

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	205
Land:	Libyen
Kilde:	Amnesty International
Titel:	Amnesty International report 2014/15
Udgivet:	25. februar 2015
Optaget på baggrundsmaterialet:	18. juni 2015

EN

LIBYA[Back to Libya](#)

Amnesty International Report 2014/15

State of Libya

Head of state: Disputed (Agila Saleh Essa Gweider, President of the House of Representatives, replaced Nuri Abu Sahmain, President of the General National Congress in August)

Head of government: Disputed (Abdallah al-Thinni replaced Ali Zeidan in March; Ahmad Matiq briefly replaced Abdallah al-Thinni in May in a disputed vote ruled unconstitutional; Abdallah al-Thinni replaced Ahmad Matiq in June)

Militias and other armed forces committed possible war crimes, other serious violations of international humanitarian law and human rights abuses. They killed or injured hundreds of civilians and destroyed and damaged civilian infrastructure and objects in indiscriminate shelling of civilian areas in Benghazi, Tripoli, Warshafana, Zawiya, the Nafusa Mountains and elsewhere. Libya Dawn forces, Zintan Brigades and Warshafana militias abducted civilians based on their origin or political affiliation, tortured and otherwise ill-treated detainees, and in some cases summarily killed captured fighters. Islamist forces affiliated with the Shura Council of Benghazi Revolutionaries also abducted civilians and summarily killed scores of captured soldiers. Operation Dignity forces, which gained support of the interim government based in Tobruk, carried out air strikes in residential areas causing damage to civilian objects and resulting in civilian casualties, tortured or otherwise ill-treated some detained civilians and fighters, and were responsible for several summary killings. Political killings were common and carried out with impunity; hundreds of security officials, state employees, religious leaders, activists, judges, journalists and rights activists were assassinated. The trial of 37 officials from the rule of Mu'ammar al-Gaddafi began amid serious due process concerns; torture remained rampant; journalists were targeted for their reporting, and assaults against foreign nationals increased. Impunity, including for past human rights violations and abuses, remained entrenched.

Background

Following months of deepening political polarization and crisis over the legitimacy and mandate of the General National Congress (GNC), Libya's first elected parliament, the country descended

into chaos as Benghazi, Derna, Tripoli, Warshafana, the Nafusa Mountains and other areas became engulfed in armed conflicts along political, ideological, regional and tribal lines.

Tensions were high at the time of February elections for a Constitution Drafting Assembly (CDA), tasked with devising a new Constitution. The CDA elections were marred by violence, a boycott by some ethnic minorities, and a low allocation of seats for women. By the end of the year, the CDA had released its preliminary recommendations and opened them for public consultation.

In May, retired army General Khalifa Haftar launched Operation Dignity, a military offensive with the stated aim of fighting terrorism, in Benghazi, against a coalition formed of Ansar al-Sharia and other Islamist armed groups (later named the Shura Council of Benghazi Revolutionaries). Initially denounced by the authorities, Operation Dignity, which subsequently spread to Derna, gained support from the new government that took office following elections in June for a House of Representatives (HOR) that replaced the GNC. These elections, also marred by violence and a low turnout, resulted in a defeat for Islamist parties.

In July, a coalition of predominantly Misratah, Zawiya and Tripoli-based militias launched a military offensive, Libya Dawn, in the name of protecting the “17 February Revolution” against rival militias from Zintan and Warshafana, affiliated to the liberal and federalist parties dominating the HOR, which they accused of carrying out a counter-revolution alongside Operation Dignity. In August, the HOR relocated due to insecurity in Tripoli, establishing its base at Tobruk, amid a boycott by 30 of its members. It recognized Operation Dignity as a legitimate military operation led by the Libyan army, declared Libya Dawn forces and Ansar al-Sharia terrorist groups, and called for foreign intervention to protect civilians and state institutions. Aircraft from the United Arab Emirates flying from Egyptian airbases reportedly carried out air strikes on Libya Dawn forces as they fought to win control of Tripoli International Airport, which they achieved on 23 August, forced the Zintan Brigades from the capital, and seized control of state institutions there. The fighting and associated insecurity, including attacks on foreign diplomats and staff of international organizations, led the UN Support Mission in Libya (UNSMIL), whose mandate the UN Security Council renewed in March, foreign embassies and international organizations to suspend their operations in Tripoli and evacuate staff. Bombings and other attacks targeted government buildings and public places throughout the year.

After capturing Tripoli, Libya Dawn forces reconvened the GNC, which appointed a new Prime Minister and National Salvation Government (NSG). The NSG claimed that it had taken charge of most state institutions in the west, in opposition to the HOR government in Tobruk.

On 6 November, the Supreme Court issued a ruling that invalidated the elections for the HOR. The Tobruk-based government, recognized by the UN and backed by most of the international community, rejected the ruling, alleging that judges had been threatened by Libya Dawn. Armed clashes between rival tribes continued in Sabha and Obari in southwest Libya leading to a worsening of the humanitarian situation. Derna, an eastern city, was controlled by Islamist armed groups which enforced a strict interpretation of Shari’a law (Islamic law) and committed serious human rights abuses. In October, one armed group based in Derna, the Shura Council of Islamic Youth, declared allegiance to the Islamic State armed group fighting in Syria and Iraq.

Internal armed conflict

Warring parties in the east and west of Libya carried out indiscriminate attacks resulting in hundreds of civilian casualties and damage to civilian buildings and infrastructure including hospitals, homes, mosques, businesses, farms, power stations, airports, roads and a large fuel storage facility. They fired artillery, mortars, GRAD rockets and anti-aircraft weapons from and into residential areas. Operation Dignity forces carried out air strikes in Benghazi, Derna, Tripoli, Zuara, Bir al-Ghanem and Misratah, at times in residential areas, reportedly killing and injuring civilians and damaging civilian buildings. Zintan Brigades allegedly used antipersonnel mines around Tripoli International Airport.

The Libya Dawn attack on Zintan Brigades protecting Tripoli International Airport damaged several buildings and aircraft, according to officials. In December, a rocket hit a large oil tank at al-Sider port resulting in a fire and destroying up to 1.8 million barrels of crude oil.

With some exceptions, militias, army units and armed groups showed disregard for civilian life, objects and infrastructure and failed to take the necessary precautions to avoid or minimize civilian casualties and damage. Heavy fighting in residential areas caused disruption to health care, notably in Warshafana and Benghazi, where patients had to be evacuated from hospitals. Shortages of fuel, electricity, food and medicine were reported across Libya.

In Warshafana and Tripoli, Libya Dawn forces looted and burned civilian homes and other property on the basis of the owner's origin or political affiliation. Armed groups denied access for humanitarian relief in Obari and obstructed the evacuation of the wounded in Kikla.

UNHCR, the UN refugee agency, estimated that almost 395,000 people were internally displaced by the conflict between mid-May and mid-November. The Tawargha community, displaced since 2011, suffered further displacement and militia attacks; many sought shelter in municipal parks and car parks.

Armed forces on all sides carried out reprisal abductions, holding civilians solely on account of their origin or perceived political affiliation, often as hostages to secure prisoner exchanges. Both Libya Dawn forces and armed groups affiliated with the Zintan-Warshafana coalition tortured and otherwise ill-treated captured fighters and civilians they abducted, using electric shocks, stress positions, and denial of food, water and adequate washing facilities. Captured fighters were subjected to summary killings by all warring parties. In Benghazi, forces affiliated with the Shura Council of Benghazi Revolutionaries abducted civilians and carried out summary killings, including beheadings of captured soldiers and purported supporters of Operation Dignity. Groups aligned with Operation Dignity forces burned and destroyed scores of homes and other property of perceived Islamists; detained civilians on account of their political affiliation; and carried out several acts of torture and other ill-treatment and several summary killings.

Unlawful killings

Hundreds of individuals, including security officials, state employees, religious leaders, activists, journalists, judges and prosecutors were killed in politically motivated assassinations in Benghazi, Derna and Sirte allegedly by Islamist armed groups. None of those responsible were held to account. In May, gunmen shot dead an International Red Cross delegate in Sirte.

In June, human rights lawyer and activist Salwa Bughaighis was shot dead in her home after she gave a media interview in which she accused armed groups of undermining parliamentary elections. In July unidentified assailants killed former GNC member Fariha Barkawi in Derna. On 19 September, known as Black Friday, at least 10 individuals, including two youth activists, were killed by unidentified assailants.

Two public execution-style killings, as well as public floggings, were carried out by the Shura Council of Islamic Youth, an armed group controlling Derna which established an Islamic Court there. In August, an Egyptian man accused of theft and murder was shot dead at a stadium in Derna. In November, three activists were beheaded in Derna following their abduction, allegedly by an Islamist armed group. In December, the Islamic Court issued a warning to current and former employees of the Ministries of the Interior, Justice and Defence.

Freedoms of expression, association and assembly

The GNC tightened restrictions on freedoms of expression, association and assembly. Decree 5/2014, adopted by the GNC in January, banned satellite television stations from broadcasting views deemed “hostile to the 17 February Revolution”, while decree 13/2014 empowered authorities to suspend the scholarships of students and salaries of state employees abroad who engaged in “activities hostile to the 17 February Revolution”. Law 5/2014 amended Article 195 of the Penal Code to criminalize insults to officials, the state’s emblem and flag, and any act perceived as “an attack against the 17 February Revolution”.

In January, a court sentenced an engineer to a three-year prison term for participating in a June 2011 protest in London, UK, against NATO’s involvement in the Libyan conflict and allegedly publishing false information about Libya.

In November, newspaper editor Amara al-Khattabi was sentenced to five years in prison for insulting public officials, barred from practising journalism and stripped of his civil rights for the duration of the sentence and ordered to pay heavy fines.¹

Militias increased their attacks on the media, abducting scores of journalists and subjecting others to physical assaults or other ill-treatment, arbitrary detention, threats and assassination attempts. At least four journalists were unlawfully killed, including newspaper editor Muftah Abu Zeid, who was shot dead by unidentified armed men in Benghazi in May. In August, Libya Dawn forces in Tripoli destroyed and burned the premises of two TV stations, Al-Assema and Libya International.

Scores of journalists, human rights defenders and activists fled abroad because of the threat posed to them by militias. In September, Libya Dawn forces reportedly raided the offices of the National Commission for Human Rights and removed its archive of individual complaints, raising concerns of reprisals against victims of abuses.

In November, the National Council for Human Rights and Civil Liberties was closed, reportedly by Libya Dawn forces, amid intimidation of its members.

Justice system

The justice system remained paralyzed by violence and lawlessness, hampering investigations into abuses. In March, courts suspended work in Derna, Benghazi and Sirte amid threats and attacks against judges and prosecutors. The Ministry of Justice exercised only nominal control over many detention facilities holding perceived Mu'ammar al-Gaddafi loyalists.

A deadline set by the Law on Transitional Justice and extended by the GNC, to charge or release all detainees held in relation to the 2011 conflict by 2 April, was not met. As of March, only 10% of the 6,200 detainees held in prisons under the Ministry of Justice had been tried, while hundreds continued to be held without charge or trial in poor conditions. Release orders remained unimplemented due to militia pressure.

Delays in the processing of cases of perceived al-Gaddafi loyalists held since 2011 were exacerbated by the renewed conflicts as shelling prevented the transfer of detainees for trial. Family visits to prisons were suspended in several cities, prompting concern for the detainees' safety.

The trial of 37 former officials from Mu'ammar al-Gaddafi's rule began in March amid serious due process concerns. Defence lawyers were denied access to some evidence, given insufficient time to prepare, and were intimidated. Saif al-Islam al-Gaddafi, one of Mu'ammar al-Gaddafi's sons and the main defendant, appeared in court only by video link as he remained in militia custody in Zintan, casting doubt on the court's authority over him. Authorities controlling al-Hadba Prison complex, which hosts the courtroom, denied access to some independent trial observers including Amnesty International.

A video of the "confessions" of another of Mu'ammar al-Gaddafi's sons, Saadi al-Gaddafi, was broadcast on Libyan television following his extradition from Niger and imprisonment at al-Hadba. Prison authorities interrogated him without access to a lawyer, and denied access to him by UNSMIL, Amnesty International and others, despite the prosecution authorizing these visits.

In Zawiya, west of Tripoli, scores of al-Gaddafi loyalists were detained for periods of up to 18 months beyond the date they should have been released, as sentencing did not take into account the period of arbitrary detention by militias. Torture and other ill-treatment remained widespread in both state and militia prisons, and deaths in custody caused by torture continued to be reported.

Impunity

The authorities failed to carry out meaningful investigations into alleged war crimes and serious human rights abuses committed during the 2011 armed conflict or to address the legacy of past violations under Mu'ammar al-Gaddafi's rule, including the 1996 mass killing of over 1,200 detainees in Abu Salim Prison.

The authorities failed to surrender Saif al-Islam al-Gaddafi to the International Criminal Court (ICC) to face prosecution on charges of crimes against humanity. In May, the ICC Appeals Chamber confirmed Libya's legal obligation to transfer him to ICC custody.

In July, the ICC Appeals Chamber upheld a decision that Abdallah al-Senussi, a former military intelligence chief accused of crimes against humanity, could be tried domestically. Serious concerns remained, however, about violations of his due process rights, including restricted access to a lawyer of his choice.

The ICC Prosecutor initiated a second case and began compiling evidence against suspects residing abroad in accordance with a 2013 agreement with the Libyan government on prosecutions of former al-Gaddafi officials. Despite expressing concern in November that "crimes within the ICC jurisdiction are being committed", the ICC Prosecutor failed to begin investigations into crimes committed by militias.

In August, UN Security Council Resolution 2174 extended the scope for international sanctions to include those responsible for "planning, directing, or committing" violations of international human rights law or international humanitarian law, or human rights abuses, in Libya.

Women's rights

Women continued to face discrimination in law and practice, and were inadequately protected against gender-based violence; reports of sexual harassment increased. A decree providing for reparations to victims of sexual violence by state agents under Mu'ammar al-Gaddafi's rule and during the 2011 conflict was adopted but remained largely unimplemented.

Women candidates to the CDA faced difficulties in campaigning and registering to vote.

Women's rights activists faced intimidation and in some cases assault by militias. Unveiled women were increasingly stopped, harassed and threatened at checkpoints. Several women were reported to have been killed by male relatives in so-called "honour killings" in the Sabha area.

Refugees' and migrants' rights

Thousands of undocumented migrants, asylum-seekers and refugees were detained indefinitely for migration-related offences following their interception at sea or identity checks. They faced torture and other ill-treatment in detention centres run by the Ministry of the Interior and militias, including on account of their religion, and were subjected to forced labour. Women faced intrusive strip-searches by male guards.

Foreign nationals, in particular Egyptian Copts, were abducted, abused and unlawfully killed on account of their religious beliefs. In February, seven Egyptian Coptic migrant workers were abducted and shot dead in Benghazi, allegedly by members of Ansar al-Sharia.

The authorities continued to subject foreign nationals to compulsory medical tests as a prerequisite for issuing residency and work permits, and detained anyone diagnosed with infections such as hepatitis B or C and HIV in preparation for deportation.

Foreign nationals faced abductions and abuse for ransom. Many were victims of human trafficking by smugglers upon irregular entry into Libya.

The escalation of violence impelled some 130,000 refugees and migrants, including refugees from Syria, to travel to Italy via unseaworthy and overcrowded fishing boats. Many spent weeks locked in houses by smugglers prior to departure and were exploited, coerced and abused. Smugglers forced sub-Saharan Africans to travel below deck in overheated engine rooms without water or ventilation; some died of suffocation or intoxication with fumes.

UNHCR reported in mid-November that 14,000 registered refugees and asylum-seekers were trapped in conflict zones in Libya.

Discrimination – religious and ethnic minorities

Attacks on Sufi religious sites continued while the authorities failed to provide adequate protection or conduct investigations. Sufi tombs were destroyed in Tripoli, Brak al-Shatti, Derna and Awjila. In July, unidentified assailants in Tripoli abducted Tarek Abbas, a Sufi imam; he was released in December.

Libyan atheists and agnostics faced threats and intimidation from militias in relation to their writings on social networking websites.

Tabu and Tuareg ethnic minorities continued to face obstacles in acquiring family identity booklets, hindering their access to health care, education and political participation.

Death penalty

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

1. Libya: Jail sentence of Libyan editor a blow to free expression (MDE 19/010/2014) www.amnesty.org/en/documents/mde19/0010/2014/en

SHARE THIS

CONTACT

e: contactus@amnesty.org
t: +44-20-74135500
f: +44-20-79561157

[International Secretariat](#)

RESOURCES

[Media Centre](#)

[Human Rights Education](#)

[Research](#)

[Annual Reports](#)

[Urgent Action Database](#)

GET INVOLVED

[Join](#)

[Take Further Action](#)

[Volunteer](#)

[Shop](#)

ABOUT US

[Jobs](#)

[Internships](#)

[How We're Run](#)

WHERE WE WORK

[Privacy Policy](#) [Cookie Statement](#) | [Terms and Conditions](#)

© 2015 AMNESTY INTERNATIONAL