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Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

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Information on treatment of those who fled from Gaddafi earlier in the year and who now wish to return to Libya.

An *IRIN News* report comments on the current situation in Libya as follows:

“The former rebel National Transitional Council now has full control of the country, and while there are many weapons among militias outside government control, the situation has stabilized since the worst days of fighting.” (IRIN News (2 November 2011) *Egypt-Libya: Returnees struggle to survive*)

A *Christian Science Monitor* article states:

“The new Libya is dominated by militias like the Zintan Brigade. They participated in the liberation of Tripoli in August and they never left. Now that the fighting is over, most militias won’t give up their guns. Accusations of mafia-style behavior are growing, as are worries that inter-militia fighting could break out before the new Libya is even born.” (Christian Science Monitor (4 November 2011) *Libya militias taking law into own hands*)

In a paragraph headed “Scorched earth” this article states:

“Few cities in Libya suffered as much during the war as the western coastal town of Misurata, where more than 1,000 people were killed during a months-long siege by Muammar Qaddafi’s troops. As a result, Misurata’s fighters feel they are accountable to no one, not even the country’s interim government. They say they’ve earned the right to do what they like, and are showing some disturbing tendencies distinctly at odds with the pro-democracy aspirations voiced by Libyans, who have already paid dearly for Mr. Qaddafi’s overthrow. For instance, the men from Misurata have unilaterally declared that the inhabitants of Tawargha, a mostly black neighboring city where many people stayed loyal to Qaddafi, will not be allowed to return. Fighters from Misurata have chased the residents of Tawargha all over Libya, arresting them in refugee camps and jailing them in Misurata. Last week, they began burning houses in Tawargha to make sure that nobody returns.” (ibid)

See also paragraph headed “A lawless new Libya?” which states:

“‘Misurata considers every Libyan citizen a Qaddafi supporter until proven otherwise,’ says the activist. ‘If I have a problem with you, all I need to do is call Misurata and you will be kidnapped from your house and taken to Misurata.’” (ibid)

An *Agence France Presse* report states:

“The graffiti on a burnt-out building on Tripoli Street -- the main boulevard in Misrata in ruins after ferocious street fighting -- sums up the bitter mood in a city besieged for months by Moamer Kadafi's forces. ‘We don't want the traitors and the people who ran away and want to come back,’ it says. That message echoes others scrawled around the Mediterranean port, which was a wealthy trading centre before Libya's revolution erupted in February. The ‘traitors’ are the people suspected of collaborating with Kadhafi's forces as they pummelled the city and who are now being hunted down and imprisoned by a 70-strong team run by the new authorities. The ones who ran away are mostly being blocked from returning -- checkpoints ring the city and only those with special permission can enter -- until they can prove that they did not collaborate. But even those who do make it back are subjected to scorn -- and sometimes violence -- by their fellow townspeople who stuck it out and fought back during the long months when victory was far from certain.” (Agence France Presse (23 September 2011) *Fear and loathing in Libya's Misrata*)

This report also states:

“Nearly all of the outsiders left when the fighting began and few in this town -- which is intensely suspicious of outsiders as well as of black-skinned Libyans seen as loyal to Kadhafi -- want them back. Nor do many Misratans want to see the return of the natives who fled. ‘If a guy ran away from Misrata and did not fight, he cannot come back,’ said Mohamed Rgeeg, whose family lived on Benghazi Street until their apartment was blitzed by a rocket-propelled grenade early in the siege. The 20-year-old, his parents and siblings now live in an apartment allocated to them by the new authorities in the Ghoush district. It used to belong to a man he said was a Kadhafi loyalist. The authorities take a less hard-line approach, saying that if their hands are clean any Misrata resident can return. Security chief Sherkissiya warned however that for the moment returnees might not be safe: he was keeping some people in detention simply to protect them from possible attack from neighbours who saw them as traitors, he said.” (ibid)

A *Refugees International* report states:

“For most Libyans, news of Muammar Gaddafi's death and the fall of Sirte marks the end of a long and brutal nightmare. But for some, the triumph of the National Transitional Council (NTC) and its revolutionary fighters is a cause for grave concern. In the past eight months, the NTC and its allies have failed to protect the most vulnerable in Libya, including sub-Saharan migrants and minority Libyans -- many of whom have been arbitrarily targeted and detained by rebel forces and forced to flee their homes. So as the conflict comes to an end, Refugees International calls on Libya's new leaders to enforce a ban on score-settling and revenge attacks against vulnerable groups, protect them from gangs and rogue elements, and provide assistance and long-term solutions for all who have been forced to flee the fighting.” (Refugees International (20 October 2011) *End of Gaddafi Rule Leaves Many Libyans Vulnerable, In Need*)

A report from the *Internal Displacement Monitoring Centre* states:

“Displacement in Libya has mainly taken place in urban areas, with most IDPs being accommodated with relatives, host families or in other sites such as

public buildings. Despite the challenges their basic needs have generally been met. In mid-October, ongoing hostilities in Sirte and Bani Walid, the strongholds of Qadhafi loyalists, were still causing new displacements. In other areas of both eastern and western Libya where fighting had subsided, the improvement in security had already allowed significant numbers of IDPs to return to their cities and towns. The fall of Sirte in late October gave hope that IDPs would be able to return there, too. Nonetheless, concerns remain over the situation of certain displaced groups, including foreign nationals and those known to be loyal to the Qadhafi government.” (Internal Displacement Monitoring Centre (7 November 2011) *Libya: Many IDPs return but concerns persist for certain displaced groups*, p.1)

In a paragraph headed “Main protection issues” this report states:

“IDPs belonging to tribes known to be loyal to the former government, such as the Tawergha, Qawalish and Mesheshiya, have also been subjected to harassment, intimidation and discrimination and other human rights abuses. Opposition forces reportedly arbitrarily arrested hundreds of Tawergha IDPs, including women and children, bringing them to Misrata for detention and interrogation, often mistreating them.” (ibid, p.5)

A report from *Amnesty International*, in a section headed “Arbitrary Arrests”, states:

“Groups of armed *thuwwar* (revolutionaries, as fighters opposed to Colonel al-Gaddafi are commonly known) have ‘arrested’ many individuals suspected of being al-Gaddafi fighters or loyalists as well as alleged ‘African mercenaries’, although such ‘arrests’ are better described as abductions. In all cases documented by Amnesty International, no arrest warrant was presented, even when suspects were taken from their home, and the captors never identified themselves. The individuals have then been taken away either in unmarked pick-up trucks with anti-aircraft machine-guns mounted on them or in regular vehicles. In some cases, captives have been thrown into car boots. Usually, no reason has been provided for their ‘arrest’ and no indication given to their relatives as to their destination.” (Amnesty International (13 October 2011) *Detention abuses staining the new Libya*, p.7)

This section of the report also states:

“Children have not been spared. Some have been ‘arrested’ alone; others have been taken along with their relatives. They have been held in the same facilities with adults, and treated as adults. Among the children interviewed by Amnesty International were Libyan ‘volunteers’ and foreign nationals suspected of being mercenaries. Hundreds of people have been seized at their homes, workplaces and checkpoints or simply from the streets. Many have then been beaten with sticks and rifle butts, kicked, punched and insulted, at times while blindfolded and handcuffed. In some cases, detainees said they were shot in the legs after capture. During house raids, many reported that items such as mobile phones, cars, money and identity documents were taken. Sometimes, property was destroyed in what appeared to be revenge attacks against suspected al-Gaddafi loyalists.” (ibid, p.7)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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