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World Report 2019 - Libya

Unaccountable militias—some linked to the interior and defense ministries of the United Nations-backed Government of National Accord (GNA), and others linked to the Libyan National Army (LNA) affiliated with the rival Interim Government—continued to clash with each other in various parts of the country, as efforts to reconcile main parties in the east and west failed. In Libya’s south, Tebu, Tuareg, and Arab armed groups continued to clash for control of territory and resources.

Despite the UN’s support for holding elections in 2018, prospects for a nationwide vote remained dim due to the political impasse.

The violence, including frequent attacks on oil installations, disrupted the economy and public services. Around 200,000 people remained internally displaced, as of October.

Armed groups, some of them affiliated with the GNA or the Interim Government, carried out extrajudicial executions, attacked civilians and civilian properties, and abducted, tortured, and disappeared people.

The extremist armed group Islamic State (also known as ISIS) carried out several attacks that killed both civilians and members of the security forces.

Although the number of migrants and asylum seekers who transited Libya en route to Europe dropped dramatically compared to 2017, the number of those who died trying to reach Europe via the so-called Central Mediterranean Route soared. Those who ended up in detention in Libya faced ill-treatment and inhumane conditions at the hands of guards in official detention centers run by one of the competing governments, and in unofficial places of detention controlled by militias or traffickers and smugglers.

Political Transition and Constitution

The GNA struggled to gain control over territory and institutions in western Libya. The LNA, under the command of General Khalifa Hiftar and allied with the Interim Government, expanded control over territory in the east and south.

Libya’s legislative body, the House of Representatives (HOR), allied with the LNA and Interim Government, approved on September 25 amendments to the 2011 Constitutional Declaration, paving the way for a referendum on the draft constitution, and gave the High National Elections Commission (HNEC) 90 days to organize the referendum.

Armed Conflict and War Crimes

On January 23, unidentified armed groups detonated two car bombs in front of Baya’at al-Radwan mosque in Benghazi, killing at least 34 people and wounding over 90. Video recordings appeared to show LNA commander Mahmoud al-Werfalli, wanted for war crimes by the International Criminal Court (ICC) since August 2017, allegedly executing 10 individuals on January 24 in front of the same mosque.

Between February and June, clashes in the southern town of Sebha between armed groups loyal to the Awlad Suleiman and Tebu groups killed at least 16 civilians.

On May 2, ISIS claimed responsibility for an armed attack on the HNEC in Tripoli that, according to news reports, resulted in the killing of 14, most of them staff members, and the wounding of at least 19 others.

In May, after a nearly 20-month-long siege of Derna, the LNA started a land and air operation to wrest control of the eastern city from the Derna Mujahdeen Shura Council (DMSC), an armed group that includes Islamists that opposes the LNA. As of September, resistance was reduced to one neighborhood, where some families remained trapped by the fighting. According to GNA-linked local council officials and members of the Derna Committee for Displaced, at least 1,000 families had been displaced by the fighting to other towns. Local officials also alleged cases of extrajudicial executions, appropriation of private property, looting, and arbitrary detention by the LNA as it overran the city.

Clashes erupted on August 26 in the capital, Tripoli, between armed groups vying for control of state institutions and lasted one month. While the southern parts of the city bore the brunt, indiscriminate shelling in neighborhoods elsewhere also killed civilians and destroyed infrastructure. At least 120 people were killed and 400 wounded over the course of the month-long fighting, according to the UN Support Mission in Libya (UNSMIL). The fighting involved destruction of civilian property, looting, abductions, and the displacement of thousands.

ISIS claimed responsibly for an attack on October 29, on al-Foqha, a town in central Libya, that resulted in the killing of four civilians—including two who were executed in public—in addition to at least nine who were abducted, according to UNSMIL.

Judicial System and Detainees

Civilian and military courts operated at reduced capacity and were closed down entirely

in some parts of the country

Prison authorities, often only nominally under the authority of one or another of the two rival governments, continued to hold thousands of detainees in long-term arbitrary detention without charges.

Pursuant to a ceasefire agreement between warring factions, the Special Deterrence Force (SDF), which is linked with the GNA Interior Ministry, released in September from Mitiga Prison, one of its prisons in Tripoli, 120 prisoners who had been held beyond the expiration of their sentences. In October, the SDF transferred 120 prisoners accused or sentenced for minor infractions, from Mitiga to Jdeida Prison, which is controlled by the GNA Justice Ministry. According to UNSMIL, authorities released 255 detainees in the aftermath of the crisis as of November 8.

Over 100 mostly non-Libyan women and children remain held without charge in two prisons in Tripoli and Misrata, and 24 orphaned children were at time of writing being held separately in a facility run by the Libyan Red Crescent in Misrata, all of them because of their suspected familial relationship to alleged ISIS fighters. There are few prospects for their release, either because it is not clear where they are from or because their governments will not accept their repatriation. Prisons in Libya are marked by overcrowding, bad living conditions, widespread ill-treatment and the lack of specialized services for women and children, such as educational and leisure activities and medical care.

International Criminal Court

On July 4, a second arrest warrant was issued at the International Criminal Court (ICC) against LNA Commander al-Werfalli. Al-Werfalli's whereabouts were unknown at time of writing.

The ICC unsealed in April 2017 an arrest warrant that it had issued in 2013 for Mohamed Khaled al-Tuhamy, who, under ousted Libyan leader Muammar Gaddafi, headed the Internal Security Agency, for serious crimes committed during the 2011 uprising. His whereabouts were unknown at time of writing.

Saif al-Islam Gaddafi, a son of former Libyan leader Muammar Gaddafi, who was sentenced to death in absentia by a Libyan court in 2015, continued to be subject to an ICC arrest warrant to face charges of crimes against humanity. Gaddafi's current whereabouts cannot be confirmed; independent international observers have not seen or heard from him since 2014.

In her November update to the Security Council, ICC Prosecutor Fatou Bensouda responded to a challenge brought by Saif al-Islam Gaddafi disputing the admissibility of his case in front of the ICC and affirmed that he should be arrested and surrendered to the court.

Death Penalty

The death penalty is stipulated in over 30 articles in Libya’s penal code, including for acts of speech and association. An unknown number of people were sentenced to death by Libyan civil and military courts since 2011, often after trials marred by due process violations. No death sentences have been carried out since 2010.

On August 15, and despite allegations of serious due process violations, a Tripoli court convicted 99 suspected Gaddafi supporters in a mass trial, sentencing 45 to death and 54 to five years in prison, in relation to the alleged killing of 146 people during the 2011 uprising.

Internally Displaced Persons

The International Organization for Migration (IOM) estimated that around 200,000 people were internally displaced in Libya as of October.

A few hundred of the 40,000 residents of Tawergha whom armed groups and authorities based in Misrata forcibly displaced in 2011, began to return to their hometown after authorities representing Misrata and Tawergha signed a reconciliation memorandum in June. Authorities in the city of Misrata accused Tawerghans of having committed serious crimes as alleged Gaddafi supporters during the 2011 uprising that ousted him. Misrata-linked armed groups ransacked, looted, burned, and destroyed the town after the departure of the population in 2011.

Fighting in eastern Libya since May 2014 has displaced thousands of civilians from Benghazi and Ajdabiya. They have sought shelter in the west of the country after militias affiliated with the LNA accused them of being terrorists and detained them, and attacked, burned or appropriated their homes. Since 2014, authorities in Misrata and Tripoli have detained tens of people displaced from Benghazi, often on dubious terrorism allegations. Since the fighting started in May in Derna, at least 1,000 families fled the fighting, according to Derna officials.

Freedom of Speech and Expression

Armed groups intimidated, threatened, and physically attacked activists, journalists, bloggers, and media professionals.

On April 29, the SDF arrested Suleiman Qashout and Ahmed Yaacoubi, organizers of an annual media award in Libya. They were both released in July, after being held without charge. Relatives and colleagues speculated that the SDF might have targeted the men because it disapproved of revealing clothing and the mixing of men and women at the award ceremony.

Musa Abdul Kareem, a journalist with the newspaper *Fasanea*, which is based in the south of Libya, was found dead on July 31 in Sebha, after unidentified individuals abducted him. According to news reports, Kareem had written reports critical of militias in Sebha.

On August 1, an armed group linked with the GNA Interior Ministry detained at the Tripoli Naval Base four Libyan journalists and photographers from Reuters and Agence France-Presse who were covering migration-related issues and held them for 10 hours without explanation.

Freedom of Religion

Since 2011, militias and forces affiliated with several interim authorities, as well as ISIS fighters, have attacked religious minorities, including Sufis, Ibadis, and Christians, and destroyed religious sites in Libya with impunity.

On November 28, 2017, unidentified assailants set fire to Zawiyat Sheikha Radiya, a historic Sufi mosque in Tripoli, heavily damaging it. This attack follows the destruction by unidentified assailants in October 2017 of Sidi Abu Gharara, another historic Sufi mosque in Tripoli.

In July, unidentified armed groups attacked and damaged at least four Sufi sites in Al-Majouri and Al-Kish neighborhoods of Benghazi.

Women’s Rights, Sexual Orientation, and Gender Identity

Libyan law does not criminalize domestic violence. Personal status laws discriminate against women, particularly with respect to marriage, divorce, and inheritance. The penal code allows for a reduced sentence for a man who kills or injures his wife or another female relative because he suspects her of extramarital sexual relations. It also allows rapists to escape prosecution if they marry their victim.

The penal code prohibits all sexual acts outside marriage, including consensual same-sex relations, and punishes them with flogging and up to five years in prison.

According to human rights activists, armed groups have continued to detain people because of their sexual orientation.

Migrants, Refugees, and Asylum Seekers

Libya remained a major hub for refugees, asylum seekers, and migrants on their way to Europe. Human Rights Watch interviewed migrants and asylum seekers who reported a litany of abuses at the hands of smugglers, and members of militias and gangs including rapes, beatings, and killings, with no intervention or protection provided by Libya’s weak law enforcement agencies.

As of August, the International Organization for Migration (IOM) recorded around 20,000 arrivals to Italy and Malta by sea since January, most of whom departed from Libya. According to the UN High Commissioner for Refugees (UNHCR), at least 1,111 died or went missing while crossing the central Mediterranean route to Europe. As of August, the IOM reported that there were 669,176 migrants in Libya, including more than 60,000 children.

Libya is not a party to the 1951 Refugee Convention and does not have a refugee law or procedure. UNHCR registers some asylum seekers but they—and those unable to register—are not effectively protected and assisted in Libya.

To discourage and prevent arrivals in Europe from Libya, the European Union has provided training, equipment, and funds to Libyan coast guard forces to intercept boats both in Libyan coastal waters and international waters, and to return migrants and asylum seekers to Libyan territory.

Migrants and asylum seekers who are captured at sea and returned to Libyan territory, are placed in detention, where many suffer inhumane conditions, including beatings, sexual violence, extortion, forced labor, inadequate medical treatment, and insufficient food and water.

The Department for Combating Illegal Migration (DCIM), under the GNA Interior Ministry, manages the formal migrant detention centers, while smugglers and traffickers run informal ones. As of July, DCIM estimated that official detention centers were holding 9,000 migrants and asylum seekers in Libya.

Key International Actors

The United States continued to conduct what it calls “precision airstrikes” against purported ISIS and Al-Qaeda targets in the south and west of the country. The United States did not report any civilian casualties

In a report issued on May 10, Cecilia Jimenez-Damary, the special rapporteur on the human rights of internally displaced persons (IDPs) and the first expert under the UN Special Procedures mechanisms to visit Libya after 2011, criticized the lack of a legal framework for addressing the rights and needs of IDPs, and the absence of a comprehensive policy in line with international standards.

In June, the UN Security Council renewed the arms embargo on Libya, effective since 2011, for another 12 months, and added measures to inspect vessels suspected of violating the embargo. On June 7, the Libya Sanctions Committee responsible for overseeing sanctions imposed by the Security Council, approved the addition of six individuals—including two Eritrean and six Libyan nationals—to the Libya Sanctions List subjecting them to asset freezes and travel bans in relation to alleged serious human rights abuses of migrants and participation in illicit human trafficking and smuggling.

On September 5, the UN Panel of Experts, established pursuant to UN Security Council resolution 1973 (2011), issued its final 2018 report on threats and attacks on Libyan state institutions, human rights abuses, violations of the arms embargo, illicit exports of petroleum and implementation of asset freezes and travel bans. The report found that most armed groups involved in human rights violations were affiliated with the GNA or LNA.

According to the panel, weapons transfers to eastern Libya such as armored vehicles, rifles, mortar, and rocket launchers have increased most notably in eastern Libya, which indicated that member states were not sufficiently enforcing the arms embargo.

In September, the UN Sanctions Committee imposed an asset freeze and travel ban on Ibrahim Jadhraan, a Libyan militia commander, for his repeated attacks against the oil crescent region in Libya that resulted in civilian casualties and for his attempts to export oil illegally.

The mandate of the European Union’s anti-smuggling naval operation in the central Mediterranean, Operation Sophia, runs until December 2018. It aims to disrupt migrant smugglers and human traffickers; it also has provided training to Libyan Coastguard and Navy forces and contributed to the enforcement of the UN arms embargo in international waters off Libya’s coast.

ecoi.net summary:

Annual report on the human rights situation in 2018



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