in previous years, those convicted of such killings sometimes received reduced sentences.

Sexual Harassment: The law criminalizes sexual harassment, but there were no reports on how or whether this law was enforced under the Qadhafi or new governments.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and have the information and means to do so free from discrimination, coercion, and violence. In previous years, virtually all births took place in hospitals, and more than 90 percent of mothers received pre- and postnatal care. The conflict caused a decrease in available skilled medical personnel, as many expatriate medical workers fled the country, which likely affected women's access to sufficient care during childbirth.

Discrimination: The law under Qadhafi granted women equality, but in practice societal discrimination against women continued. Sharia (Islamic law) governs family matters, including inheritance, divorce, and the right to own property. The TNC's guiding Constitutional Declaration states that citizens are equal under the law and includes prohibitions on gender-based discrimination.

In some rural areas societal discrimination restricted women's movements, even to local destinations, and impaired their ability to play an active role in the workplace.

The government was the largest employer. Civil service salaries were set according to education and experience. Women and men with similar qualifications were paid at the same grade for positions that were substantially similar. The private sector did not formally discriminate on the basis of gender for access to employment or credit, although women tended to earn less than men for similar work.

Children

Birth Registration: Citizenship is derived from either parent or birth in country. Under the Qadhafi government, births were registered in a government-issued family book.

Education: The conflict disrupted the school year for thousands of students across the country; while school continued in some areas such as Tripoli, in other areas schools were not open. Schools partially reopened in September and October; however, many remained empty due to lack of materials, damage, or security concerns.

Qadhafi-era law imposed high fees on noncitizens enrolled in primary and secondary schools. In previous years the UN Human Rights Council noted that schools discriminated against children born out of wedlock.

Sexual Exploitation of Children: There was no known information available on penalties for the commercial sexual exploitation of children, the minimum age of consensual sex, and whether any laws prohibit child pornography.

International Child Abductions: The country was not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There was reportedly no resident Jewish population. There were examples of anti-Semitism during the year. In October, protests in Tripoli called for the deportation of a Jewish activist who had returned to Libya with the intent of restoring Tripoli's synagogue. Some protesters' signs read, "There is no place for the Jews in Libya," and "We don't have a place for Zionism."

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The Qadhafi-era law provided for the rights of persons with physical, sensory, intellectual, and mental disabilities and provided for monetary and other types of social assistance. In addition a number of organizations provided services to persons with disabilities. Few public facilities had adequate access for persons with physical disabilities, resulting in restricted access to employment, education, and health care. There was limited access to information or communications.

The conflict caused injuries and disabilities among fighters and civilians, including children maimed by mortar or gunfire or injured due to remaining unexploded ordnance. The interim government made efforts to set up mechanisms to address issues among the war-wounded, including the evacuation of large numbers of injured to hospitals in other countries. Several international aid organizations operated in the country clearing land mines and the explosive remnants of war.

National/Racial/Ethnic Minorities

Arabic-speaking Muslims of mixed Arab-Amazigh (Berber) ancestry constituted 97 percent of citizenry. The principal minorities were Amazighs, Tuaregs, and Toubou. These minority groups are predominantly Sunni Muslim but identify with their respective cultural and linguistic heritage rather than with Arab traditions. Several nomadic groups live in areas along the country's desert borders, including Tuareg and Toubou. The country was home to an estimated 1.5 million to two million foreign workers and undocumented migrants, many of whom fled or were displaced during the conflict. Of those, nearly one million were thought to be of Sahelian or sub-Saharan African origin.

Under Qadhafi, Arabic was declared the only official language, and the regime denied the existence of non-Arab citizens. Amazigh people faced discrimination, including limitations on the use of their native language. Amazigh fighters participated in the revolution and were able to publicly use Amazigh symbols and the alphabet. At year's end, they pursued fledgling efforts to advocate for equal protections for Amazigh culture and language.

There was societal discrimination and violence against dark-skinned Libyans, including those of original sub-Saharan descent, in part due to allegations that Qadhafi used African mercenaries during the conflict.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Under Qadhafi the government deemed lesbian, gay, bisexual, and transgender (LGBT) orientation illegal, and official and societal discrimination against LGBT persons persisted during the year. The Qadhafi-era penal code made consensual same sex sexual activity punishable by three to five years in prison. The law provided for

punishment of both parties.

No public information was available on societal discrimination on the basis of sexual orientation or gender identity. There were no known reports of legal discrimination based on sexual orientation or gender identity in employment, housing, or access to education or health care.

Citizens tended to hold negative views of LGBT persons, and homosexuality was socially stigmatized. Sexual orientation or gender identity occasionally constituted the basis for societal violence, harassment, blackmail, or other actions, generally at a local level. In previous years there were infrequent reports of societal discrimination, physical violence, or harassment based on sexual orientation or gender identity.

Other Societal Violence or Discrimination

There were no known reports of societal violence toward persons with HIV/AIDS. In previous years there were reports of societal stigmatization of persons with HIV/AIDS, due to an association of the disease with drug use, sex outside marriage, and homosexuality. No information was available about the effects of the conflict on persons suffering from HIV/AIDS. However, the fighting generally restricted the provision of medical supplies and antibiotics in addition to prompting the departure of many foreign national medical staff from the country. There were reports that detainees suspected of having HIV/AIDS were segregated from the rest of the detainee population, often in overcrowded spaces, and were the last to receive medical treatment.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

Under Qadhafi workers were prohibited from forming and joining independent unions, which were banned. Collective bargaining was also restricted, as all collective agreements had to conform to the "national economic interest." Strikes could be called only after all conciliation and arbitration procedures had been exhausted. The government or one of the parties could demand compulsory arbitration, thus severely restricting strikes. The government had the right to set and cut salaries without consulting workers. Union workers were not well protected against antiunion discrimination.

Freedom of association and the right to collective bargaining were nonexistent under Qadhafi. Although trade unions had existed officially for more than 25 years, union membership was limited to citizens. Furthermore, all workers were automatically members of the General Trade Union Federation of Workers, which was sponsored by the Qadhafi government. They could elect to withdraw from the union.

Under the TNC and interim government, the status of unions, strikes, and employment law was not clear. During the 10 weeks that the TNC interim government was in control of the entire country, there were sporadic reports of strikes by professional groups, such as teachers and lawyers, who used strike as a method to protest political policies and actions. The TNC and interim government did not take any actions to prevent or hinder these strikes.

Since February there were reports of migrant workers held hostage by their employers after going on strike demanding their pay. In a case involving Nepalese workers, neither the new government nor the official trade unions provided assistance to the migrants, who were eventually assisted by the IOM.

b. Prohibition of Forced or Compulsory Labor

The Qadhafi-era law prohibited all forms of forced or compulsory labor. There were numerous reports of forced labor by migrant workers, for example Filipinos, Indians, and sub-Saharan Africans, in the construction and domestic sectors after they were smuggled into the country. During the conflict there were reports that both Qadhafi government fighters and militias forced migrants into participating in fighting; the extent of the practice was unknown. The IOM reported that migrants in IDP camps and transit centers controlled by militias or armed groups were subject to forced labor and trafficking.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

Qadhafi-era law prohibited children younger than 18 from being employed, except when in a form of apprenticeship. No information was available concerning whether the law limited working hours or sets occupational health and safety restrictions for children. Under Qadhafi the General People's Committee for Manpower, Employment, and Training was responsible for enforcing laws on child labor. At year's end it was not clear whether the interim government had the capacity to enforce these laws or which agency would be responsible for doing so.

There was no information available on the prevalence of child labor or the effect that the conflict had on the practice.

d. Acceptable Conditions of Work

The minimum wage was 250 dinars (approximately \$200) per month. Although some public sector employees, such as professors, received pay increases in recent years, a freeze imposed more than a decade before continued to depress earnings. The Qadhafi government paid an additional pension of 90 dinars (\$72) for a single person, 130 dinars (\$104) for a married couple, and 180 dinars (\$144) for a family of more than two. The interim government generally continued these payment practices, except when wages were frozen for periods during the conflict. The government heavily subsidized rent and utilities, and government workers received an additional 130 dinars (\$104) per month for food staples during the year. One-third of Libyans lived below the poverty line.

The legal workweek was 40 hours. Under Qadhafi, the law stipulated the standard working hours, night shift regulations, dismissal procedures, and training requirements. The law did not specifically prohibit excessive compulsory overtime.

The Qadhafi government set occupational health and safety standards. The Qadhafi-era law granted workers the right to court hearings regarding these standards and provided workers with the right to remove themselves from unhealthy or unsafe working conditions without jeopardizing their employment.

Under Qadhafi, labor inspectors were assigned by municipal governments to inspect places of work for compliance with government-defined health and safety standards. Certain industries, such as the petroleum sector, attempted to maintain standards set by foreign companies. There was no information on whether workers could remove themselves from an unhealthy or unsafe work situation without jeopardizing their employment. There was no information available on whether inspections continued during the conflict.

While the 2006 census counted 349,040 foreigners resident in the country, observers and diplomatic missions with large migrant populations in the country estimated that the preconflict number of undocumented workers was between 1.5 and two million. Although foreign workers reportedly constituted more than 20 percent of the workforce, the labor law applies only to legal foreign workers who have work contracts, which were a fraction of the total. Contracts, generally written in Arabic, were required for the hiring business to sponsor the worker for a visa, yet such contracts were rare and generally used only if the business was closely monitored or regulated by the Qadhafi government.

Under Qadhafi, authorities permitted foreign workers to reside in the country only for the duration of their work contracts, and workers were prohibited from sending more than half of their earnings to their home countries. There was no information on whether the interim government enforced these regulations. However, there were reports that, by year's end, it had become difficult for migrants to acquire work permits.

Foreign workers were subject to arbitrary pressures, such as changes in work rules and contracts, and had little choice other than to accept such changes or depart the country. This was especially true during the conflict, when many foreign workers fled the country and others were detained in temporary camps.