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World Report 2023



Libya

Events of 2022

Clashes between rival militias and armed groups in Libya's capital Tripoli in August marked an escalation and resulted in the killing of civilians and destruction of critical infrastructure.

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Armed groups aligned with the two rival authorities, the Tripoli-based Government of National Unity (GNU) and the Government of National Stability (GNS) based in the east, clashed in Tripoli and its environs after GNS forces attempted to take control of the capital. The fighting resulted in the deaths and injuries of hundreds, including civilians, the destruction of civilian infrastructure, the contamination of civilian neighborhoods with landmines and unexploded ordnance, and displacement.

Hundreds of people, including civilians, remain missing since the [2019-2020 conflict](#) in Tripoli and its environs. Authorities continued to find mass graves and unmarked individual graves with dozens of bodies in the western town of Tarhouna and the coastal town of Sirte.

Authorities and armed groups cracked down on civil society activists and journalists while invoking [draconian laws](#).

[Migrants](#), asylum seekers, and refugees faced arbitrary detention, ill-treatment, sexual assault, forced labor, and extortion by groups linked with the GNU's Interior Ministry, members of armed groups, smugglers, and traffickers.

Political Process and Elections

Political talks facilitated by the United Nations Mission to Libya (UNSMIL) failed to produce presidential and legislative elections slated for December 2021. The talks collapsed in 2022. In January, the House of Representatives appointed Fathi Bashagha as the prime minister-designate in parallel to the existing GNU. Bashagha, allied with Khalifa Hiftar from the Libyan Arab Armed Forces (LAAF), formed the GNS in March and took control of government institutions in the east and south of the country. Forces allied with the GNS clashed with GNU supporters between May and August but were unable to control Tripoli.

The LAAF remained in control of Sirte and eastern Libya, and most of the southern region and did not actively participate in the August fighting in the capital.

The UN-facilitated political negotiations in April, May, and June, in Cairo, Egypt, failed to reach an agreement on the legislative and constitutional basis for national elections.

After a nine-month hiatus, in September, the UN secretary-general appointed former Senegalese Minister Abdoulaye Bathily as special representative and head of UNSMIL in Libya.

Libya remains without a permanent constitution, with only the 2011 constituent covenant in force. A draft constitution proposed by the elected Libyan Constitution Drafting Assembly in July 2017 has yet to be put to a national referendum.

The Supreme Court in Tripoli reconvened its constitutional chamber in August, after six years of shutdown. In September, the speaker of parliament [appointed](#) a new chief justice of the Supreme Court, despite initial refusal by the incumbent president of the court to depart his post.

Armed Conflict and War Crimes

The formation of the GNS triggered fighting in Tripoli and its environs as of May. August saw the heaviest fighting since the October 2020 [ceasefire agreement](#) and a shift in the balance of power between armed groups in Tripoli. Forces allied with the GNS attacked GNU positions in Tripoli, resulting in the killing of 32 people, including four civilians, and the wounding of 159 people, including civilians, according to the [Libyan Ministry of Health](#).

The fighting also damaged critical infrastructure in Tripoli including power plants, which affected the provision of electricity according to the [General Electricity Company of Libya](#), and four healthcare facilities, according to the [Ministry of Health](#). The ministry also said its staff evacuated [64 families](#) caught in the line of fire.

Armed groups from the LAAF in August temporarily imposed restrictions on civilian movements in Qasr Bouhadi, a town 20 kilometers south of Sirte, including restrictions on access to healthcare and education due to undefined “security operations,” according to the UN. Armed groups reportedly broke into homes and [arrested](#) people, prompting the UN to call on armed groups to release all those “arbitrarily detained,” without specifying the number.

In August, the [General Authority](#) for the Search and Identification of Missing Persons removed unidentified human remains from two unmarked grave sites in Sirte. Throughout the year they also continued to uncover unmarked individual and [mass graves](#) in Tarhouna, where hundreds went missing between 2014- 2020 under Al-Kani militia control. The [General Prosecutor’s Office](#) in Tripoli said in August that authorities had identified 120 out of 259 bodies extracted from graves in Tarhouna and announced that they had opened 280 criminal cases into unlawful killings, torture, enforced disappearances, armed robbery, and kidnappings in the town, 10 of which had been referred to trial. The office also said it had issued 376 arrest warrants, including 10 international warrants, and that [20 individuals](#) were in provisional detention.

The Tarek Bin Ziyad Brigade of the LAAF in January [arbitrarily arrested](#) at least 50 residents of the eastern city of Derna following the escape of five detainees from Derna’s Garnada high-security

prison. The brigade recaptured all five detainees within a week. Those arrested were mostly unrelated to the five, and as of October, there was no confirmation if they had all been released.

Turkish and other military forces as well as thousands of foreign fighters from Chad, Sudan, Syria, and elsewhere, and members of private security companies including the Wagner Group, remained in Libya despite pledges during the two [Berlin conferences on Libya](#) in 2020 and 2021 to remove foreign fighters.

The UN Sanctions Committee's [Panel of Experts report](#) from May found foreign fighters and private military companies were continuing to pose a serious threat to security in Libya and that the arms embargo was being violated with impunity. Since the establishment by the UN Security Council of the Libya Sanctions regime in 2011 pursuant to Resolution 1970, no one has been held accountable for arms embargo violations.

Prohibited [landmines](#) and booby traps as well as abandoned and unexploded ordnance (UXO) in Libya continued to kill and maim civilians and deminers. Since the end of the 2019-2020 conflict at least 130 people, mostly civilians, have been killed by mines and UXO, according to the [Libyan Mine Action Center](#).

Judicial System and Detainees

Libya's criminal justice system remained weak. Where prosecutions took place, there were serious due process concerns and military courts continued to try civilians. Judges, prosecutors, and lawyers remained at risk of harassment and attack by armed groups.

Libya's Justice Ministry holds thousands of detainees, including women and children, in at least 27 prisons nominally under its control. In his [briefing](#) to the Security Council on October 24, Abdoulaye Bathily said that the Libyan Justice Ministry as of October 1 held nearly 11,000 convicted individuals, including 55 women. Nearly 6,000 more, including 113 women, were held in pretrial detention, many of whom had no access to judicial review. He said 135 juveniles were also detained. According to Bathily, this represents a 40 percent increase since August 2021.

Armed groups held thousands of others in irregular detention facilities. Prisons in Libya are marked by inhumane conditions such as severe overcrowding, ill-treatment, and torture.

In June, the Tripoli Appeals Court referred a case against dozens of defendants allegedly implicated in the [1996 Abu Salim Prison massacre](#), when authorities killed over 1,200 inmates, to the military prosecution citing lack of jurisdiction. Most defendants have been held since 2011, including Abdullah Al-Senussi, former intelligence chief under Gaddafi.

International Justice and the ICC

The International Criminal Court's (ICC) prosecutor continued his investigation in Libya.

In June, ICC judges [terminated proceedings](#) against LAAF commander Mahmoud El-Werfalli following notification of his death. El-Werfalli was wanted for the war crime of murder related to several incidents in and around Benghazi between June 2016 and January 2018. In September, the court's judges also [terminated proceedings](#) against Al-Tuhamy Khaled following notification of his death. Khaled was the former head of the Internal Security Agency under Muammar Gaddafi and was wanted for war crimes and crimes against humanity committed between February and August 2011.

Saif al-Islam Gaddafi, wanted by the ICC since 2011, remains a fugitive and Libya remains under legal obligation to surrender him to the Hague.

In June, the [ICC deputy prosecutor](#) visited Tripoli and Tarhouna and met with authorities, including the general and military prosecutors, but as of November 3, no new investigations had been announced.

A United States federal judge in the state of Virginia ruled in July 2022 that Khalifa Hiftar should [compensate](#) the Libyan families that sued him in the United States for allegedly ordering the torture and unlawful killing of their relatives in Libya. As of October 25, the case remained under appeal.

The Human Rights Council in July renewed by consensus the mandate of the independent [Fact-Finding Mission](#) on Libya for a “final non-extendable” period of nine months.

Death Penalty

The death penalty is stipulated in over 30 articles in Libya’s penal code, including for acts of speech and association. No death sentences have been carried out since 2010, but military and civilian courts continued to impose them.

Misrata’s Court of Appeals of the First Criminal Circuit in September sentenced [Diaa el-Din Ahmed Miftah Balaou](#) to death for “insisting on apostasy from the Islamic religion” after he “refused to repent and abandon his ideas,” in a case brought against him in 2019. As of September 26, the sentence was not yet final, as under Libyan law the Supreme Court automatically reviews all death sentences.

Freedom of Assembly and Association

Libya’s [penal code](#) stipulates severe punishments, including the death penalty, for establishing “unlawful” associations and prohibits Libyans from joining or establishing international organizations without government permission.

[Presidential Decree 286](#) on regulating nongovernmental organizations, passed in 2019, includes burdensome registration requirements and stringent regulations on funding and notification ahead of attending events. The Tripoli-based Commission of Civil Society, tasked with registering and approving civic organizations, has sweeping powers to inspect documents and cancel the registration and work permits of domestic and foreign organizations.

LAAF forces continued to prevent local and international human rights organizations from accessing eastern Libya.

Freedom of Speech and Expression

The [Internal Security Agency](#) in Tripoli arrested between November 2021 and March 2022 nine men and posted apparently-forced confessions on social media. The men were accused of “atheist, areligious, secular and feminist” activities, according to the UN Mission to Libya (UNSMIL). As of October 25, they were held in different detention facilities in Tripoli, including Mitiga Prison controlled by the armed group linked with the Interior Ministry Rapid Deterrence Force, and Al-Jdeidah Prison controlled at least nominally by the Justice Ministry. The general prosecutor had started proceedings against four of them as co-defendants. It was unclear when proceedings would start against the other five. Since these arrests, several Libyan grassroots movements, including the Tanweer Movement, were dissolved as members went into hiding or fled overseas fearing persecution.

In March, Internal Security Apparatus in the eastern town of Ajdabiya, affiliated with the LAAF, released [Mansour Mohamed Atti al-Maghribi](#), a civic activist and head of the Red Crescent Society in Ajdabiya, without charge after 10 months of arbitrary detention.

Some provisions in Libyan laws unduly restrict freedom of speech and expression, including criminal penalties for insulting religion and the death penalty for promoting theories or principles that aim to overthrow the political, social, or economic system. The 2021 Cybercrime Law contains overbroad provisions and draconian punishments, including fines and imprisonment that could violate freedom of speech.

Women's Rights, Sexual Orientation, Gender Identity

Libya does not have a domestic violence law that sets out measures to prevent domestic violence, punish abusers, and protect survivors. The penal code allows for a reduced sentence for a man who kills or injures his wife or another female relative because he suspects her of extramarital sexual relations. It also allows rapists to escape prosecution if they marry their victims.

Libya's Family Code discriminates against women with respect to marriage, divorce, and inheritance. The 2010 nationality law also discriminates against women allowing only Libyan men, but not women, to pass on Libyan nationality to their children and requiring women to get authorities' permission before marrying a non-Libyan man. In October, the GNU issued a [decision](#) ostensibly expanding the rights of non-citizen children of Libyan women, including visa-free entry into Libya and access to education and healthcare, but fell short of granting women [full equal rights](#) including the right to pass on the Libyan nationality to their children.

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

Internally Displaced Persons

As of June, the [International Organization for Migration](#) (IOM) estimated there were 143,419 internally displaced people in Libya.

Among them are thousands of former residents of the town of Tawergha, who were driven out by anti-Gaddafi groups from Misrata in 2011 and have been unable to return due to massive and deliberate destruction of the town and the scarcity of public services there.

Migrants, Refugees, and Asylum Seekers

The [IOM](#) recorded 1,295 people dead and missing along the Central Mediterranean migration route in 2022 as of October 25.

Also as of October, there were 667,440 migrants in Libya according to the IOM, 43,000 of whom are registered asylum seekers and refugees according to the UN refugee agency, UNHCR.

On October 7, the burned bodies of 15 people believed to be migrants were found near a boat in the town of [Sabratha](#) on the western coast after fighting by rival armed groups involved in trafficking there, according to UNSMIL. The Interior Ministry pledged to investigate the incident.

The bodies of at least 20 people—18 Chadian migrants and two Libyans—were recovered on June 28 in the Libyan desert near the Chadian border, according to the IOM, quoting the Libyan Ambulance and Emergency Services. The individuals [reportedly](#) died of dehydration.

The European Union continued to collaborate with abusive Libyan Coast Guard forces, providing material and technical support and aerial surveillance to intercept and return thousands of people to Libya. As of August, Libyan forces intercepted or rescued 16,506 people and returned them to abusive conditions in Libya, according to the [IOM](#).

Migrants, asylum seekers, and refugees were arbitrarily detained in inhumane conditions in facilities run by the GNU's Interior Ministry and were held with smugglers and traffickers, where they were subjected to forced labor, torture, ill-treatment, extortion, and sexual assault.