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Libya 2020

Militias, armed groups and third states, backing warring parties, committed violations of international humanitarian law, including possible war crimes, with impunity. Fighting in and around the capital, Tripoli, and other cities in western Libya between forces loyal to the Government of National Accord (GNA) and the Libyan Arab Armed Forces (LAAF) led to the killing and wounding of civilians, mass displacement, and damage to civilian infrastructure, including hospitals. In violation of the UN arms embargo, Turkey, Russia and the United Arab Emirates (UAE), among other countries, continued to supply their allies with arms and military equipment, including banned anti-personnel mines. Thousands of people were detained arbitrarily without trial or the possibility to challenge the legality of their detention. Militias and armed groups abducted people on the basis of their actual or perceived political, regional or tribal affiliation and nationality, including protesters, journalists, doctors, government employees and civil society activists; took hostages for ransom; and tortured or otherwise ill-treated them in official and unofficial places of detention. Women, girls and members of the lesbian, gay, bisexual, transgender and intersex community continued to face discrimination and violence. Members of ethnic minorities struggled to access adequate health care and other essential services. Officials, members of armed groups and militias, and criminal gangs systematically subjected detained refugees, asylum-seekers and migrants to torture and other ill-treatment, unlawful killings, sexual violence and forced labour. Military courts handed down death sentences; no executions were reported.

Background

Libya remained divided between two entities competing for legitimacy and territorial control: the UN-backed GNA led by Prime Minister Fayez al-Sarraj based in Tripoli; and the Interim Government based in eastern Libya supported by the LAAF, also referred to as the Libyan National Army, led by Khalifa Haftar, and the House of Representatives, headed by Ajila Saleh.

By June, the GNA, openly backed militarily by Turkey, regained full control of the capital and other cities in western Libya, pushing UAE-backed LAAF forces eastward towards Sirte and effectively reversing the April 2019 military offensive launched by the LAAF on western Libya. In October, parties to the conflict signed a permanent ceasefire agreement.

In response to the COVID-19 pandemic, national and de facto local authorities across Libya closed borders and introduced other movement restrictions between March and September. The health care system, weakened by years of conflict and insecurity, struggled to cope. Libya recorded the second highest per capita infection and death rate in continental Africa.

In October, oil production and exports resumed after the National Oil Company lifted the *force majeure* it had declared in January following the LAAF blockade between January and September. The disruption exacerbated fuel shortages and electricity cuts throughout Libya.

Municipal elections took place in Ghat, Misrata and al-Zawiya districts. In August, armed groups connected to the LAAF forcibly closed polling stations during municipal elections in the town of Traghen.

The armed group calling itself Islamic State claimed a small number of attacks against local security forces in southern Libya.

Violations of international humanitarian law and the UN arms embargo

Militias and armed groups committed serious violations of international humanitarian law, in some cases amounting to war crimes. According to the UN Support Mission in Libya, at least 170 civilians were killed and 319 were wounded between January and June. The majority of civilian casualties resulted from indiscriminate attacks with inaccurate weapons in densely populated areas, explosive remnants of war and air strikes. Fighting also led to damage to homes, hospitals and other civilian infrastructure. Over 316,000 people remained internally displaced due to conflict and insecurity.

Armed groups and militias continued to attack medical facilities and abduct health workers. In April and May, LAAF-affiliated forces shelled al-Khadra General Hospital in Tripoli, designated by the Health Ministry to treat COVID-19 patients, injuring at least 14 civilians and causing material damage.

GNA-affiliated militias carried out retaliatory attacks against civilians perceived as being associated with their rivals. Between April and June, they looted civilian homes, hospitals and public buildings, and set properties on fire in areas recaptured from the LAAF and allied armed groups, including in the cities of Surman, Sabratha, al-Asabah and Tarhuna as well as Tripoli neighbourhoods.¹

In May, LAAF-affiliated non-state actors laid extensive Russian-supplied, tripline-activated, banned anti-personnel landmines and other booby traps in homes and other civilian property in areas from which they withdrew in and around Tripoli, leading to civilian casualties.

Since June, GNA-affiliated forces discovered several mass graves in and around Tarhuna, some containing bodies of women, children and men suspected of being unlawfully killed by the LAAF-affiliated al-Kaniat forces. The GNA announced investigations, but officials said resource shortages impeded their ability to carry out their work.

Several countries violated the UN arms embargo established since 2011. Turkey supplied the GNA with arms and equipment, established a military presence, and directly intervened through air strikes, such as in June when at least 17 civilians were killed and a further 12 wounded in Qasr Bin Ghashir in the south-western outskirts of Tripoli. The UAE provided the LAAF with Chinese-manufactured Wing Loong drones and operated them on its behalf in at least one incident in January, causing fatalities among individuals not directly involved in hostilities. The LAAF used armoured vehicles manufactured in Egypt.

The UAE used military airbases in Egypt to launch airstrikes and to ship arms to the LAAF. The GNA and LAAF used third country nationals in their military operations. Turkey recruited and brought Syrian nationals, including children, to fight with the GNA. Foreign fighters, employed by the Russian military private company Wagner, fought alongside LAAF forces.

Freedom of expression

Militias and armed groups continued to target journalists and social media users through arbitrary arrest, detention and threats, simply for expressing critical views or carrying out their work.

Militias in Tripoli and Misrata stopped vehicles at checkpoints, forcing occupants to unlock their phones and arresting those with phones deemed to contain critical content.

In July, a military court in eastern Libya convicted journalist Ismail Bouzreeba Al-Zway of “terrorism”-related charges and sentenced him to 15 years’ imprisonment solely for his media work and opinions critical of the LAAF.

In August, al-Nawasi militia, nominally under the GNA’s Interior Ministry, abducted radio journalist Samy al-Sherif and detained him in an undisclosed location for 11 days for his coverage of the protests in Tripoli.

Freedoms of assembly and association

In August and September, people across the country took to the streets in both GNA- and LAAF-controlled areas in rare protests against worsening living conditions, nepotism and unaccountable militias. Militias and armed groups responded to protests with excessive use of force and arbitrary arrests.

In August, al-Nawasi militia fired live ammunition, including from heavy machine guns, to disperse demonstrations in Tripoli, injuring at least three protesters and forcibly disappeared at least 13 protesters for up to 12 days, before releasing them without charge. The GNA deployed militias across Tripoli and imposed a curfew to deter further protests.²

In September, LAAF-affiliated armed groups used live ammunition to disperse protests in the eastern cities of Benghazi and al-Marj, killing at least one man and injuring at least three others in al-Marj. At least 11 people were arrested in connection to the protests.

In October, staff in civil society organizations in GNA-controlled areas reported that the Civil Society Commission had asked them to sign pledges not to communicate with international actors without prior authorization. Civil society activists in both GNA- and LAAF-controlled areas reported being subjected to threats, surveillance and intimidation by militias or armed groups.

Arbitrary detention and deprivation of liberty

Militias, armed groups and security forces continued to arbitrarily detain thousands of people without charge or trial, some for as long as ten years. The GNA announced the release of around 1,900 prisoners in response to risks posed by COVID-19 outbreaks in custodial settings.

In June, in the LAAF-controlled city of Ajdabiya, at least 11 individuals from the Magharba tribe were abducted and remained detained over their perceived family affiliation to Ibrahim Jadran, former leader of the Petroleum Facilities Guard armed group, at odds with the LAAF.

In western Libya, militias affiliated to the GNA, including the Special Deterrence Force (Radaa Forces), the Bab Tajoura Brigade, al-Nawassi, the Abu Selim Brigade and al-Zawiya Support Force-First Division, continued to unlawfully detain dozens of individuals.

Throughout the year, families of those arbitrarily detained without any judicial process for years at Mitiga prison in Tripoli, controlled by Radaa Forces and nominally under the GNA, organized several protests calling for their release.

Torture and other ill-treatment

Militias and armed groups systematically tortured and otherwise ill-treated detainees in official and unofficial places of detention with impunity, subjecting them to beatings, electric shocks, mock executions, suspension in contorted positions and sexual violence. Videos, including live footage of torture and sexual violence involving members of a GNA-allied militia and LAAF affiliated armed groups according to activists, circulated on social media, including in January, May and September.

In July 30-year-old Tarek Abdelhafiz was tortured to death while in the custody of the 128th Brigade, an armed group affiliated with the LAAF, which had captured him from the town of Hon 14 days earlier.³

In August, members of al-Nawasi militia and LAAF-affiliated armed groups beat several people arrested in relation to the protests, respectively in Tripoli and al-Marj.

Violence against women and girls

Women and girls faced sexual and gender-based violence from state and non-state actors, amid the authorities' failure to provide them with protection and redress. Women and girls faced barriers to seeking justice for rape and other sexual violence, including the risk of prosecution for engaging in sexual relations outside marriage, criminalized in Libya, and revenge by alleged perpetrators. Women activists and politicians faced gendered abuse and threats online.

In April, members of al-Kaniat armed group abducted at least four women, probably in retaliation for their family's affiliation with the GNA.

In November, unknown gunmen publicly shot and killed lawyer Hanan al-Barassi in Benghazi, a day after she posted on social media that she was going to release a video exposing LAAF leader's son Saddam Haftar's corruption. A vocal critic of the corruption of several individuals affiliated to the armed groups in eastern Libya, she and her daughter had been receiving death threats as a result.

Women continued to face discrimination in law and practice, including in matters related to marriage, divorce and inheritance. In October, the Libyan Supreme Judicial Council appointed five women judges for two newly created special courts in Tripoli and Benghazi to hear cases of violence against women and children. The courts were not operational by the end of the year.

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

Articles 407 and 408 of the Penal Code criminalize sexual relations between consenting adults. Al-Radaa Forces continued to detain men for their perceived sexual orientation or gender identity, and tortured and otherwise ill-treated them.

Discrimination

Ethnic minorities

Some members of the Tabu community in southern Libya faced barriers in accessing adequate health care as major local health facilities were located in areas controlled by rival armed groups. Some Tabus and Touaregs in southern Libya were also denied access to essential services, including education and health care, because they lacked identity documents.⁴

Impunity

Officials and members of militias and armed groups responsible for crimes under international law and other serious human rights violations enjoyed near total impunity. Judges and prosecutors were targeted by militias and armed groups.

Libyan officials on both sides of the conflict continued to ignore the ICC's arrest warrants against Saif al-Islam Gaddafi, al-Tuhamy Mohamed Khaled and Mahmoud al-Werfalli. Mahmoud al-Werfalli, who is wanted by the ICC for the murder of 33 people in Benghazi and surrounding areas, remained a senior leader in the Saiqa Force of the LAAF.

In April, Ahmad al-Dabbashi, also known as al-Amu (the uncle), was seen fighting alongside GNA forces in Sabratha, despite being under an arrest warrant issued by the Libyan prosecution and on the June 2018 UN Security Council sanctions list for his role in human trafficking in Libya.

In a rare move, on 14 October, the GNA Interior Ministry announced the arrest of Abdelrahman Milad, also known as Bidja, for his involvement in human trafficking.

In June, the UN Human Rights Council established a fact-finding mission to investigate violations and abuses of international human rights law and international humanitarian law committed by all parties to the conflict in Libya since 2016.

Rights of refugees, asylum-seekers and migrants

Refugees and migrants were subjected to widespread and systematic human rights violations and abuses at the hands of officials, members of militias and armed groups, and criminal gangs.⁵

The Libyan Coast Guard (LCG) intercepted 11,891 refugees and migrants at sea and brought them back to Libyan shores, where they were subjected to enforced disappearances, indefinite and arbitrary detention, torture, forced labour and extortion. Thousands of those disembarked were detained indefinitely in facilities run by the Directorate for Combating Illegal Migration (DCIM), under the GNA Interior Ministry, without the possibility to challenge the legality of their detention. Thousands more were forcibly disappeared after being transferred to unofficial places of detention, including the Tobacco Factory under the command of a GNA-affiliated militia led by Emad al-Tarabulsi in Tripoli. Their fate and whereabouts remained unknown.

Italy and other EU member states continued to support the LCG, including by donating speedboats and training crews (see Italy entry).

DCIM officials, members of militias and armed groups, and traffickers systematically subjected detained refugees and migrants to inhumane and overcrowded conditions of detention, torture and other ill-treatment, and forced labour. Some were tortured or raped until their families paid ransoms. Women and girls were at heightened risk of rape and other sexual violence.

The LAAF and affiliated armed groups expelled over 6,000 refugees and migrants from eastern Libya to neighbouring countries without due process or the opportunity to challenge deportation decisions or seek international protection. Many were left at land borders without food or water.

COVID-19 restrictions led UN agencies to temporarily suspend repatriation and resettlement programmes. Only 811 refugees were evacuated, while 2,739 were returned to their countries of origin during the year.

While hostilities were raging in Tripoli and Tarhuna in May and June, militias and armed groups forced refugees and migrants to take part in military operations, for transporting weapons and other equipment to combat zones, endangering their lives and safety.

In May, traffickers in the town of Mazda, 180km south of Tripoli, shot at a group of about 200 refugees and migrants, killing 30 and injuring others. In July, security forces in the city of al-Khums opened fire at a group of unarmed refugees and migrants attempting to flee detention, leading to three deaths and two injuries.

Death penalty

Libyan law retained the death penalty for a wide range of offences not limited to intentional killing. In May, two military courts in the LAAF-controlled cities of Benghazi and al-Bayda issued death sentences against civilians after grossly unfair trials. Those convicted were denied access to evidence against them and the right to adequate defence.

1. [Libya: Retaliatory attacks against civilians must be halted and investigated \(Press release, 5 June\)](#)
2. [Libya: Heavy weaponry used to disperse peaceful protesters demanding economic rights \(Press release, 26 August\)](#)
3. [Libya: UN Rights Council Members must address widespread torture during periodic review \(Press release, 10 November\)](#)
4. [Libya: Historic discrimination threatens right to health of minorities in the south amid COVID-19 \(Press release, 20 April\)](#)
5. [“Between Life and Death”: Refugees and migrants trapped in Libya's cycle of abuse \(MDE 19/3084/2020\)](#)

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