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Home Office

Country Policy and Information Note

Libya: Actual or perceived supporters of former President Gaddafi

Version 3.0

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the ‘cut-off’ date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

Updated: 4 March 2019

1. Introduction

1.1 Basis of claim

- 1.1.1 Fear of persecution or serious harm by state and non-state actors because of the person's actual or perceived association with, membership of, or support for, the previous Gaddafi regime or the Gaddafi family.

1.2 Points to note

- 1.2.1 The number of non-state actors, including armed gangs and militia brigades active in Libya is estimated to be in the hundreds. They can be categorised into non-Jihadist groups, Islamist/Jihadist groups, and pro-government forces. The majority of these are anti-Gaddafi.
- 1.2.2 There are various spellings of Gaddafi used in the sources referred to in this CPIN (Gaddafi, Gadhafi, Qadhafi).
- 1.2.3 For further information, see the Country Policy and Information Notes on [Libya: Security & Humanitarian Situation](#) and [Libya: Ethnic Minority Groups](#).

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2. Consideration of issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Refugee convention

- 2.2.1 Claims based on actual or perceived support for the previous Gaddafi regime will fall under the Convention reason of actual or perceived political opinion. Other convention reasons may apply, depending on individual circumstances.
- 2.2.2 Establishing a convention reason alone is not sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular person will face a real risk of persecution on account of their actual or imputed convention reason.
- 2.2.3 For guidance on assessing convention grounds, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.3 Exclusion

- 2.3.1 There have been numerous reports of atrocities, including unlawful killings, torture and mass rape carried out by Gaddafi loyalists during the conflict. Parties on all sides of the conflict have reportedly been responsible for numerous serious human rights abuses (see [Acts Perpetrated by Gaddafi Loyalists](#) and [Attacks against former Gaddafi supporters since 2011](#)).
- 2.3.2 If there are serious reasons for considering that the person has been involved in such activities then decision makers must consider whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.3.3 For further guidance on the exclusion clauses and restricted leave, see the [Asylum Instructions on Exclusion under Articles 1F of the Refugee Convention](#) and the [Asylum instruction for Restricted Leave](#).

2.4 Risk

- 2.4.1 In the country guidance case of [ZMM \(Article 15\(c\)\) Libya CG \[2017\] UKUT 00263 \(IAC\)](#) (28 June 2017), heard 3 May 2017, the Upper Tribunal issued new guidance on the issue of Article 15(c), replacing the previous country guidance case of [FA \(Libya: art 15\(c\)\) Libya CG \[2016\] UKUT 00413 \(IAC\)](#). FA had held that ‘the question of whether a person is at Article 15(c) risk in Libya should, until further Country Guidance, be determined on the basis of the individual evidence in the case’ (headnote para 1).
- 2.4.2 In [ZMM](#), the Upper Tribunal (UT) held that: ‘The violence in Libya has reached such a high level that substantial grounds are shown for believing that a returning civilian would, solely on account of his presence on the territory of that country or region, face a real risk of being subject to a threat to his life or person.’ (para 94)
- 2.4.3 The country guidance case of [AT and Others \(Article 15c; risk categories\) \(CG\) \[2014\] UKUT 318 \(IAC\) \(14 July 2014\)](#) (heard 18-22 November 2013) held that:
- ‘In the aftermath of the armed revolution that brought about the fall of the dictatorial and repressive regime of Colonel Qadhafi (Gaddafi), the central government in Libya has relied on various militias to undertake security and policing functions. Those militias and the many others that operate within Libya, often have their own interests, loyalties and priorities which may or may not coincide with the interests of the central government’ (para 215 (1)).
- 2.4.4 In [AT and Others](#), the Tribunal also held that having regard to the generally hostile attitude of society to the former regime, the following are, in general, at real risk of persecution or Article 3 ill-treatment on return to Libya:
- Former high ranking officials within the intelligence services of that regime (para 215 (3)(a)); and
 - Others with an association at senior level within that regime (215 (3)(b));

- 2.4.5 The Tribunal also found that as a general matter the closer an individual was to the centre of power within the former regime, the more likely that the individual will be able to establish a risk of persecution or Article 3 ill-treatment on return (para 215 (4)). While the majority of the population of Libya worked for, had some association with, or has a member of the family who worked for or had an association with the Gaddafi regime, such employment or association alone is not sufficient to establish a risk of persecution or Article 3 ill-treatment on return (para 215 (5)).
- 2.4.6 The Tribunal found that in general, family members of former high ranking officials in the intelligence services or persons with an association at senior level with the regime are not at risk of persecution or a breach of their protected rights on return. It is possible, however, that an individual will be able to establish such a risk but this will need to be demonstrated by specific evidence relating to the individual's circumstances. Mere assertion of risk by association as a family member would not be sufficient without fact-specific evidence of the risk to that particular family member (para 215(6)).
- 2.4.7 Whilst there has been some regrouping of support for Gaddafi with the establishment of pro-Gaddafi political parties, the country situation has not changed significantly since 2013. Libya remains a failed state with rival governments and hundreds of armed groups vying for control and operating with impunity. There remains a generalised attitude of resentment towards perceived Gaddafi supporters and fighters (see [Treatment of Gaddafi loyalists](#)).
- 2.4.8 Given numerous reports of serious ill-treatment, it is likely that a person who was closely associated with the Gaddafi regime – particularly at a senior level, such as ministers, high ranking officials, diplomats and members of the security forces – and those closely associated with his family will be at risk of persecution or serious harm.
- 2.4.9 Each case must be considered on its specific facts, with the onus on the person to demonstrate that they are at risk of persecution or serious harm. If a person is not found to be at risk of persecution for a Refugee Convention ground in their home area, decision makers must consider whether they are likely to face serious harm as a result of the prevailing security and humanitarian situation in Libya under Articles 2 and 3 of the ECHR / Articles 15 (b) and (c) of the Qualification Directive. A person returning to Libya is likely, solely because of their presence in the country, to face a real risk of being subject to a threat to their life or person and a breach of Article 15(c) of the Qualification Directive.
- 2.4.10 For guidance and information on the security situation see the Country Policy and Information Note on [Libya: Security & Humanitarian Situation](#) and for guidance on treatment of ethnic groups, including those who have, or are perceived to have, supported the Gaddafi regime, please see the Country Policy and Information Note on [Libya: Ethnic Minority Groups](#).
- 2.4.11 For further guidance on assessing the risk for women, see the Country and Policy Information Note on [Libya: Women](#).
- 2.4.12 For further guidance on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.5 Protection

- 2.5.1 Where a person can demonstrate that they are at risk of persecution or serious harm due to their actual or perceived association with, membership of, or support for, the previous Gaddafi regime or the Gaddafi family, they are unlikely to be able to avail themselves of the protection of the authorities given the collapse of the rule of law in Libya.
- 2.5.2 Decision makers should continue to rely on the findings in the country guidance case of [AT and others](#) (para 215 (17)), except for the country guidance given at 215(2), regarding the risk under Article 15(c) of the Qualification Directive, which has now been replaced by the Country Guidance given in [ZMM \(Article 15\(c\)\) Libya CG \[2017\] UKUT 00263 \(IAC\)](#).
- 2.5.3 For further guidance on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.5.4 For further information see the Country Policy and Information Note on [Libya: Security & Humanitarian Situation](#)

2.6 Internal relocation

- 2.6.1 Internal relocation is unlikely to be reasonable for persons who have been, or perceived to have been, closely involved with the Gaddafi regime, or closely related to him. Hatred and resentment against Gaddafi, and all those associated with his regime, remains widespread throughout the country.
- 2.6.2 The country's volatile security condition has impacted freedom of movement. Government and militia checkpoints, as well as those enforced by extremist organisations, have disrupted internal movement. Women have been prohibited from moving freely without a male escort and in some cases, women could not depart from the country's western airports without a male guardian, although this is not a legal requirement in the country.
- 2.6.3 If a person is not found to be at risk of persecution for a Refugee Convention ground in their home area, decision makers must consider whether they are likely to face serious harm as a result of the prevailing security and humanitarian situation in Libya under Articles 2 and 3 of the ECHR / Articles 15 (b) and (c) of the Qualification Directive and, if so, whether internal relocation is reasonable.
- 2.6.4 Internal relocation is unlikely to be reasonable as ZMM held that a person returning to Libya is likely, solely because of their presence in the country, to face a real risk of being subject to a threat to their life or person and a breach of Article 15 (c) of the Qualification Directive.
- 2.6.5 For further assessment and country information, see the Country Policy and Information Note on [Libya: Security & Humanitarian Situation](#)
- 2.6.6 For further guidance on internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.6.7 For guidance on women, see also the Country Policy and Information Note on [Libya: Women](#).

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2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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Country information

Section 3 updated: 2 April 2019

3. Political context

3.1 Gaddafi's overthrow and the aftermath

- 3.1.1 The Investigation by the Office of the United Nations High Commissioner for Human Rights on Libya (detailed findings) published on 15 February 2016 stated that:

‘...The International Commission of Inquiry for Libya described how the Gaddafi period was characterized by decades of corruption, sustained repression to any opposition and the perpetration of serious human rights violations, often by the very State agencies with the responsibility to uphold and protect those rights.

‘In 2011, an armed conflict developed after the Gaddafi regime used force against protestors in a reaction to Libyan citizens’ attempts to exercise democratic freedom. The situation escalated into an armed conflict between opposition armed groups and the Gaddafi regime. The NATO intervened under a mandate provided by Security Council Resolution 1973 (2011) to take all necessary measures to protect civilians and civilian populated areas. In October 2011, the TNC declared victory for the opposition armed groups.

‘While the Gaddafi regime had been toppled, substantial challenges were left for a country with little trust in State institutions, no independent institutions, no political parties or a Judiciary able to provide justice and redress...’¹

- 3.1.2 The Australian Department of Foreign Affairs and Trade (DFAT) country information report on Libya, published on 14 December 2018, stated that:

‘For the majority of his rule, effective opposition to Gaddafi inside Libya was minimal. The government operated an effective internal intelligence network to detect even minor dissent. However, in early 2011, unchecked protests in the eastern city of Benghazi held at the time of the wider Arab Spring quickly led to an ideologically disparate range of dissident groups taking up arms against the Gaddafi regime. Aided by North Atlantic Treaty Organization (NATO) air support sanctioned by the UN Security Council, and the defection of key members of Gaddafi’s political and security elite, the rebels quickly gained control of large amounts of territory. The last major pro-Gaddafi city, Sirte, fell to the rebels in October 2011 and Gaddafi himself was captured and killed by militants while attempting to flee Libya. On 23 October 2011, the head of the largest opposition group, the Transitional National Council (TNC), declared Libya to be “officially” liberated. The removal of the Gaddafi state apparatus left a major power vacuum that no single group or personality has thus far been able to fill.’²

- 3.1.3 The United States Institute of Peace (USIP) summarized the situation of Libya in a fact sheet published on 5 April 2018:

¹ Human Rights Council, Investigation by the OHCHR on Libya, (Para 32-33), 15 February 2016, [url](#)

² DFAT, Country Information Report Libya, (Paragraph 2.3), 14 December 2018, [url](#)

‘Six years after the fall of Muammar Gadhafi, Libya remains in a chaotic state. The United Nations-backed government struggles to exert control over territory held by rival factions, intensifying geographical and political divisions between the East, West and South. Terrorist groups and armed militias exploit the turmoil, using the nation as a base for radicalization and organised crime, and pose a threat to the region and beyond.

‘...After the Gaddafi regime collapsed, branches of rival governments and armed groups began providing community security, guarding facilities and managing prisons, resulting in inconsistent—and sometimes inhumane—law enforcement practices and treatment of inmates. Libya’s dilapidated prisons act as prime venues for radicalization and extremist recruitment. In response, USIP developed a program to advance rule of law and involve local communities on security issues, supported by the U.S Department of State’s Bureau of International Narcotics and Law Enforcement Affairs...’³

- 3.1.4 On 17 February 2019, Al Jazeera news reported the current situation in Libya as having ‘political and military divisions’ since the overthrow of Gaddafi. The article stated that, ‘Post-Gaddafi Libya has remained a battleground, both on the terrain and in politics, between a myriad of rival militias and political factions operating with impunity’.⁴

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3.2 Acts perpetrated by Gaddafi loyalists

- 3.2.1 On 25 February 2011 the Human Rights Council held an emergency session to investigate alleged violations of international human rights law in Libya. The report of the investigation stated, in its summary:

‘The Commission conducted its investigations applying the international legal regimes dictated by the situation. It concluded that international crimes, specifically crimes against humanity and war crimes, were committed by Gaddafi forces in Libya. Acts of murder, enforced disappearance, and torture were perpetrated within the context of a widespread or systematic attack against a civilian population. The Commission found additional violations including unlawful killing, individual acts of torture and ill-treatment, attacks on civilians, and rape...’⁵

- 3.2.2 According to the 2018 DFAT country information report on Libya:

‘A generalised attitude of resentment towards Gaddafi supporters and fighters is widespread throughout Libya...This animosity derives from the conduct of the regime following the outbreak of conflict in 2011. Between February 2011 and the fall of Tripoli in August 2011, pro-Gaddafi forces committed murder, enforced disappearance and torture. Gaddafi forces launched indiscriminate attacks into civilian areas using mortars, artillery and rockets and laid anti-personnel and anti-vehicle mines...

‘Gaddafi loyalists retain influence but do not hold official positions in Libya, and tend to align with the Libyan National Army (LNA) bloc.’⁶

³ The United States Institute of Peace, The Current Situation in Libya, 5 April 2018, [url](#)

⁴ Al Jazeera, ‘Libya remains a battleground eight years after Gaddafi revolt’, 17 February 2019, [url](#)

⁵ Reliefweb, ‘Report of the International Commission of Inquiry on Libya’, 2 March 2012, [url](#)

⁶ DFAT, Country Information Report Libya, (Paragraph 3.51 - 3.52), 14 December 2018, [url](#)

3.2.3 The Guardian reported on 4 November 2017:

‘The ICC (International Criminal Court) has struggled to ensure its writ runs in Libya ever since the UN security council tasked the ICC with the investigation of war crimes after the fall of Muammar Gaddafi in 2011. The possibility of taking on a raft of new cases, including repeated male rape, will therefore raise issues of capacity, evidence and authority for the Court, which has been accused of politicized justice and being limited in its powers.

‘The ICC has so far failed to bring any Libyans to The Hague for trial since it was initially tasked with investigating war crimes in the country. Many human rights activists either flee Libya in fear of their lives, or operate from abroad...

‘The former ICC Chief Prosecutor Luis Moreno Ocampo has been accused of being in league with a Libyan businessman close to military strongman Khalifa Haftar, the head of the so-called LNA, and one of the militias under investigation by the Court.

‘[Luis Moreno] Ocampo has denied the charges but a leak of 40,000 emails left his successor, Fatou Bensouda, at best frustrated by his behaviour and by the damage done to the ICC’s credibility. Bensouda has so far had little luck in extraditing any suspect. Without a police force or a security arm working in the Court’s favour in lawless Libya, she has struggled to strike fear into those charged with behaving with impunity.

‘At the same time a series of largely political referrals to the court have been made by interested parties using it as a proxy to fight their ideological battles...

‘Bensouda has so far had little luck in extraditing any suspect. Without a police force or a security arm working in the court’s favour in lawless Libya, she has struggled to strike fear into those charged with behaving with impunity.’⁷

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3.3 Political situation

3.3.1 The UNHCR report, ‘Position on Returns to Libya (Update II)’, published in September 2018 observed:

‘Since the overthrow of Colonel Muammar Gaddafi and his government in October 2011, successive transitional governance arrangements have failed to end the political impasse and resulting internal conflict. The UN-backed Libyan Political Agreement (LPA), signed on 17 December 2015, failed to unify the rival political and military authorities under a single administration. As a result, Libya currently has two ruling powers, one based in the capital Tripoli and one based in the eastern cities of Tobruk and Al-Bayda. In Tripoli, the Presidency Council, which was formed under the terms of the LPA, is led by Prime Minister Fayez al-Sarraj, who carries out the functions of head of state and Supreme Commander of the Libyan Army. The Presidency Council presides over the Government of National Accord (GNA), the internationally recognized Government of Libya. The High Council of State, a consultative

⁷ The Guardian, ‘ICC’s Investigation of Libya War Crimes in Dock ...’, 4 November 2017, [url](#)

body established under the LPA, also operates from Tripoli and its elected head is Khaled Mishri. The second power centre is made up of the House of Representatives (HoR) based in Tobruk, which, under the LPA, would become the legitimate legislative authority; however, the HoR has to date not recognized the LPA and instead endorsed the rival “Interim Government” of Abdullah Al-Thinni based in the eastern city of Al-Bayda. The Tobruk and Al-Bayda-based authorities are reportedly aligned with and dominated by General Khalifa Haftar, who leads the Libyan National Army (LNA), a coalition of former army units and tribal or regional-based armed groups that controls a large section of central and eastern Libya. The former Islamist-dominated Government of National Salvation, which was formed in 2014 and led by Khalifa Al-Ghwell, reportedly no longer controls any relevant institutions after Ghwell’s forces were expelled from Tripoli in early 2017. The two rival governments are reported to compete over political legitimacy, control of territory, resources and infrastructure (e.g. oil facilities, ports).⁸

3.3.2 DFAT 2018 country information report on Libya observed that:

‘The area south-west of Tripoli, comprising the former Fezzan province, is controlled by neither administration and is the subject of competition by rival tribal militias and jihadists groups.

‘Following the fall of Gaddafi in 2011, the Transitional National Council (TNC) formed, and issued a Constitutional Declaration that provides for the legislative, executive and judiciary powers. The Constitutional Declaration remains in force pending the adoption of a new Constitution.’⁹

3.3.3 According to an October 2018 House of Commons Library briefing paper:

‘Since the conflict of 2014, Libya has become what most would accept is a failed state. It has broken up into competing political and military factions, with two separate authorities, one operating in the East of the country, centred on Tobruk, and the other in the West, centred on the official capital, Tripoli. Prime Minister Fayez Sarraj is head of the internationally-recognised government in Tripoli, Khalifa Haftar is leader of the LNA, holding much of Eastern Libya, including Benghazi. Aghela Saleh is Speaker of the House of Representatives based in the eastern city of Tobruk. Khaled Mishri leads the High State Council, an unrecognised government body in Tripoli, formed from the [remains] of the old elected body, the General National Congress (GNC).

‘Large areas of the country are under no effective control at all, with rival militias vying for influence. Libya is the North African country most affected by terrorism, according to the Global Terrorism Index 2017. Internationally-backed political negotiations aiming to bring about national reconciliation are based on the Skhirat Agreement, negotiated with civilian politicians representing both Parliaments and aiming to form a unity government, signed in Morocco in December 2015. The Skhirat Agreement did not come to fruition.’¹⁰

⁸ UNHCR, ‘Position on Returns to Libya (Update II), (page 2), September 2018, [url](#)

⁹ DFAT, Country Information Report Libya, (Paragraph 2.32 – 2.33), 14 December 2018, [url](#)

¹⁰ House of Commons Library, Briefing Paper, North Africa, Libya, 30 October 2018 (Page 11), [url](#)

3.3.4 The briefing continued that:

'In 2017 a UN Action Plan was drawn up aiming to set up negotiations to amend the Skhirat Agreement, hold a national conference and organise fresh elections. [However] the national dialogue in pursuit of the Action Plan are now on hold. There is renewed violence in Tripoli, after militias failed to abide by a ceasefire agreed in September 2018. Elections were due to be held some time in 2018, despite the violence, but this plan has now been abandoned.

'Radical jihadi groups have proliferated in Libya, including the local version of al-Qaeda in the Islamic Maghreb (AQIM), Ansar al-Sharia and scattered cells of ISIS. There is competition and collaboration between groups and the scene is highly fluid.'¹¹

3.3.5 BBC Monitoring reported on 4 March 2019 that the LNA had taken control of all major cities in southern Libya:

'The eastern-based Libyan National Army has entered the area of Qatrun as part of its operations in the south of the country, an LNA Facebook page said on Saturday.

'The LNA's War and Information Division page said the same afternoon that its forces had entered the area "peacefully" and said that they were "welcomed" by locals.

'The southern-based Fezzan Libya Org said yesterday that the LNA's advances in Qatrun and the town of Umm al-Aranib meant it now "has control of all the major cities in the south and all the oil fields".

'The head of the LNA, Field Marshal Khalifa Haftar, launched a military campaign in the south of Libya in January this year to secure oil fields and to fight "terrorism".'¹²

3.3.6 The security service, Garda World, reported on 17 November 2018:

'The UN Special Envoy to Libya Ghassan Salame indicated on Monday, November 12, during a summit in Italy that Libyan officials reportedly abandoned plans to hold national elections in December 2018 due to the recent measured increase in violence. The two rival government bodies, including the UN-backed Government of National Accord and the House of Representatives, also reportedly failed to agree to a constitutional framework, election dates, and resolutions to promote greater transparency in its economic institutions. UN representatives indicated the two sides will seek to negotiate a date for the elections to be held prior to June 2019.

'The Spring 2019 election process and date will likely depend on a Libyan national conference, which the UN envoy currently recommends. No date has been set for either the proposed national elections nor the preceding conference.'¹³

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¹¹ House of Commons Library, Briefing Paper, North Africa, Libya, 30 October 2018 (Page 11), [url](#)

¹² BBC Monitoring, 'LNA 'controls all major cities' in south', 4 March 2019, subscription, [url](#)

¹³ GardaWorld, 'Libya: elections postponed to Spring 2019', 18 November 2018, [url](#)

4. Security situation

4.1 Militia groups

4.1.1 The United Nations Support Mission in Libya (UNSMIL) observed in February 2019:

‘Hundreds of armed groups have continued to operate throughout Libya outside effective State command and control structures, even though many were nominally integrated into the ministries of defence, interior and justice and were on the government payroll. These groups control borders and strategic installations, as well as prisons and detention facilities holding thousands of people...

‘In August (2018), the Libyan National Army consolidated its control over eastern Libya, including most of the city of Derna, following weeks of fierce fighting that erupted in May. In June (2018), the Libyan National Army countered an offensive by armed groups to seize control of the oil crescent area. Throughout 2018, it also continued to increase its presence in southern Libya.

‘In 2018, groups pledging allegiance to the Islamic State in Iraq and the Levant (ISIL) carried out several deadly attacks in Tripoli and other regions, including Ajdabiya, Jufra, Kufra and Zliten. On 2 May (2018), such groups claimed responsibility for an attack on the High National Election Commission headquarters in Tripoli which left at least 12 men and 1 woman dead and 6 others injured. On 10 September (2018), two people died and six were injured in another complex attack on the Tripoli headquarters of the National Oil Corporation.

‘After over a year of relative calm in Tripoli, fierce fighting broke out on 26 August when armed groups from outside the capital vied to wrest control from powerful Tripolibased armed groups and increase pressure on the Presidency Council. A ceasefire agreement between parties to the conflict, reached under the auspices of UNSMIL on 4 September and supplemented by a consolidation agreement on 9 September, brought a temporary lull in the fighting, which subsided once more at the end of September when a reconciliation agreement was reached between Tripoli-based and Tarhuna-based armed groups.’¹⁴

4.1.2 According to DFAT 2018 Country Information report on Libya:

‘While security conditions vary across Libya, the overall security environment remains poor. A lack of political stability since the outbreak of conflict in 2011, compounded by the resumption of conflict in 2014, has contributed to a situation where the rule of law provided by a national government does not exist for the majority of Libyans. Hundreds of armed groups operate throughout Libya with many nominally affiliated with the Ministries of Defence, the Interior and Justice and, in the East, the HoR-affiliated Libyan National Army. While receiving salaries from central state funds, they are

¹⁴ Reliefweb, UNSMIL, ‘Situation of human rights in Libya...’, (paras 9, 10, 11), 4 February 2019, [url](#)

not under its effective command and control. A number of policing functions are also outsourced to armed groups...'¹⁵

4.1.3 The DFAT report further noted:

'UNSMIL reports the situation in western Libya remains volatile, with continuing clashes between rival armed groups...

'UNSMIL reports the situation in eastern Libya remains precarious...

'The security situation in Southern Libya remains volatile. Criminal acts such as robbery, carjacking and kidnapping provide the only means of income for many and thus occur constantly. In November 2017, unidentified armed men kidnapped four international aid workers at Awbari airport. Local and international non-governmental organisations (INGO) operate at high risk throughout Libya. In 2017, sources reported NGOs being increasingly targeted and required to obtain security clearances to comply with unusual regulations imposed by a civil society committee, situated within the Ministry of Culture...

'ISIL remains active in Libya and Egypt. Whilst no longer in control of land, they continue to train, and reportedly use Libya as a base to support terrorist attacks in Libya and Europe, including the operation of desert units in South and Central Libya. In October 2017, ISIL claimed responsibility for an attack on the Misrata Court complex that killed four and injured 41 people. In March 2018, ISIL claimed responsibility for two separate vehicle-borne explosive devices that resulted in the deaths of LNA personnel and civilians.'¹⁶

4.1.4 The New Arab, in its article 'Violence, Militias and Corruption: Surviving in Libya's War', 17 October 2018, stated that:

'Militias in Libya are influencing every aspect of Libyan life, from the government to the banks, making it even harder for citizens who are struggling to survive...In recent days, armed clashes between militias have left hundreds killed and injured, while thousands have been displaced. Social media sites have been blocked and in the city, and many believe that it is just a matter of time until there is a total shutdown of internet access. Meanwhile, Libyans have to cope with the lack of water, of cash, as has been happening for years and with the fear that the fighting will advance in other areas of the city.

'...[Militias] have been co-opted in institutions, legitimised by the support of Europeans Governments, who could not guarantee the security of the Sarraj Government if not supported by the main militias of Tripoli, and de facto "accepted" by the international community. They are an expression of a widespread, corruptive power that hold together the corridors of power, illicit trafficking and management of the country's wealth, gas and oil.

'...the southern districts of the Libyan capital have been the scene of fighting, after the Seventh brigade, based in Tarhouna, 65 kilometres South of Tripoli, launched an offensive on the city. The three ceasefire attempts

¹⁵ DFAT, Country Information Report Libya, (Paragraph 2.37), 14 December 2018, [url](#)

¹⁶ DFAT, Country Information Report Libya, (Paragraph 2.38 – 2.42), 14 December 2018, [url](#)

since the violence have been in vain, forcing Prime Minister al-Sarraj to declare a state of emergency to "protect civilians, public and private possessions and vital institutions"...¹⁷

4.1.5 The report continued that:

‘All governments in Libya have failed trying to integrate the militias in state structures. This has allowed them to establish roots leading to the consequent control of the country's strategic assets, including ports, airports, oil terminals, weapons depots, barracks, bridges and roads, and of course the smuggling of weapons and fuel and human trafficking. The two governments contend for strategic alliances with the militias. Libya is a country broken in two; East and West, which are separated not only geographically, but increasingly under the economical point of view. Each has its own central bank, the oil company and above all, each with an area of European influence.

‘Italy is a strong supporter of the UN-backed GNA led by Prime Minister Fayez al-Sarraj, created in 2015 in hopes of easing the chaos that followed the 2011 NATO-backed revolution which ousted Gaddafi. The GNA is opposed by a rival administration in the country's east led by military strongman Khalifa Haftar. Italy and France have both been keen to progress peace efforts in the country which has seen rival militias compete for authority and oil wealth amid a worsening migrant crisis, leading to fertile ground for militant groups.

‘UN policies and Western governments have contributed to the current situation in Tripoli. They encouraged the Sarraj presidency to move to Tripoli under the protection of the militia, thus "supporting" the expansion of these groups. The actors out of this agreement have built alliances to take their share of Libyan wealth. The international community has strongly condemned the fighting, calling for an immediate cessation of hostilities. United States, France, Italy and Britain have warned that "those who tamper with the security of Libya will be held responsible for these actions." But for the Libyan citizens, these are just empty words...’¹⁸

4.1.6 The DFAT 2018 country information report on Libya noted that ‘The security situation throughout the country has particularly affected Libya’s minority groups. The absence of the rule of law, the presence of extremist movements, and the continued hostility of sections of Libyan society towards ethnic and religious minorities have led to sporadic incidents of violence and intimidation.’¹⁹

4.1.7 See the Country Policy and Information Note on [Libya: Ethnic Minority Groups](#) for more information.

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¹⁷ The New Arab, Violence, Militias and Corruption: Surviving in Libya's War, 17 October 2018, [url](#)

¹⁸ The New Arab, Violence, Militias and Corruption: Surviving in Libya's War, 17 October 2018, [url](#)

¹⁹ DFAT, Country Information Report Libya, (Paragraph 2.46 & 3.1), 14 December 2018, [url](#)

5. Treatment of Gaddafi loyalists

5.1 Legal context and Political Isolation Law

5.1.1 The United States Department of State country report for human rights practices for 2018 stated, ‘the law gives the government power to detain persons for up to two months if considered a “threat to public security or stability” based on their “previous actions or affiliation with an official or unofficial apparatus or tool of the former regime.”’²⁰

5.1.2 The same report stated:

‘Political parties proliferated following the revolution, although fractious political infighting among party leaders impeded the government’s progress on legislative and electoral priorities. Amid rising insecurity, public ire fell on certain political parties perceived to contribute to instability. The 2013 Political Isolation Law (PIL) prohibits those who held certain positions under Qadhafi between 1969 and 2011 from holding government office. Observers widely criticized the law for its overly broad scope and the wide discretion given to the PIL Committee to determine whom to exclude from office.

‘The HoR (House of Representatives) voted to suspend the PIL in 2015 and individuals who served in political and military positions during the Qadhafi era are no longer categorically ineligible from serving in governmental office.’²¹

5.1.3 The BBC also reported that the Political Isolation Law was revoked in February 2015²².

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5.2 Attacks against former Gaddafi supporters since 2011

5.2.1 According to the DFAT 2018 Country Information Report on Libya:

‘A generalized attitude of resentment towards Gaddafi supporters and fighters is wide spread throughout Libya. This animosity derives from the conduct of the regime following the outbreak of conflict in 2011...

‘In June 2017, unidentified armed groups killed 12 detainees upon their conditional release from prison in Tripoli. All 12 were members of the former Gaddafi government and were accused of taking part in violence against anti-government protesters in 2011. On 29 July 2015, a mass trial of 28 senior regime figures resulted in 24 being convicted of crimes relating to the Gaddafi regime’s conduct during the 2011 conflict. Nine of the defendants, including Gaddafi’s son, Saif al-Islam al Gaddafi, were sentenced to death in a trial widely criticised by international observers (see [Death Penalty](#)). In the aftermath of the verdict, small scale pro-Gaddafi rallies took place in several Libyan cities, including Benghazi...

‘Actual or perceived former Gaddafi loyalists, and displaced persons in general, have been subjected to retaliatory attacks, harassment, intimidation,

²⁰ USSD, ‘Country reports for Human Rights Practices for 2018’, (section 1d), 13 March 2019, [url](#)

²¹ USSD, ‘Country reports for Human Rights Practices for 2017’, (section 3), 22 April 2018, [url](#)

²² BBC, ‘Libya revokes bill which banned Gaddafi-era officials from office’, 2 February 2015, [url](#)

discrimination and other abuses as reported in 2018 by the UN Special Rapporteur on the human rights of internally displaced persons...

'While some, limited, re-grouping of support for Gaddafi has emerged, a generalised attitude of resentment continues toward perceived Gaddafi supporters and fighters.'²³

5.2.2 The report continued with DFAT's assessment that:

'...those who were, or are perceived to have been, high-ranking officials in the Gaddafi regime (including Ministers, Senior Bureaucrats, Military Personnel or Diplomats), or who had close associations with the Gaddafi family, or those associated with the Libyan security forces during the 2011 conflict, face a high risk of both societal and official discrimination throughout Libya. This may include being illegally detained, beaten or tortured; having death threats made against themselves or their families; or being killed. The Gaddafi regime was in power in Libya for 42 years, from 1969 to 2011. Over such a long period of time, the majority of the population would have either worked for, had some association with, or had a member of the family who worked for, or had an association with the regime. DFAT assesses it is unlikely that a Libyan with a low-level association with the regime would face discrimination as a result of this association.'²⁴

5.2.3 The news agency, Al-Monitor, reported in May 2018 that Gaddafi supporters were arrested whilst attending peace talks in the Libyan capital of Tripoli. They were accused of 'planning to destabilize Libya'. The article noted that the Gaddafi supporters included three former military officers, three activists and one university professor who had travelled to Tripoli from their 'self-imposed exile in Cairo'²⁵.

5.2.4 The UNHCR 'Position on Returns to Libya (Update II)', published in September 2018, stated 'Men, women and children are reportedly at risk of being targeted for arbitrary arrest and kidnapping by armed groups and security forces affiliated with rival governments "for financial or political gain, on the basis of their ... family identity, or for their perceived political affiliations and opinions". According to reports, those singled out for attacks include: ...former Gaddafi loyalists ...'²⁶

5.2.5 The same report noted that:

'Internally Displaced Persons (IDPs) are reportedly targeted for forced eviction, arbitrary detention, abduction, and torture by different armed groups on account of their perceived affiliation with rival armed groups. Many IDPs are reportedly barred from returning to their areas of origin due to their perceived support of "terrorism" or the former Gaddafi government... Judges and lawyers reportedly face pressure not to take on cases involving abuses committed against IDPs...

²³ DFAT, Country Information Report Libya, (Paragraph 3.51 & 3.52 & 3.26), 14 December 2018, [url](#)

²⁴ DFAT, Country Information Report Libya, (Paragraph 3.53), 14 December 2018, [url](#)

²⁵ Al-Monitor, 'Gadhafi supporters arrested during peace talks in Tripoli, 25 May 2018, [url](#)

²⁶ UNHCR, 'Position on Returns to Libya (Update II), (page 5 , 6), September 2018, [url](#)

‘Return communities, armed groups and local authorities are reportedly also preventing IDPs from returning on account of their (perceived) political opinion or affiliation with “terrorist” groups or the former Gaddafi government.’²⁷

5.2.6 Furthermore, the UNHCR considered that:

‘...persons having been directly affected by developments since 2011 may be at a particular risk of persecution or other forms of serious harm, including, inter alia, individuals opposing or perceived to be opposing a party to the conflict; government officials and politicians; members of the judiciary and law enforcement members of certain minority religious, ethnic or tribal groups; ...or individuals perceived to be in support of the former Gaddafi regime. Persons with these and other profiles may be in need of international refugee protection in accordance with the 1951 Convention, for reason of real or imputed political opinion, or for reasons related to other 1951 Convention grounds. Claims need to be considered on an individual basis, carefully taking into account the particular circumstances of each case....’²⁸

5.2.7 The USSD country report on human rights practices, published 19 March 2019 and covering events in 2018 observed, ‘There were numerous reports that GNA-aligned armed groups and nonstate actors committed arbitrary and unlawful killings of civilians (see section 1.a.). Primary targets of killings included... former Qadhafi-era officials and soldiers.’²⁹

5.2.8 The Human Rights Watch ‘World Report – events of 2016’ recorded that, ‘In June [2016], unidentified armed groups killed 12 detainees upon their conditional release from al-Baraka prison in Tripoli. All 12 were members of the former Gaddafi government and had been accused of taking part in the violence against anti-government protesters in 2011. According to the families, the bodies were found in various locations around Tripoli. At time of writing, no investigation had been conducted into these crimes.’³⁰

5.2.9 In its April 2018 report on arbitrary detention in Libya, OHCHR reported that: ‘On 10 March 2017, three men from Sirte disappeared following their detention by Misrata-based armed groups as they were driving home. For four months, their relatives had no knowledge about their whereabouts. At the time of writing, two of the men remain in detention at the al-Jawiya prison without having been brought before judicial authorities. They are yet to be informed of the charges against them but relatives suspect their detention to be linked to their alleged support of the former regime. The third man was released without any judicial process.’³¹

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5.3 Gaddafi’s sons

5.3.1 According to HRW World Report 2018 covering events in 2017:

²⁷ UNHCR, ‘Position on Returns to Libya (Update II), (page 9 , 10 & 17), September 2018, [url](#)

²⁸ UNHCR, ‘Position on Returns to Libya (Update II), (page 20), September 2018, [url](#)

²⁹ USSD, ‘Country Reports on Human Rights Practices for 2017’, (Section 1g), 22 April 2018, [url](#)

³⁰ Human Rights Watch, World Report events of 2016, 12 January 2017, [url](#)

³¹ UN Office of the High Commissioner for Human Rights (OHCHR), Abuse Behind Bars: Arbitrary and unlawful detention in Libya (p. 22), April 2018, [url](#)

‘...Saif al-Islam Gaddafi, a son of Gaddafi, continued to be subject to an arrest warrant issued by the ICC to face charges of crimes against humanity. In 2015, the Tripoli Court of Assize sentenced Gaddafi to death in absentia for crimes committed during the 2011 uprising. The Abu Baker al-Siddiq militia in Zintan, which had held him since 2011, reported it released him on June 9, 2017, citing an amnesty law issued passed by Libya’s Parliament. His release could not be confirmed; independent international observers have not seen or heard from Gaddafi since June 2014.’³²

5.3.2 The Independent reported on 23 March 2018:

‘The son of Colonel Muammar Gaddafi is thought to be planning to stand for election as President of Libya, seven years after his father was overthrown and killed. Saif al-Islam Gaddafi was sentenced, in absentia, to death by firing squad for alleged crimes that included incitement to murder and rape. Now his spokesman has reportedly announced he will be standing as presidential candidate on the ticket of the Popular Front for the Liberation of Libya, a party formed in December 2016 with a promise to liberate the country “from control of terrorist organisations.”

‘Gaddafi’s spokesman Ayman Boras was quoted as telling a press conference in Tunisia that the late dictator’s second oldest son had a vision of “restoring the Libyan state, making it for everyone.” Although his candidacy might seem improbable to outsiders, the human rights activist Khaled Guel told pan-Arab media outlet Al-Araby Al-Jadeed: “The humanitarian situation is deteriorating and the path forward is unclear, therefore many Libyans now believe the only way to save the country is through Saif al-Islam.” There appear to be no legal barriers to him standing. A 2013 law banning Gaddafi-era officials from holding public office was revoked in 2015...’³³

5.3.3 In an interview with the Russian news agency Russia Today, Saif al-Islam’s lawyer stated:

“Saif Al-Islam has many supporters. They are ordinary people. Even those who have previously committed to the [Arab Spring] cause now support the comprehensive vision of Saif Al-Islam Gaddafi,” Al-Ghwal told RT.

“Saif Al-Islam is capable of uniting Libyans around himself on the basis of national interests and those decisions that the Libyans themselves will take,” Al-Ghwal added. “This is a reform project, which should lead Libya into a calm harbor.”³⁴

5.3.4 The report continued:

‘Gaddafi Jr is wanted by the International Criminal Court (ICC) on war-crime charges for allegedly suppressing demonstrations against the rule of his father. He has not appeared in public since his release from prison in June 2017, where he had been detained by a local militia following his capture in November 2011...

³² HRW, ‘World Report events of 2018’, (International Criminal Court), 18 January 2018, [url](#)

³³ The Independent, ‘... Gaddafi’s Son is Reportedly Planning to Run ...’, 23 March 2018, [url](#)

³⁴ RT, ‘Gaddafi’s elusive son can unite Libyan’s in the national interest ...’, 22 March 2018, [url](#)

'Ever since his release Gadaffi Jr's exact whereabouts have remained unknown. His political bidding on the ground is done by the members of PFLM who are spread out across Libya. Such a clandestine political campaign is needed to ensure the safety of the candidate.

"The whereabouts of Saif Al-Islam are not disclosed for security reasons," Al-Ghwail told RT from Tunisia, where Saif is reportedly hiding. "If Saif Al-Islam comes out in public today, he will surely be assassinated."

'Al-Ghwail noted that his client will address the entire Libyan nation live on TV when the "time is right" for Saif to appear in public. "In the meantime, there is a large team in all parts of Libya and beyond that works in a coordinated and systematic way to develop positions and programs of the Saif al-Islam."

'The lawyer spoke extremely highly of the activists who are campaigning for Gaddafi on the ground, dismissing any speculation that the late Colonel's son might be out to avenge his father's murder.'³⁵

5.3.5 Amnesty International also reported on the abuse in detention of Al-Saadi Gaddafi in their report on Libya for 2015-2016:

'In August [2015], a video circulated on social media apparently showed officials torturing As-Saadi al-Gaddafi and other detainees at al-Hadba Prison in Tripoli. Later videos showed officials threatening to torture As-Saadi al-Gaddafi. The prison director said he had suspended those responsible but it was unclear whether an investigation by the General Prosecutor resulted in prosecutions. The authorities informed UNSMIL that arrests had been carried out without providing further details. There were reports that those responsible went into hiding...' ³⁶

5.3.6 Reuters reported in April 2018:

'A Libyan appeals court cleared one of the sons of late leader Muammar Gaddafi on Tuesday of charges of murdering a footballer before Libya's 2011 uprising, the justice ministry said.

'Saadi Gaddafi, who has been held in the capital Tripoli since his extradition from Niger in 2014, was found not guilty of "murder, deception, threats, enslavement and defamation of the former player Bashir Rayani," a statement from the ministry said.

'He was fined 500 Libyan dinars (\$377) and given a suspended one-year prison sentence for drinking and possession of alcohol in the 2006 case, the statement said.

'Saadi Gaddafi, who under his father had a career as a footballer in Libya and Italy and was also a special forces commander, still faces other charges in Tripoli relating to the 2011 NATO-backed revolt.'³⁷

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³⁵ RT, 'Gaddafi's elusive son can unite Libyan's in the national interest ...', 22 March 2018, [url](#)

³⁶ Ecoinet, Amnesty International Annual Report Libya 2015-2016, [url](#)

³⁷ Reuters, 'Libya court clears Gaddafi son of footballer's murder', 3 April 2018, [url](#)

5.4 Ethnic minority groups perceived to support Gaddafi

5.4.1 Freedom House stated in its 'Freedom in the World 2018' report, 'Libyans from certain tribes and communities—often those perceived as pro-Qadhafi, including the Tawerghans—have faced discrimination, violence, and displacement since 2011. The Tebu and Tuareg minorities in the south also face discrimination, and migrant workers from sub-Saharan Africa have been subject to serious mistreatment, particularly at the hands of armed groups.'³⁸

5.4.2 DFAT, in their 2018 report assessed that:

'...Tawergha face a high level of societal discrimination, particularly from Misratan militias, due to their perceived association with the Gaddafi regime. This may include being illegally detained, beaten or tortured; having death threats made against themselves or their families; or being killed. While this treatment can occur throughout Libya, it is particularly likely to occur in areas where the Misratan militias have a strong presence. DFAT assesses that Tawergha face a high level of official discrimination, due to the continuing failure of officials to provide protection, or safe return to their homes.'³⁹

5.4.3 The DFAT report continued that:

'Although some Tuareg opposed Gaddafi, many Libyans identify all Tuareg as supporters of the Gaddafi regime. Following the removal of the regime, reports circulated that interim government authorities removed Tripoli-based Tuareg from their homes and held them in detention centres and prisons. Government officials and journalists often distinguished between "loyal" and "foreign" populations of Tuareg in the south, and advocated the expulsion of minority groups affiliated with political rivals on the basis that they were not truly "Libyan". Actual or perceived former Gaddafi loyalists, and displaced Tuareg in general, have been subjected to retaliatory attacks, harassment, intimidation, discrimination and other abuses, and often lack national identity number (and thus access to employment). Minority Rights Group International reports an estimated 14,000 Tuareg do not hold official papers...

'DFAT assesses that Tuareg face a high risk of societal discrimination and violence, similar to that faced by other "Black Libyans", due to their perceived association with the Gaddafi regime. This may include being illegally detained, beaten or tortured; having death threats made against themselves or their families; or being killed. While this treatment can occur throughout Libya, the risk is higher for those Tuareg located outside their traditional tribal areas in the south. Tuareg without documentation to prove their Libyan citizenship face a high risk of official discrimination and violence, including being detained, beaten or tortured. This risk is also particularly high in areas outside their traditional tribal areas...' ⁴⁰

5.4.4 The DFAT report further noted that:

'During the Gaddafi era, reports existed of social discrimination, such as verbal abuse and denial of housing and jobs, and occasional violent attacks

³⁸ Freedom House, 'Freedom in the World 2018 - Libya', (para F4), 28 May 2018, [url](#)

³⁹ DFAT, Country Information Report Libya, (Paragraph 3.15), 14 December 2018, [url](#)

⁴⁰ DFAT, Country Information Report Libya, (Paragraph 3.18 & 3.20), 14 December 2018, [url](#)

against dark-skinned residents of Libya. The frequency of these incidents increased considerably after Gaddafi's fall, due in part to allegations that he had relied on African mercenaries during the 2011 conflict. In 2014, interim government authorities removed dark-skinned citizens from their homes in Tripoli and held them in detention centres and prisons...

'DFAT assesses that "Black Libyans" of all categories face a high risk of societal discrimination and violence due to their perceived association with the Gaddafi regime. This may include being illegally detained, beaten or tortured; having death threats made against them or their families; or being killed. Those "Black Libyans" who cannot prove their Libyan citizenship face a high risk of official discrimination and violence, including being detained, beaten or tortured...

'DFAT assesses that Tebu face a high risk of societal discrimination and violence, similar to other 'Black Libyans', due to their perceived association with the Gaddafi regime, and being viewed by some as foreigners. This may include being illegally detained, beaten or tortured; having death threats made against themselves or their families; or being killed. While this treatment can occur throughout Libya, the risk is higher for those Tebu located outside of their traditional tribal areas. Tebu without documentation to prove their Libyan citizenship face a high risk of official discrimination and violence, including being detained, beaten or tortured. This risk is also particularly high in areas outside their traditional tribal areas... ⁴¹

5.4.5 Minority Rights Group International in their July 2018 report, 'World Directory of Minorities and Indigenous Peoples – Libya' stated:

'Black migrants and Libyans alike have also been targeted by rebels due to the perception that they fought on Gaddafi's side in the uprising, based on claims that he used African mercenaries during the conflict...

'The effect on minorities since the end of the conflict has been mixed. While Libya's Amazigh indigenous community, also known as Berbers, liberated their lands from Gaddafi's hold and were able to enjoy freer cultural and linguistic expression, sub-Saharan Africans and Libyan Tawerghans have suffered severe discrimination and violence at the hands of the former rebels and many continue to be detained. According to rights groups, rebel fighters killed and detained black Libyans and sub-Saharan African migrant workers, claiming they were pro-Gaddafi mercenaries. However, allegations that Gaddafi employed many Africans from neighbouring countries such as Chad, Nigeria and Sudan as mercenaries appeared to have been heavily exaggerated.

'Tebu also continue to face racism and discrimination in Libya because of their dark skin colour. Xenophobic rhetoric continues on account of their ethnicity, fuelled by resentment against black mercenaries who supposedly fought with Gaddafi against the rebels in 2011. Some Libyans see black people as inferior, viewing them as descendants of slaves.'⁴²

⁴¹ DFAT, Country Information Report Libya, (Paragraph 3.10 – 3.11 & 3.24), 14 December 2018, [url](#)

⁴² MRGI, 'World Directory of Minorities and Indigenous Peoples – Libya', July 2018, [url](#)

- 5.4.6 For further information on the treatment of ethnic minority groups, see the Country Policy and Information Note on [Libya: Ethnic Minority Groups](#).

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5.5 Death penalty

- 5.5.1 The 2018 DFAT report noted:

‘Over 30 articles in Libya’s penal code permit the death penalty, including for acts of speech and association that are protected under international human rights law. Executions in Libya are carried out by shooting. Both civil and military courts impose the death penalty. Human Rights Watch reports no death sentences have been carried out since 2010. While the number of people sentenced to death is unclear, one estimate suggests at least 28 individuals received a capital sentence between October 2011 and January 2017. On 15 August 2018, a Libyan criminal court issued 45 death sentences for crimes committed during the 2011 revolution. In October 2013, the Supreme Court suspended the death sentence of a former Gaddafi official and a pro-Gaddafi fighter, because of concerns they had not received a fair trial. Both had been sentenced to death by firing squad for crimes committed during the 2011 uprising, including murder and kidnapping.’⁴³

- 5.5.2 HRW noted in its World Report covering events in 2018 that, ‘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’.⁴⁴

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Section 6 updated: 2 April 2019

6. Protection

6.1 Judiciary and penal system

- 6.1.1 According to a December 2018 OHCHR report:

‘Since the renewal of armed hostilities in mid-2014, Libya has been witnessing a security, governance and humanitarian crisis characterized by ongoing violence, the fragmentation of national institutions, and the collapse of the rule of law. Even after the internationally recognized Government of National Accord (GNA) began operating from Tripoli in April 2016, it has been struggling to assert its control over the remainder of the country and to rein in and hold accountable powerful armed groups and criminal networks, including those systematically abusing migrants and refugees. Libya’s descent into chaos has severely hampered the functioning of the justice system, which is unable adequately to address rampant human rights violations and abuses committed by State and non-State actors.’⁴⁵

- 6.1.2 The UNSMIL observed in its February 2019 report:

⁴³ DFAT, Country Information Report Libya, (Paragraph 4.12), 14 December 2018, [url](#)

⁴⁴ HRW, ‘World Report events of 2018 – Libya’, 18 January 2018, [url](#)

⁴⁵ OHCHR, ‘Report on ... situation of migrants and refugees in Libya’ (p.10), 20 December 2018, [url](#)

‘The ability of the judiciary to process conflict-related and other politically sensitive cases remained limited. Members of the judiciary and the Judicial Police continued to face attacks, threats and other violence, including unlawful deprivation of liberty. On 17 March, unidentified gunmen in Tripoli took a judge hostage, releasing him three days later. On 24 September, Ayad Njim, the Director of the Ain Zara (B) prison (nominally under the Ministry of Justice), unlawfully detained four members of the Judicial Police for several hours. They had gone to the prison to inform him of his transfer to a different position. Mr. Njim is a member of the powerful Tripoli Revolutionaries Brigade armed group, nominally under the Ministry of the Interior...

‘The inability of the justice system to function effectively has led to widespread impunity, particularly for abuses perpetrated by armed groups. UNSMIL/OHCHR is unaware of any prosecution of armed group members, including those affiliated to the State, for crimes related to abuses committed since 2011, including in cases where the State announced investigations and vowed that those responsible would be brought to justice...

‘The implementation of the provisions of the Libyan Political Agreement related to the administration of justice and establishment of the rule of law remained stalled until September 2018, as armed groups refused to release persons held in their custody without a legal basis or to hand them over to the judicial authorities.’⁴⁶

6.1.3 The DFAT 2018 country information report on Libya stated that:

‘Libya has a four-stage court system. The Supreme Court, based in Tripoli, is Libya’s highest court and considers the constitutionality of laws and regulations. It has the task of ensuring that laws are applied equally across the country, and has appellate jurisdiction over all lower courts. A five-judge panel hears cases. Courts of Appeal are the second highest level, and are courts of first instance for matters concerning major criminal cases, administrative cases or felonies. Their decisions can be challenged in the Supreme Court. Primary Courts are courts of first instance for civil and personal matters, and commercial disputes. They function as an appeal court for low level criminal cases dealt with by the District Court. Summary or District Courts have limited jurisdiction over small civil, commercial and administrative disputes, and low level criminal cases (misdemeanors). There are two Ministries of Justice (MoJ): the officially recognised one in Tripoli and its parallel institution in the east. The judiciary answers to the supreme judicial council which has not yet split.

‘The Constitutional Declaration provides for an independent judiciary and free access to a court of law. In practice, however, the rule of law in Libya is almost absent, and many Libyans lack options for protection or a just judicial process if they have been subjected to threats or violence. While the judicial system in Libya is functioning, it is weak. Courts have been unable to hear thousands of untried cases of detainees, some dating from 2011. Judges and lawyers have been threatened and harassed, leading many to flee the country and leaving a void in the state prosecutorial and judicial systems,

⁴⁶ Reliefweb, UNSMIL, ‘Situation of human rights in Libya...’, (para 53, 55, 56) 4 February 2019, [url](#)

though some consider the situation may be improving. In September 2017, senior prosecutor Sadik Essour announced that 800 arrest warrants had been issued and 250 people had been referred to court for their involvement in political violence. In October 2017, before one of these trials was due to start, a gun and suicide bomb attack on a court in GNA-controlled Misrata killed four people - two civilians and two security personnel - and injured at least 40. ISIL claimed responsibility for the attack...' ⁴⁷

6.1.4 The report continued:

'The Judiciary is polarised and its members remain at risk of being influenced by armed groups. Courts and judges in the east are considered less free than those in the west. Trials of former regime figures have occurred but they fell well short of international standards, featuring procedural violations such as arrest without warrant, prolonged detention without lawyers, threats and torture while in detention, and a failure of the prosecution to present evidence. Judgements are weakly enforced, especially where the state is ordered to provide compensation in civil matters. None of the parties to the conflict has implemented any of the human rights provisions in the UN-brokered Libya Political Agreement of December 2015, including those obliging them to release detainees held without legal basis.

'Protection and access to justice in Libya are closely linked to personal identity and connection to societal structures such as tribes and communities, as well as to regional background and political affiliation. Libyans living outside protection spheres, such as minorities and internally displaced persons, are therefore often prevented from seeking justice and left unprotected by state systems. In areas where tribe-related militias are dominant, such as Misrata, minorities are sometimes discriminated against or targeted, particularly groups who have been forcibly displaced.' ⁴⁸

6.1.5 Freedom House, in their 2018 Libya Country Report, stated 'the role of the judiciary remains unclear without a permanent constitution, and judges face frequent threats and attacks. The national judicial system has essentially collapsed, with courts unable to function in much of the country. In some cases, informal dispute-resolution mechanisms have filled the void.' ⁴⁹

6.1.6 HRW, in its World Report 2018 covering events of 2017, noted that 'the criminal justice system has all but collapsed since 2014. Civilian and military courts in the east and south remained mostly shut, while elsewhere they operated at reduced capacity...' ⁵⁰

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6.2 Detentions

6.2.1 HRW, in its World Report covering events in 2018 observed that:

'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

⁴⁷ DFAT, Country Information Report Libya, (Paragraph 5.15 - 5.16), 14 December 2018, [url](#)

⁴⁸ DFAT, Country Information Report Libya, (Paragraph 5.17 - 5.18), 14 December 2018, [url](#)

⁴⁹ Freedom House, Freedom in the World Libya 2018, (Section F1), [url](#)

⁵⁰ HRW, 'World Report events of 2017 – Libya', (Judicial System and Detainees), 18 January 2019, [url](#)

the competing governments, and in unofficial places of detention controlled by militias or traffickers and smugglers...

‘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...

‘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.’⁵¹

6.2.2 According to DFAT:

‘...The Gaddafi-era criminal code remains in force in Libya. It establishes procedures for pre-trial detention and prohibits arbitrary arrest and detention, but both government and non-state actors have often disregarded these provisions. The Libyan Political Agreement (LPA) requires armed groups to release persons held in their custody without legal basis or hand them over to the judicial authorities within 30 days; and judicial authorities to bring detainees before courts or release them within another 60 days and provide effective protection and safeguards against abuse. NSMIL reports limited progress has been made on the implementation and thousands of people remain detained without protection and redress...

‘Militias, armed groups and security forces affiliated to rival governments continue to abduct, arrest and indefinitely detain thousands of people, because of their opinions, origin, perceived political affiliations or perceived wealth. Both rival governments have weak control over police and regional militia providing internal security, allowing armed groups to carry out illegal and arbitrary detentions unimpeded...’⁵²

6.2.3 The USSD human rights report for 2018 mentioned that ‘the law gives the government power to detain persons for up to two months if considered a “threat to public security or stability” based on their “previous actions or affiliation with an official or unofficial apparatus or tool of the former regime.”’⁵³

6.2.4 The report further mentioned:

‘Armed groups, some of which were nominally under GNA authority, held persons on political grounds, particularly former Qadhafi regime officials and others accused of subverting the 2011 revolution, in a variety of temporary facilities.

‘The lack of international monitoring meant that there were no reliable statistics on the number of political prisoners.’⁵⁴

6.2.5 UNHCR considered in its September 2018 Position on Returns to Libya that:

⁵¹ HRW, ‘World Report events of 2018 – Libya’, 18 January 2019, [url](#)

⁵² DFAT, Country Information Report Libya, (Paragraph 4.16 - 4.17), 14 December 2018, [url](#)

⁵³ USSD, ‘Country Reports on Human Rights Practices for 2018’, (section 1c), 19 March 2019, [url](#)

⁵⁴ USSD, ‘Country Reports on Human Rights Practices for 2018’, (Section 1e), 19 March 2019, [url](#)

‘There are consistent reports of the widespread use of prolonged arbitrary and unlawful detention and endemic human rights abuses in prisons and detention facilities nominally under the control of state institutions but partially or fully under the control of armed groups, as well as in facilities run by armed groups with no formal connection to state institutions or with affiliation to the unrecognized “Interim Government” and affiliated institutions in eastern Libya. The vast majority of detainees in official facilities are reportedly held in pre-trial detention. According to reports, detainees are routinely held *incommunicado*, are frequently not informed of the charges against them, have not appeared before courts and lack legal representation. Torture and other forms of ill-treatment are reported to be “systematic”, particularly at the outset of detention and during interrogations, and has resulted in deaths. There are also credible reports of summary executions of captured or detained persons at the hands of armed groups. Detention conditions are reported to be inhumane both in official and non-official detention centres. The LPA recognizes the urgent need to address the situation of thousands of “conflict-related” detainees held without legal basis; however, little progress has reportedly been made in this respect. The UN and human rights observers have also expressed concern over the continued imposition of the death penalty.’⁵⁵

6.2.6 The United Nations Security Council observed in its August 2017 ‘Report of the Secretary-General on the United Nations support Mission in Libya’:

‘Although UNSMIL visited several facilities, including the Hadba prison and the Abu Salim Security Directorate, it was not able to conduct private interviews with detainees. Despite its repeated requests, UNSMIL was unable to visit the Mitiga detention facility in Tripoli, one of the largest detention facilities in the city, which is controlled by the Special Deterrence Force under the aegis of the Ministry of Interior. UNSMIL continued to receive credible reports of torture, sexual and gender-based violence, poor prison conditions, medical neglect and denial of family visits for detainees.

‘Following the takeover of the Hadba prison by pro-Presidency Council armed groups on 26 May 2017, the conditions and whereabouts of the prisoners, including senior officials of the ousted Qadhafi regime, remained unclear.’⁵⁶

6.2.7 The OHCHR observed in February 2019:

‘Armed groups, including those acting on behalf of the State or the de facto authorities in the east, carried out arbitrary arrests and detentions. Victims included individuals targeted for their tribal or family identity, opinion, or for political or financial gains.

‘Most of those held by armed groups were either never brought before judicial authorities or were referred to judicial authorities after several delays. Detainees were often held *incommunicado* for prolonged periods, were subjected to torture or ill-treatment and were coerced into making confessions. In eastern Libya, civilians, including medical professionals, local

⁵⁵ UNHCR, ‘Position on Returns to Libya (Update II), (page 7), September 2018, [url](#)

⁵⁶ UN security council, ‘Report of the Secretary-General ...’ 22 August 2017, (para 32, 33), [url](#)

officials and activists, detained solely on account of their opposition to the Libyan National Army, were held at the military wing of the Gernada prison and denied access to relatives and lawyers.⁵⁷

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6.3 Convictions

6.3.1 Amnesty International reported a number of former Gaddafi officials sentenced to death in 2015:

‘Among the former officials sentenced to death were Prime Minister Al-Baghdadi al-Mahmoudi, head of the Revolutionary Guard, Mansour Daw, head of External Security Abu Zeid Dorda, head of the Tripoli branch of Internal Security Milad Salman Daman, Brigadier-General Mondher Mukhtar al-Gheneimi, Colonel in the Military Intelligence Department Abdel Hamid Ammar Awheida Amer and University of Tripoli Faculty of Law member Awaidat Ghandur Abu Sufa. A further 23 were given sentences ranging from five years in prison to life imprisonment. Four were acquitted and one was referred to a mental health clinic, without being sentenced. Those convicted are expected to appeal to the cassation chamber of Libya’s Supreme Court.

‘The proceedings against the nine men were deeply flawed during the investigation phase and at trial. In particular, the authorities failed to ensure the defendants’ due process rights, including the right to legal counsel, to remain silent, to be promptly informed of the charges against them and to be present at trial. In some cases, detainees were held in unofficial detention places and detained incommunicado for extended periods. The authorities also failed to investigate defence lawyers’ allegations that the men had been tortured and otherwise ill-treated.’⁵⁸

6.3.2 However, the Libya Observer reported the release of some of these former officials in June 2018:

‘The head of the Investigations Office in the Attorney General’s Office, Siddiq Al-Sour, has reiterated that the release of a number of senior figures of the former regime was for health reasons, denying that their release had political backgrounds.

‘Al-Sour added that the prisoners covered by the amnesty will be released respectively starting from the next hours.

‘The most prominent of those released were the chief of the external security agency, Abu Zeid Dorda and the senior official of the military intelligence agency, Abdul Hamid Ammar, in addition to the assistant chief of staff of the air defense Abdul Karim al-Kadiki.’⁵⁹

6.3.3 Furthermore, in October 2018, the Libya Observer reported:

‘The Head of the Investigations Bureau of the Attorney General Office confirmed that Mahdi al-Arabi, a senior military figure in the former Gaddafi regime, will be released in implementation of the provisional release decision issued by the Minister of Justice due to his health status.

⁵⁷ Reliefweb, OHCHR, ‘Situation of human rights in Libya...’, (paras 60 & 62), 4 February 2019, [url](#)

⁵⁸ Amnesty International, Urgent Action – Death sentences for Al-Gaddafi officials, 31 July 2015, [url](#)

⁵⁹ Libya Observer, ‘... Gaddafi regime officials will be released within hours’, 13 June 2018, [url](#)

‘The Head of the Investigations Bureau Siddiq Al-Sour said that the medical committee concluded to the need for Mahdi al-Arabi to follow up his health condition outside the prison, explaining that he is suffering from a disease in his spinal cord.

‘Al-Sour indicated that Al-Arabi had been acquitted of a number of cases and is still awaiting another case before the court.’⁶⁰

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Updated: 4 March 2019

7. Pro Gaddafi groups

7.1 Switching allegiances

7.1.1 The December 2016 report of the Secretary-General on the United Nations Support Mission in Libya noted, with regards to the situation in the South of the country, that ‘The Libyan National Army attempted [sic] to expand its influence in the South, and military elements affiliated with the former regime tried to reorganise. Tensions increased in Sabha on 9 October, where a force affiliated with the Libyan National Army entered the city. In Kufrah, there were continued tensions between members of the Tebu community and armed elements from Zway.’⁶¹

7.1.2 There are reports that in some cases, individuals, commanders and soliders who previously fought on the side of Gaddafi have regrouped, fighting alongside the Western-backed anti-ISIL coalition. In May 2016, the Telegraph reported that pro-Gaddafi supporters had enlisted to help drive out ISIL from Sirte:

‘Commanders who fought on Gaddafi’s side during the revolution in 2011 have signed up to a coalition now gearing up to push ISIL from his home city of Sirte.

‘The commanders – some of who fled Libya after the revolution – see the move as a chance to redeem themselves in the eyes of their fellow countrymen. In joining the anti-Isil coalition, which is made up of different Libyan militias, they will be fighting on the same side as SAS teams sent to help behind the scenes.’⁶²

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7.2 Continued support for Gaddafi

7.2.1 In December 2016, the hijacker of a Libyan passenger plane that diverted an internal flight and forced it to land in Valletta, Malta stated that he was the leader of the ‘New Al-Fateh.’ The Reuters News Agency reported this, stating:

‘One of the men who hijacked a Libyan internal flight and diverted it to Malta told Libyan TV...that he was the head of a party supporting late leader Muammar Gaddafi. The man, who gave his name as Moussa Shaha, told Libya’s Channel TV station by phone that he was the head of Al-Fateh Al-

⁶⁰ Libya Observer, ‘[AGO] confirms provisional release of senior Gaddafi aide ...’, 13 Oct 2018, [url](#)

⁶¹ UN Security Council, ‘Report of the Secretary-General ...’, Paragraph 21, 1 December 2016, [url](#)

⁶² The Telegraph, Gaddafi Loyalists Join West in Battle to Push [IS] from Libya, 7 May 2016, [url](#)

Jadeed, or The New Al-Fateh. Al-Fateh is the name that Gaddafi gave to September, the month he staged a coup in 1969, and the word came to signify his coming to power.

‘A Libyan lawmaker who spoke to one of the passengers also said the two hijackers were demanding the creation of a pro-Gaddafi party. Images circulating in the media appeared to show a hijacker stepping out of the plane with a green flag similar to those used by Gaddafi supporters.’⁶³

7.2.2 Reuters reported in February 2019:

‘A Maltese court said on Sunday it had granted bail to one of two men arrested for hijacking in 2016 after a passenger plane was forced to land in Malta, saying he had spent the maximum time allowed in prison without being tried.

‘Soko Moussa Shaha Ali and an accomplice were arrested for hijacking an Afriqiyah Airlines Airbus 320 just before Christmas in 2016, diverting it from its Libyan destination to Malta.

‘The hijackers surrendered after releasing the 109 passengers and seven crew members on board. They had threatened to blow up the plane, but their weapons later turned out to be fake. The two men have been awaiting trial ever since.

‘Soko Moussa’s lawyer argued that his client was entitled to release from arrest in terms of law, since the maximum term of 30 months preventive arrest envisaged by law had run its course.

‘The court granted Soko Moussa bail on condition he supply it with a fixed address in Malta, and that he not leave the island because he still must be tried for the hijacking.’⁶⁴

7.2.3 Asharq Al-Awsat news reported marches and celebrations in September 2018, to commemorate Gaddafi’s 1 September 1969 coup d’etat. The news agency reported that portraits of Gaddafi’s son, Saif al-Islam, were amongst the crowds, as well as Muammer Gaddafi’s signature green flag⁶⁵.

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Section 8 updated: 4 March 2019

8. Freedom of movement

8.1.1 According to the USSD report covering 2018:

‘...The Constitutional Declaration recognizes freedom of movement, including foreign travel, emigration, and repatriation, although the government has the ability to restrict freedom of movement. The law provides the government with the power to restrict a person’s movement if it views that person as a “threat to public security or stability” based on the person’s “previous actions or affiliation with an official or unofficial apparatus or tool of the former regime.”

⁶³ Reuters, ‘Hijacker of Libyan plane tells Libyan TV he is head of pro-Gaddafi party’, 23 Dec 2016, [url](#)

⁶⁴ Reuters, ‘Malta court grants bail to Libyan arrested for hijacking in 2016’, 17 February 2019, [url](#)

⁶⁵ Asharq Al-Awsat, ‘Libyan Al-Fateh’ Revolution’s Shy Celebrations Drowned in Tripoli Mass Violence, 2 September 2018, [url](#)

‘The GNA did not exercise control over internal movement in western Libya, although GNA-aligned armed groups set up some checkpoints. The LNA established checkpoints around Benghazi and Derna and in the south to intercept members of extremist organizations. These checkpoints were occasional targets of attacks by terrorist organizations. There were reports that armed groups controlling airports within the country conducted checks on citizens wanting to travel to other areas within the country or abroad since Libya lacked a unified customs and immigration system.

‘Armed groups controlled movement within their territories through checkpoints. These checkpoints and those imposed by ISIS, AQIM, and other terrorist organizations impeded internal movement and, in some areas, prohibited women from moving freely without a male escort.

‘There were multiple reports of women who could not depart from the country’s western airports controlled by GNA-aligned militias because they did not have “male guardians,” which is not a legal requirement in the country.’⁶⁶

8.1.2 Freedom House, in their country report for Libya, 2018 stated that:

‘...The 2011 constitutional declaration guarantees freedom of movement, but government and militia checkpoints restrict travel within Libya, while poor security conditions more generally affect movement as well as access to health care, education, and employment. Airports in Benghazi, Tripoli, Sabha, and Misrata have been attacked and damaged, severely limiting access to air travel. The UN Office for Humanitarian Affairs estimated that 1.3 million people in Libya would need humanitarian assistance in 2017, including more than 313,000 who were internally displaced. Many others have reportedly sought safety in neighboring Tunisia and Egypt...’⁶⁷

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⁶⁶ USSD Country Report on Human Rights Practices Libya 2017, (Section 2), 22 April 2018, [url](#)

⁶⁷ Freedom House, Freedom in the World Libya 2018, (Section G), [url](#)

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Political Context
 - Gaddafi's overthrow and the aftermath
 - Acts perpetrated by Gaddafi loyalists
 - Political situation
- Security Situation
 - Militia groups
- Treatment of Gaddafi Loyalists
 - Legal context and Political Isolation Law
 - Attacks against former Gaddafi supporters since 2011
 - Gaddafi's Sons
 - Ethnic minority groups perceived to support Gaddafi
 - Death penalty
- Protection
 - Judiciary and Penal System
 - Detentions
 - Convictions
- Pro Gaddafi Groups
 - Switching allegiances
 - Continued support for Gaddafi
- Freedom of Movement

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Bibliography

Sources cited

Al Jazeera, 'Libya remains a battleground eight years after Gaddafi revolt', 17 February 2019, <https://www.aljazeera.com/news/middleeast/2019/02/libya-remains-battleground-years-gaddafi-revolt-190217062542196.html>. Last accessed 21 February 2019.

Al-Monitor

Will Gaddafi's son be Libya's next leader? 22 July 2016 <http://www.al-monitor.com/pulse/originals/2016/07/libya-saif-al-islam-son-gadhafi-release-political-role.html> Last accessed 19 December 2018.

'Gadhafi supporters arrested during peace talks in Tripoli, 25 May 2018, <https://www.al-monitor.com/pulse/originals/2018/05/libya-former-regime-supporters-exile-arrest-reconciliation.html>. Last accessed 28 February 2019.

Amnesty International

'Annual Report: Libya 2015-2016' <https://www.amnesty.org/en/countries/middle-east-and-north-africa/libya/report-libya> Last accessed 19 December 2018

'Libya: Lives of Captives Trapped Under Fire in Benghazi in Danger', 21 July 2016, <https://www.ecoi.net/en/document/1087614.html>. Last accessed 19 December 2018.

'Urgent Action – Death sentences for Al-Gaddafi officials', 31 July 2015 http://www.ecoi.net/file_upload/1226_1438579274_mde1921912015english.pdf Last accessed 19 December 2018

Asharq Al-Awsat, 'Libyan Al-Fateh' Revolution's Shy Celebrations Drowned in Tripoli Mass Violence, 2 September 2018, <https://aawsat.com/english/home/article/1380891/libyan-%E2%80%99al-fateh%E2%80%99-revolution%E2%80%99s-shy-celebrations-drowned-tripoli-mass-violence>. Last accessed 4 March 2019.

Australian Department of Foreign Affairs and Trade (DFAT), Country Information Report Libya, 14 December 2018, <http://dfat.gov.au/about-us/publications/Pages/country-information-reports.aspx> Last accessed 4 March 2019

BBC, 'Libya revokes bill which banned Gaddafi-era officials from office', 2 February 2015, <https://www.bbc.co.uk/news/world-latin-america-31104099>. Last accessed 5 March 2019.

BBC Monitoring, 'LNA 'controls all major cities' in south', 4 March 2019, <https://monitoring.bbc.co.uk/product/c200noz1>. Last accessed 5 March 2019.

Freedom House:

'Freedom in the World Libya 2016', <https://freedomhouse.org/report/freedom-world/2016/libya> Last accessed 19 December 2018.

'Freedom in the World Libya 2018', <https://freedomhouse.org/report/freedom-world/2018/libya> Last accessed 4 March 2019.

GardaWorld, 'Libya: elections postponed to Spring 2019', 18 November 2018, <https://www.garda.com/crisis24/news-alerts/176881/libya-elections-postponed-to-spring-2019>. Last accessed 27 February 2019.

House of Commons Library, Briefing Paper, North Africa, Libya, 30 October 2018, Number CBP 8452, <https://cisnet.online.immi.gov.au/CountryInfo/Library/2018/Documents/Briefing%20Paper%20-%20North%20Africa.pdf> Last accessed 19 December 2018.

Human Rights Watch

'Stop Revenge Crimes Against Displaced Persons' 20 March 2013 <http://www.refworld.org/docid/514c56572.html>. Last accessed: 19 December 2018

'The Endless Wait: Long-Term Arbitrary Detentions and Torture in Western Libya', 2 December 2015 <https://www.hrw.org/report/2015/12/02/endless-wait/long-term-arbitrary-detentions-and-torture-western-libya>. Last accessed: 19 December 2018.

'World Report 2017 covering events in 2016', https://www.hrw.org/sites/default/files/world_report_download/wr2017-web.pdf Last accessed: 19 December 2018.

'World Report 2018 covering events in 2017', <https://www.hrw.org/world-report/2018/country-chapters/libya> Last accessed 5 March 2019

International Commission of Jurists: 'Challenges for the Libyan Judiciary: Ensuring Independence, Accountability and Gender Equality' July 2016 <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=57ee8f9f4&skip=0&query=Gaddafi%20supporters%202016&coi=LBY>. Last accessed: 19 December 2018.

Minority Rights Group International, 'World Directory of Minorities and Indigenous Peoples – Libya', July 2018, <https://minorityrights.org/country/libya/>. Last accessed 28 February 2019.

OHCHR, Desperate and Dangerous, Report on the human rights situation of migrants and refugees in Libya, 20 December 2018, <https://www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf>. Last accessed 2 April 2019.

Reliefweb, OHCHR, 'Situation of human rights in Libya including implementation technical assistance and capacity', 4 February 2019, <https://reliefweb.int/report/libya/situation-human-rights-libya-including-implementation-technical-assistance-and-capacity>. Last accessed 2 April 2019.

Reuters News Agency

Hijacker of Libyan Plane tells Libyan TV He Is Head of pro-Gaddafi party, 23 December 2016 <http://uk.reuters.com/article/uk-libya-airplane-hijackers-idUKKBN14C1KN>. Last accessed: 19 December 2018

'Malta court grants bail to Libyan arrested for hijacking in 2016', 17 February 2019, <https://uk.reuters.com/article/uk-malta-hijacking/malta-court-grants-bail-to-libyan-arrested-for-hijacking-in-2016-idUKKCN1Q60K2>. Last accessed 4 March 2019.

'Libya court clears Gaddafi son of footballer's murder', 3 April 2018, <https://uk.reuters.com/article/uk-libya-security-saadi-gaddafi/libyan-court-clears-gaddafi-son-of-footballers-murder-idUKKCN1HA29G>. Last accessed 28 February 2019.

Russia Today, 'Gaddafi's elusive son can unite Libyan's in the national interest – Saif's lawyer to RT, 22 March 2018, <https://www.rt.com/news/421984-gaddafi-saif-unite-libyans/>. Last accessed 4 March 2019.

The Guardian, ICC's Investigation of Libya War Crimes in Dock Even Before Male Rape Cases, 4 November 2017, <https://www.theguardian.com/law/2017/nov/04/iccs-investigation-libya-war-crimes-male-rape-court-hague-trial> Last accessed: 5 February 2019

The Independent

'Having Cheated Death Five Times, Colonel Gaddafi's Son is Reportedly Planning to Run for the Libyan Presidency', 23 March 2018, <https://www.independent.co.uk/news/world/africa/colonel-gaddafi-son-libya-president-run-election-saif-al-islam-dictator-muammar-a8270671.html> Last accessed: 19 December 2018

The Libya Observer

'Al-Sour – Gaddafi regime officials will be released within hours', 13 June 2018, <https://www.libyaobserver.ly/inbrief/al-sour-gaddafi-regime-officials-will-be-released-within-hours>. Last accessed 4 March 2019.

'Attorney General Office confirms provisional release of senior Gaddafi aide for health concerns', 13 October 2018, <https://www.libyaobserver.ly/inbrief/attorney-general-office-confirms-provisional-release-senior-gaddafi-aide-health-concerns>. Last accessed 4 March 2019.

The New Arab, Violence, Militias and Corruption: Surviving in Libya's War, 17 October 2018, <https://cisnet.online.immi.gov.au/CountryInfo/Basis/2018/Pages/Violence,-militias-and-corruption---Surviving-in-Libya's-war.aspx> Last accessed: 19 December 2018

The Telegraph

'Hundreds of Prisoners Escape Tripoli Prison After Week of Deadly Battles in Libyan Capital', 2 September 2018, <https://www.telegraph.co.uk/news/2018/09/02/hundreds-prisoners-escape-tripoli-prison-week-deadly-battles/> Last accessed: 6 February 2019

'Libyan Plane Hijackers Seeking Asylum in Europe To Establish Pro-Gaddafi Party Surrender After Releasing Passengers in Malta', 23 December 2016 <http://www.telegraph.co.uk/news/2016/12/23/flight-diverted-malta-amid-potential-hijack-situation>. Last accessed: 19 December 2018

'Gaddafi loyalists join West in Battle to push Islamic State from Libya', 7 May 2016, <http://www.telegraph.co.uk/news/2016/05/07/gaddafi-loyalists-join-west-in-battle-to-push-islamic-state-from>. Last accessed: 19 December 2018

The United States Institute of Peace

'The Current Situation in Libya' 5 April 2018 <https://www.usip.org/publications/2018/04/current-situation-libya> Last accessed: 19 December 2018

'Policing Libya: Form And Function Of Policing Since The 2011 Revolution', 25 August 2016 <https://www.usip.org/publications/2016/08/policing-libya-form-and-function-policing-2011-revolution> Last accessed 19 December 2018

United Nations Human Rights Council

'Investigation by the Office of the United Nations High Commissioner for Human Rights on Libya, Detailed Findings A/HRC/31/CRP.3', 15 February 2016, https://www.ohchr.org/Documents/Countries/LY/A_HRC_31_CRP_3.pdf Last accessed 19 December 2018

'Summary Prepared by the Office of the United Nations High Commissioner for Human Rights in Accordance with Paragraph 15 (c) of the Annex to Human Rights Council Resolution 5/1 and Paragraph 5 of the Annex to Council Resolution 16/21', 23 February 2015, http://www.ecoi.net/file_upload/1930_1453302677_g1503174.pdf. Last accessed 19 December 2018

United Nations High Commissioner for Refugees

'Position on Returns to Libya (Update II)' September 2018, <https://reliefweb.int/sites/reliefweb.int/files/resources/5b8d02314.pdf>. Last accessed 28 February 2019

United Nations Security Council

'Libya: Security Resolution 2095', 14 March 2013 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/259/38/PDF/N1325938.pdf?OpenElement> Last accessed: 19 December 2018

'Special report of the Secretary-General on the strategic assessment of the United Nations presence in Libya', 13 February 2015, http://www.ecoi.net/file_upload/1226_1424873650_n1504114libya.pdf Last accessed 19 December 2018

'Report of the Secretary-General on the United Nations Support Mission in Libya', 1 December 2016 http://www.ecoi.net/file_upload/1226_1481105747_n1639140.pdf Last accessed 19 December 2018

United Nations Support Mission in Libya; OHCHR - Office of the United Nations High Commissioner for Human Rights, Report on the Trial of 37 Former Members of the Qadhafi Regime (Case 630/2012), 21 February 2017, http://www.ecoi.net/file_upload/1226_1487837296_trial37formermembersqadhafiregime-en.pdf Last accessed 19 December 2018

United Nations, Office of the High Commissioner for Human Rights (OHCHR), Abuse Behind Bars: Arbitrary and unlawful detention in Libya, April 2018, <https://www.refworld.org/docid/5b5590154.html>. Last accessed 2 April 2019.

United States Department of State, Bureau of Democracy

'Human Rights and Labour Country Reports on Human Rights Practices for Libya 2017', 20 April 2018 <https://www.state.gov/documents/organization/277499.pdf> Last accessed 19 December 2018.

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Sources consulted but not cited

The Independent, 'As rival states jostle for power in Libya, the fate of one Gaddafi son hangs delicately in the balance', 31 January 2019, <https://www.independent.co.uk/voices/colonel-gaddafi-libya-hannibal-saif-al-islam-lebanon-musa-al-sadr-a8756371.html>. Last accessed 28 February 2019.

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Version control

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Below is information on when this note was cleared:

- version **3.0**
- valid from **16 April 2019**

Changes from last version of this note

Update of Country Information and Country Policy.

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