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Human rights in the Middle East and North Africa: Review of 2019; Libya

Militias, armed groups and security forces committed serious violations of international humanitarian law, including war crimes. Fighting in and around Tripoli between forces and militias loyal to the Government of National Accord (GNA) and the Libyan National Army (LNA) killed scores of civilians, injured hundreds more and displaced tens of thousands. Militias, armed groups and security forces arbitrarily detained thousands of people, most indefinitely without any judicial process. They also took some hostage for ransoms or to press for the release of a detainee or captive. Torture and other ill-treatment were widespread in prisons, detention centres and unofficial places of detention. Militias, armed groups and security forces suppressed freedom of expression by harassing, abducting and attacking politicians, journalists, human rights defenders and other activists; one journalist was unlawfully killed and 10 others arbitrarily detained. The Libyan authorities failed to protect women from gender-based violence at the hands of militias and armed groups. Intimidation, threats and violence against lawyers and judges by armed groups and militias seriously undermined the judicial system. The situation for tens of thousands of refugees, asylum-seekers and migrants remained bleak, as they were exposed to arbitrary arrest and abduction by militias and were regularly the victims of human trafficking and abuses by criminal groups. The authorities continued to unlawfully detain thousands of people in centres where they were subjected to exploitation, forced labour, torture and other ill-treatment. People were targeted by security forces, armed groups and militias because of their sexual orientation. Courts continued to hand down death sentences; no executions were reported.

Background

Militias, armed groups and security forces affiliated with the UN-backed GNA, led by Prime Minister Fayez al-Sarraj and based in Tripoli, and the self-proclaimed LNA, led by General Khalifa Haftar and affiliated with the interim government in the east of Libya, continued to operate outside the rule of law.

In January, the LNA, supported by local armed groups, launched an operation to seize the city of Sabha (https://en.wikipedia.org/wiki/Sabha,_Libya) and other areas of southern Libya from the GNA and local factions, thereby asserting the LNA's territorial control in south-west Libya. In April, the LNA launched an offensive to take control of the capital, Tripoli, and surrounding areas, which led to fighting between the LNA and GNA and their allied militias. This conflict was ongoing at the end of 2019, with neither

side making significant territorial gains. The armed group calling itself Islamic State maintained a presence in the far south of Libya. The group continued to carry out sporadic attacks and was targeted by US air strikes.

The political process remained stalled. The LNA's April offensive began days before a UN-facilitated national conference was due to start. The international community failed to come to a unified position on Libya and instead fuelled both sides' willingness and ability to sustain hostilities. The LNA was supported by the United Arab Emirates (UAE), Saudi Arabia, Egypt, France and Russia; the GNA was supported by Turkey, Qatar and Italy.

Armed conflict

In the context of armed hostilities, militias, armed groups and security forces continued to commit with impunity serious violations of international humanitarian law, including possible war crimes, and gross human rights violations. According to the UN Support Mission in Libya (UNSMIL) and the UN High Commissioner for Human Rights, at least 284 civilians were killed and 363 injured as a result of the armed conflict in 2019. The majority of these deaths and injuries were the result of violations (<https://www.amnesty.org/en/documents/mde19/1201/2019/en/>) of international humanitarian law by the LNA and GNA, including indiscriminate attacks using inaccurate explosive weapons in populated civilian areas.[1]

Air strikes, artillery barrages and shelling by the LNA and GNA struck civilian homes and other civilian infrastructure, including schools and businesses in and around Tripoli, and Tripoli's Mitiga airport. On 2 July, an attack by the LNA on an migrant detention centre in Tajoura, on the eastern outskirts of Tripoli, killed and injured dozens of migrants and refugees. Amnesty International also documented several attacks by the LNA on field hospitals and ambulances. One of the most devastating attacks was on 27 July, when five medics and rescuers were killed and eight were injured in a missile strike on a temporary field hospital near Tripoli international airport, south of the city. The fighting in and around Tripoli displaced more than 140,000 people, aggravated humanitarian needs and interrupted access to health care, electricity and other basic services.

The LNA operation in the south in early 2019 led to the death and injury of scores of civilians. Intermittent clashes in the southern town of Murzuq continued. On 4 August, an air strike on a town hall meeting in the residential district of Qalaa in Murzuq killed at least 43 people. The LNA confirmed launching a strike on Murzuq on that date but denied targeting civilians. The attack sparked heavy urban fighting between the Tebu and Alahali communities, the looting of homes and businesses, and mass displacement.

In violation of a comprehensive UN arms embargo in place since 2011, third countries supported the LNA and GNA through illicit arms transfers and direct military support. The GNA's primary sponsor, Turkey, provided it with Kirpi armoured fighting vehicles and Bayraktar TB2 armed drones. The LNA's primary sponsor, the UAE, provided it with Chinese-manufactured Wing Loong drones and operated them on its behalf.

Arbitrary arrests and detentions

Militias, armed groups and security forces continued to arbitrarily detain thousands of people. Many had been held since 2011, and most were detained indefinitely without judicial oversight or the means to challenge the legality of their detention. Hundreds of detainees in Mitiga prison in Tripoli’s eastern outskirts, run by the Special Deterrent Forces (Radaa forces), a militia group affiliated to the GNA and on its payroll, were held indefinitely without judicial process. They were kept in overcrowded cells with insufficient food and water and denied access to medical services.

Torture and other ill-treatment

Torture and other ill-treatment by militias, armed groups and security forces were widespread in prisons, detention centres and unofficial places of detention. Amnesty International documented cases in which detainees were subjected to mock executions, beatings and floggings, and prolonged solitary confinement. Detainees were also raped, including by having objects forcibly inserted into their anuses, and suffered other sexual violence.

Hostage-taking

Militias, armed groups and security forces, operating independently or under the orders of the LNA or GNA, continued to abduct people for the purpose of taking them hostage. Abductions were often carried out for ransoms or to press for the release of a detainee or captive. Victims were generally targeted on the basis of their regional origin, perceived political opinions, profession or perceived wealth. For instance, in October, six medical workers were abducted and held captive for 12 days by a local armed group from the north-western city of Zintan to pressure the GNA to release a Zintan resident detained by the Radaa forces.

Freedom of expression

Security forces, armed groups and militias suppressed freedom of expression by harassing, abducting and attacking politicians, human rights defenders and other activists, forcing many to flee the country. The targeting of journalists was a particularly worrying trend in 2019, with UNSMIL documenting one unlawful killing and more than 10 arbitrary arrests and detentions of journalists. For instance, the al-Kaniat Brigade, an armed group affiliated with the LNA, held Mohamed al-Qaraj and Mohamed al-Shibani, journalists for Libya Alahrar TV, for 22 days near Tripoli in May.

Journalists, bloggers, media workers and others active on social media across Libya were also targeted for questioning by security forces, militias and armed groups as a way of intimidating them and silencing dissent. According to the Libyan Center for

Freedom of the Press, the true number of journalists and bloggers targeted for intimidation or abuse will never be known as many refuse to speak publicly about such incidents, fearing reprisals against themselves or their families.

On 6 May, the LNA issued a statement threatening with “punishment by the Libyan law” all journalists, media figures, activists and political analysts who publicly opposed its offensive on Tripoli, saying that such people were guilty of “inciting hate and crime against the army forces” and “supporting terrorism”. On 17 July, gunmen abducted parliamentarian Siham Sergiwa in a night-time raid on her home in Benghazi after she criticized the LNA’s offensive to capture Tripoli in a TV interview earlier that day. Family members had received no news on her whereabouts by the end of the year.

Women's rights

The Libyan authorities failed to protect women, including journalists, bloggers, human rights defenders and other activists, from gender-based violence at the hands of militias and armed groups or to ensure that they were able to express themselves freely. Women who spoke out against corruption or the violent actions of militias, the LNA or the GNA were subjected to threats, abduction and gender-based violence.

In October, gunmen raided two cafés in Tripoli to intimidate women unaccompanied by a male family member. The armed men asked to see customers’ marriage certificates, took male customers who were with female friends out of the café for questioning and told women they should be accompanied by their husbands or male relatives. The raids sparked a wave of criticism on social media against the Radaa forces, though a spokesperson for the Radaa forces denied they were responsible.

Justice system and impunity

The judicial system continued to operate at very limited capacity. Judges across the divided country acted formally under a single authority, the Supreme Judicial Council. However, prosecutors and judges were generally unable to provide recourse for victims of crimes, including human rights violations, owing to armed groups’ and militias’ consistent use of intimidation, threats and violence against lawyers and judges.

At the international level, the International Criminal Court continued to have jurisdiction over war crimes and crimes against humanity committed since 2011, under a referral made by the UN Security Council. However, the arrest warrants for Saif Al-Islam Gaddafi, Mahmoud Al-Werfalli and Al-Tuhamy Mohamed Khaled remained unenforced and their whereabouts remained unknown. At the 42nd session of the UN Human Rights Council in September, the UN Deputy High Commissioner for Human Rights and the Special Representative of the UN Secretary-General emphasized the need for accountability in Libya and called for the establishment of an international investigative mechanism to document violations and abuses.

Refugees, migrants and asylum-seekers

The situation for tens of thousands of refugees, asylum-seekers and migrants remained bleak, as they were exposed to arbitrary arrest and abduction by militias and were regularly the victims of human trafficking and abuses by criminal groups. They were also exposed to increased dangers due to the ongoing hostilities.

The authorities continued to unlawfully detain thousands of people in centres run by the General Directorate for Combating Illegal Migration (DCIM), where they were subjected to exploitation and forced labour. They were also tortured and otherwise ill-treated, including by being raped, often to extract money from their families in exchange for release.

Those detained were kept in inhuman conditions and faced overcrowding as well as shortages of food, water and medical treatment. According to the Office of the UN High Commissioner for Human Rights, at least 22 detained migrants and refugees died of tuberculosis and other illnesses contracted while in detention at a facility in Zintan between September 2018 and July 2019. Refugees and migrants continued to be held in detention centres near active combat zones. This put them at risk of death and injury during indiscriminate or targeted attacks, such as the 2 July attack on Tajoura migrant detention centre.

In 2019, at least 9,798 migrants were evacuated through “assisted voluntary returns”, and 2,427 refugees were evacuated through resettlement programmes or on humanitarian grounds. However, the centres were regularly repopulated, as Libya’s maritime authorities, in particular the Libyan Coast Guard, intercepted at least 9,225 refugees and migrants crossing the central Mediterranean and returned most of them to Libyan detention centres. Threats against NGOs conducting search and rescue operations and the use of violence against refugees and migrants continued during such operations and at points of disembarkation. For instance, in September, the Libyan authorities shot dead a Sudanese man during disembarkation when a group of refugees and migrants attempted to avoid detention. In September, the GNA adopted a code of conduct to restrict rescue operations by NGOs and others.

Throughout the year, Italy and other EU member states continued to support Libya’s maritime and other authorities, including through the donation of speedboats, training of crews and other assistance.

Libya, which is not a party to the 1951 UN Refugee Convention, continued to refuse to fully recognize UNHCR, the UN Refugee Agency. The Gathering and Departure Facility, established by UNHCR and the DCIM in late 2018, operated throughout the year. The UNHCR described the facility as overcrowded and under resourced, with “deteriorating living conditions”, and, in November, the agency called the situation at the facility “unsustainable”. In September, UNHCR set up an emergency transit mechanism in Rwanda to evacuate a limited number of refugees and asylum-seekers.

Rights of lesbian, gay, bisexual, transgender and intersex (LGBTI)

people

Amnesty International received numerous reports of people being blackmailed, abducted, detained or otherwise targeted by security forces, armed groups and militias because of their sexual orientation.

Death penalty

While no executions were reported, courts continued to hand down death sentences.

[1] Amnesty International, *Libya’s relentless militia war: Civilians harmed in the battle for Tripoli, April-August 2019* (Index: MDE 19/1201/2019), <https://www.amnesty.org/en/documents/mde19/1201/2019/en/> (<https://www.amnesty.org/en/documents/mde19/1201/2019/en/>)

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