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Country Report on Human Rights Practices 2014 - Libya

EXECUTIVE SUMMARY

Libya is a parliamentary democracy with a temporary Constitutional Declaration allowing for the exercise of a full range of political, civil, and judicial rights. The outbreak of major political violence in July led to the loss of central government control over much of the country's territory and the emergence of rival administrations based in Tripoli and the eastern city of Tobruk. The internationally recognized government of Prime Minister Abdullah al-Thinni did not maintain effective control of government forces or allied militias. Military forces and militias affiliated with both the recognized government and its opponents committed numerous, serious human rights abuses, including the targeting of civilians.

On February 20, voters elected a Constitutional Drafting Assembly in soundly administered elections, although only 32 percent of eligible voters participated, and the two Amazigh seats remained vacant due to a boycott of the elections. On June 25, voters chose a new interim parliament in similarly administered elections, characterized by an estimated 42 percent turnout of registered voters. The new national legislature, the House of Representatives (HoR), replaced the previous interim legislative body, the General National Congress (GNC), which had unilaterally extended its mandate in December 2013 for one year. On September 22, the HoR approved a new government, led by Prime Minister Abdullah al-Thinni, which the international community recognized as the legitimate government. In a controversial November 6 ruling, the Supreme Court appeared to invalidate the HoR by overturning a provision of the Constitutional Declaration relating to the HoR's election. According to the HoR, the Supreme Court made its ruling under duress and did not invalidate the primary electoral law leading to its creation.

Previous militia harassment of state institutions, the July outbreak of fighting in Tripoli, and the takeover of the capital by the anti-HoR "Operation Dawn" coalition prompted the parliament and al-Thinni government to relocate in August to the eastern cities of Tobruk and Beyda, respectively. On August 25, a subset of members of the defunct GNC reconvened in Tripoli and announced the formation of a "National Salvation Government" led by Omar al-Hassi. At year's end no country had recognized the al-Hassi administration. The extent of the GNC or al-Hassi administration's control over allied militias was unclear.

During the year security deteriorated significantly, with full-scale conflict erupting in Benghazi in May and Tripoli in July. Militias and government-aligned forces used indiscriminate shelling and airstrikes to attack rival forces and violent extremist groups in civilian areas. Estimated total deaths during the year, relying on media reports, exceeded 2,800. Militias affiliated with both sides in the conflict operated without restraint or accountability and regularly killed civilians, as well as threatened, kidnapped, or killed political figures, journalists, and civil society activists and their families. Militias also damaged national infrastructure and diplomatic facilities.

The most serious human rights problems during the year resulted from the absence of effective governance, justice, and security institutions, and abuses and violations committed by armed groups affiliated with the government, its opponents, and terrorist and criminal groups. Consequences of the failure of the rule of law included arbitrary and unlawful killings, including politically motivated killings by groups outside or only nominally under government control; torture and other cruel, inhuman, or degrading treatment or punishment; and harsh and life-threatening conditions in detention and prison facilities.

Other human rights abuses included arbitrary arrest and detention; lengthy pretrial detention; denial of a fair public trial; an ineffective judicial system staffed by judicial authorities who were subject to intimidation; arbitrary interference with privacy and home; use of excessive force and other abuses in internal conflicts; localized restrictions on humanitarian aid to civilians; limits on the freedoms of speech and press, including violence against, and harassment of, journalists; restrictions on freedom of religion; abuses of internally displaced persons, refugees, and migrants; corruption and lack of transparency in government; social discrimination against, and societal abuse of, women and ethnic and racial minorities, including foreign workers; trafficking in persons; legal and social discrimination based on sexual orientation; killings related to societal violence; and violations of labor rights, including forced labor.

Impunity was a severe and pervasive problem. The government did not take steps to investigate, prosecute, and punish officials who committed abuses and violations, whether in the security forces or elsewhere in the government. Militias and other armed groups influenced the scarcely functioning court proceedings. Intimidation resulted in the paralysis of the judicial system, impeding the investigation and prosecution of those believed to have committed human rights abuses. When authorities attempted to conduct trials, threats and acts of violence often influenced and curtailed judicial proceedings. Despite well-publicized abuses such as killings and some successful prosecutions abroad for business corruption, there were no reports of investigations leading to indictment and prosecutions in the country.

Government officials regularly justified the activities of extralegal armed groups as necessary to “combat terrorism.” Extralegal armed groups continued to fill a security vacuum across the country. They varied widely in their makeup and responsiveness to the state, violated human rights and humanitarian norms, and committed unlawful killings and other abuses. The internationally recognized government failed to control such groups, even those that were nominally under state control, or to prosecute human rights abuses committed by militias. After the outbreak of major conflict in July, the government continued to pay the salaries of militias affiliated with both sides. Additionally, terrorist groups such as the Ansar al-Sharia in Benghazi and in Derna conducted targeted killings, kidnappings, and suicide bombings that resulted in the deaths of hundreds of civilians and officials, primarily in the eastern part of the country. A Derna-based group calling itself the Islamic Youth Shura Council pledged loyalty to the Islamic State in Iraq and the Levant. Derna remained under the control of Ansar al-Sharia and other Islamist militants, who were responsible for extrajudicial killings and other serious violations.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were numerous reports that government-armed forces, including a factionalized Libyan National Army and affiliated militias, as well as militias opposed to the government, committed arbitrary or unlawful killings. Alliances, sometimes temporary, between the government, nonstate militias, and former or current officers in the armed forces participating in extralegal campaigns made it increasingly difficult to ascertain the role of the government in attacks by armed groups. In the absence of an effective judicial and security apparatus, most of these crimes remained unpunished, and the perpetrators remained unidentified. Nonstate militias affiliated with the anti-HoR Operation Dawn coalition, as well as terrorist groups including Ansar al-Sharia-Benghazi and Ansar al-Sharia-Derna, also committed numerous unlawful killings and other serious abuses.

In May retired General Khalifa Hifter followed on his failed February 14 coup attempt with a military campaign known as “Operation Dignity” to target extremist forces in Benghazi, independent of any civilian authority. On May 20, Hifter’s public remarks indicated he considered all Islamists, even those not involved in acts of violence, to be legitimate targets of the operation. The scope of Operation Dignity expanded over the following months to include attacks by ground and air forces against extremist forces in Benghazi, including Ansar al-Sharia and its affiliates. Forces involved in Operation Dignity included both legitimate government units led by active officers, such as Special Operations Forces battalions, as well as civilian volunteers and tribal and militia allies. On October 20, after previously condemning Hifter in May, the government of Prime Minister al-Thinni formally endorsed Operation Dignity. While casualty numbers were uncertain, reports from the media and nongovernmental organizations (NGOs) estimated that Hifter’s campaign resulted in hundreds of dead and thousands wounded, including civilians. In August the United Nations reported that in Benghazi, where air

strikes and shelling in populated areas were common, violence led to the deaths of at least 37 civilians. The United Nations estimated 15,000 persons fled Benghazi because of the campaign.

Reports indicated extremist and terrorist organizations played a prominent role in the targeted killings, kidnappings, and suicide bombings perpetrated against both government officials and civilians. Although most such incidents saw no claims of responsibility, many were attributed to terrorist groups such as Ansar al-Sharia-Benghazi and Ansar al-Sharia-Derna. Criminal groups or armed elements affiliated with both the government and its opponents may have carried out others. Extremist groups using vehicle-borne explosive devices typically targeted military officials and killed scores of persons during the year.

On July 13, a coalition of forces including a number of Misrata-affiliated militias under the leadership of Saleh Badi launched Operation Dawn to dislodge from Tripoli Zintani militias at that time rhetorically aligned with Hifter. Operation Dawn forces attacked Tripoli International Airport and a number of other Zintani strongholds. During the following weeks, Operation Dawn and Zintani forces clashed throughout Tripoli. Indiscriminate shelling by both Operation Dawn and Zintani militias caused extensive damage and numerous civilian casualties. On July 30, the ministry of health reported fighting in Tripoli led to 214 deaths and 981 wounded. The United Nations stated these numbers likely underestimated the extent of the violence.

Following the expulsion of Zintani forces from Tripoli in August, Operation Dawn forces attacked civilian areas under the control of the Warshafana tribe, which aligned with the Zintan, causing additional damage and civilian casualties. Fighting continued between Operation Dawn and Zintani forces southwest of Tripoli, notably in the city of Kikla. Government officials at the time referred to Zintani forces, which included elements of the Qa'qa and Sawaiq brigades, as affiliates of the "Libyan National Army." At other times officials used the "Libyan National Army" label to describe regular Libyan armed forces units that joined Zintani forces in repelling the Dawn offensive in the Nafusa Mountains.

Civil society and media reports claimed both sides committed human rights abuses in the western part of the country, including indiscriminate attacks on civilians, kidnapping, torture, burning of houses, and forced expulsions based on political belief or tribal affiliation. On July 25, Fatou Bensuda, prosecutor for the International Criminal Court (ICC), issued a statement expressing deep concern about the escalating violence and warning parties against committing further acts that would fall within her office's jurisdiction, including genocide, crimes against humanity, and war crimes. In October, Operation Dawn attacks in the Warshafana region reportedly resulted in hundreds of deaths, while retaliatory attacks by Zintani militias in Kikla and the surrounding Jebel Nafusa area approximately 60 miles southwest of Tripoli resulted in more than 60 deaths and 170 injured, according to media reports.

Impunity was a serious problem. The government's lack of control led to impunity for armed groups on all sides of the conflict across the country. On February 24, authorities found seven Egyptian Christians shot and killed in Benghazi after being abducted by suspected Islamist extremists who had reportedly gone door-to-door the night before asking if residents were Christian or Muslim before abducting them. On May 15, unknown assailants shot and killed Sheikh Mansour Abdelkarim al-Barassi, a Muslim cleric, as he left a mosque in Benghazi. On June 4, unknown assailants killed Michael Greub, an International Committee of the Red Cross (ICRC) staff member, in Sirte, prompting the ICRC to suspend its work in the country. On June 25, unknown assailants killed prominent human rights activist Salwa Bugaighis at her home in Benghazi and kidnapped or possibly killed her husband, Essam al-Ghariani. In the span of three days in September, attackers killed 14 security officials and civil society activists in Benghazi. Numerous other attacks against journalists, activists, judges, and security officials occurred throughout the year, particularly in Benghazi and Derna. At year's end authorities had not investigated these attacks, and there had been no arrests, prosecutions, or trials of alleged perpetrators of these crimes.

b. Disappearance

As in 2013 government forces and armed groups acting outside government control committed an unknown number of forced disappearances. The government made few efforts to prevent, investigate, or penalize forced disappearances.

Kidnappings were common throughout the year. Media reports of a number of civil society activists kidnapped for political or ideological affiliations included those of blogger Abd Almouez Banoun; scientist and vocal anti-Islamist Fathi al-Farjoni; human rights activist Faraj Aboul-Isha; and civil society advocates Nader al-Gadi and Zakariah Abdalwahad.

Many disappearances that occurred under the Qadhafi regime, as well as many related to the 2011 revolution, remained unresolved. Due to the weak judicial system, legal ambiguity regarding amnesty for revolutionary forces, and the slow progress of the National Fact-Finding and Reconciliation Commission, law enforcement authorities and the judiciary made no appreciable progress in resolving high-profile cases reported in 2012 and 2013.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitutional declaration states authorities may implement no punishment outside the law, and postrevolutionary legislation criminalizes torture. According to accounts collected by Human Rights Watch (HRW), however, personnel running both government and extralegal detention centers reportedly tortured prisoners. In October 2013, the UN Support Mission in Libya (UNSMIL) reported torture was widespread in detention centers, particularly those where the government relied on militias and armed brigades to manage incarceration facilities. During the year, in many cases the government continued to rely on militias to manage incarceration facilities due to its lack of resources and capability. Furthermore, militias, not police, initiated arrests in most instances. Militias, at their discretion, held detainees prior to placing them in official detention facilities. Armed groups also managed their own detention facilities outside government control.

Treatment varied from facility to facility and typically was worst at the time of arrest. Reported abuses included beatings with belts, sticks, hoses, and rifles; administration of electric shocks; burns inflicted by boiling water, heated metal, or cigarettes; mock executions; suspension from metal bars; and rape. The Islamic Youth Shura Council in Derna advertised public canings; however, the full extent of abuse at extremist or militia (government-allied and not) hands remained unknown.

On June 22, HRW released preliminary findings from its April investigation into migrant detention centers. Of the 138 detainees interviewed, 100 reported torture and other abuses, including massive overcrowding, dire sanitation conditions, and lack of access to adequate medical care in eight of the nine detention centers visited. The study reported incidents of severe whippings, beatings, and electric shocks (see section 1.d.).

During the year there were no known developments in unresolved reported high-profile abuses.

Prison and Detention Center Conditions

Prisons and detention facilities fell well short of international standards and were harsh and life threatening, with overcrowding serving as a significant threat to the well-being of detainees and prisoners. Many prisons and detention centers were outside central government control.

Physical Conditions: In the absence of an effective judicial system or release of prisoners, overcrowding reportedly continued during the year. Accurate numbers of those incarcerated, including a breakdown by holding agency, were not available. The Office of the UN High Commissioner for Refugees (UNHCR) estimated authorities incarcerated 8,000 conflict-related detainees as of September 2013. A large number of detainees were foreigners, of whom a majority appeared to be migrants. Reports indicated government facilities under the authority of the ministry of interior that held irregular migrants generally were of poorer quality than other facilities.

The government urged military councils and militia groups to transfer detainees held since the 2011 revolution to authorized judicial authorities. Observers believed the greatest concentrations of such detainees were in greater Tripoli, Misrata, and Benghazi. Although a number of militias transferred some detention facilities to the ministry of justice's judicial police in 2013, most facilities continued day-to-day operation under militias.

Makeshift detention facilities existed throughout the country. Conditions at these facilities varied widely, but consistent problems included overcrowding, poor ventilation, the lack of necessities such as mattresses, and lack of hygiene and health care. Militias reportedly held detainees at schools, former government military sites, and other informal venues, including private homes. As violence escalated, the disruption of goods and services affected prisons, creating a scarcity of medical supplies and certain food items.

There were reportedly separate facilities for men and women. In prior years, in some instances ministry of justice prisons and militias held minors with adults, according to human rights organizations. This practice may have continued, due to the deterioration of conditions throughout the year.

These problems also existed in several migrant detention centers. Officials, local militias, and criminal gangs moved migrants through a network of detention centers. Reports indicated the conditions in most of these detention facilities were below international standards.

Administration: Administration of prisons and detention centers continued to fall under the authority of the more than 10,000-officer judicial police. UNSMIL estimated 50 percent of judicial police officers reported for duty during the escalation of fighting that began in May. During the year the ratio of detainees and prisoners to the generally poorly trained guards varied significantly. International organizations involved in monitoring and training prison staff suspended their activities amid escalating violence.

Recurrent prison breaks underscored the incapacity of the ministry of justice to administer detention facilities. On October 25, the national committee for human rights expressed concern over reports that Ansar al-Sharia-Benghazi militants raided Benghazi's Bu-Hadimah Prison and took a large number of inmates to an unknown destination.

Independent Monitoring: The government permitted some independent monitoring, but the lack of clarity over who ran each facility and the sheer number of facilities made it impossible to gain a comprehensive view of the system. Prior to the escalation of violence in the summer, reports also raised questions about the capability and professional training of local human rights organizations charged with overseeing prisons and detention centers.

The ICRC suspended its work in the country after the killing of staff member Michael Greub in Sirte on June 4. UNSMIL withdrew the majority of its international staff on July 13-14 due to fighting in Tripoli and completely evacuated on November 24 in response to aggressive protests outside the UNSMIL compound. While UNSMIL continued to monitor the situation through local human rights defenders, members of the judiciary, and judicial police, the absence of an international presence on the ground made oversight increasingly problematic.

d. Arbitrary Arrest or Detention

Following the 2011 revolution and attendant breakdown of judicial institutions and process, the interim government and state and nonstate militia forces continued arbitrarily to detain and hold persons in authorized and unauthorized facilities, including unknown locations, for extended periods without legal charges or legal authority.

The Qadhafi-era criminal code remains in force. It establishes procedures for pretrial detention and prohibits arbitrary arrest and detention, but both government and nonstate forces often disregarded these provisions. Throughout the year the interim government had little control over police and regional militias providing internal security, allowing armed groups to carry out illegal and arbitrary detentions unimpeded.

Role of the Police and Security Apparatus

The national police and other elements of the security apparatus operated ineffectively. The national police force, which reports to the Ministry of Interior, has nominal responsibility for internal security. The military under the Ministry of Defense has as its primary mission the defense of the country from external threats, but it primarily supported Interior Ministry forces on internal security matters. Civilian authorities had nominal but limited control of police and security apparatus, and security-related police work generally fell to self-constituted, disparate militias exercising police power without training or supervision and with varying degrees of accountability.

There were no known mechanisms effectively to investigate and punish abuses of authority, abuses of human rights, and corruption by new postrevolutionary police and security forces. In the militia-dominated security environment, a blurred chain of command led to confusion about responsibility for the actions of armed groups, including those nominally under government control. In these circumstances police and other security forces were usually ineffective in preventing or responding to violence frequently incited by militias. Amid the confusion over chain of command and absent effective legal institutions, a culture of impunity prevailed.

Arrest Procedures and Treatment of Detainees

The law stipulates an arrest warrant is required, but authorities can obtain permission to detain persons without charge for as long as eight days. The law also specifies authorities must inform detainees of the charges against them, and to renew a detention order, detainees must appear before a judicial authority at regular intervals of 30 days. 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." Affected individuals may challenge the measures before a judge.

Although the Constitutional Declaration recognizes the right to counsel, the vast majority of detainees did not have access to bail or a lawyer. Government authorities and militias held detainees incommunicado for unlimited periods in official and unofficial detention centers.

Arbitrary Arrest: Authorities frequently ignored the provisions of the criminal code prohibiting arbitrary arrest and detention. Quasi-state or nonstate militias reportedly arbitrarily arrested and detained persons throughout the year.

Although the government and militias released some detainees at year's end, they continued to hold many prisoners without charge. An accurate number was unknown but estimated to be several thousand. The interim government took no concrete action to reform the justice system. Gaps in existing legislation and the unclear

separation of powers among the executive, judicial, and legislative branches contributed to a weak judicial system. Few detainees had access to counsel, faced formal charges, or had the opportunity to challenge their detention before a judicial authority.

Pretrial Detention: Militias held most of those they detained without charge and frequently outside the interim government's authority. With control of the security environment diffused among various militia groups and a largely nonfunctioning judiciary, circumstances prevented most detainees from accessing a review process, resulting in few detainees held formally in pretrial status.

Amnesty: The interim government did not clarify whether it believed there was a blanket legal amnesty for revolutionaries' actions performed to promote or protect the revolution. It took no action to address violations committed during the revolution by anti-Qadhafi forces, resulting in a tacit amnesty.

e. Denial of Fair Public Trial

The Constitutional Declaration provides for an independent judiciary and stipulates every person has a right to resort to the courts. Nonetheless, thousands of detainees lacked access to a lawyer and information about the charges against them. Judges and prosecutors, faced with threats, intimidation, and violence as well as underresourced courts, struggled to deal with sensitive and complex political cases. Additionally, judges and prosecutors cited concerns about the overall lack of security in and around the courts, further hindering the re-establishment of the rule of law. Amid escalating threats and violence, courts in Derna, Benghazi, and Sirte ceased operations in March. Between May and September, the courts in Tripoli effectively stopped functioning.

Trial Procedures

The Constitutional Declaration provides for the presumption of innocence and the right to legal counsel, provided at public expense for the indigent. During the year state-affiliated and nonstate actors did not respect these standards. According to reports from international nongovernmental organizations, arbitrary detention and torture by militias, including those operating nominally under state oversight, continued to contribute to a climate of lawlessness that made fair trials elusive. Armed groups, families of the victims or the accused, and the general public regularly threatened lawyers, judges, and prosecutors. The NGO Amnesty International reported at least four killings of judges in addition to intimidation and abduction of lawyers.

Amid threats, intimidation, and violence against the judiciary, the interim government did not take steps to screen detainees systematically for prosecution or release. The judiciary initiated very few criminal trials, largely because prosecutors and judges feared retaliation. The courts were more prone to process civil cases, which were less likely to invite retaliation, although capacity was limited due to a lack of judges and administrators.

Assaults on judicial police led to further deterioration of the judicial apparatus. On May 8, criminals surrounded and opened fire on members of the judicial police in a Tripoli suburb, killing five and injuring six. The judicial police went on strike for several weeks to protest the lack of security.

UNSMIL raised concerns about ensuring full and fair legal representation for all defendants, and trial monitoring to ascertain the situation was difficult. On May 11, the armed brigade in control of the Al-Hadba prison complex briefly detained a senior UNSMIL staff member observing trial proceedings there, in breach of its status-of-mission agreement.

Political Prisoners and Detainees

Both government and militia forces, some of which were nominally under interim government authority, held persons on political grounds, particularly former Qadhafi officials, internal security organization members, and others accused of subverting the revolution in a variety of temporary facilities.

Although lack of access made it difficult to determine whether most of these individuals were political detainees, in view of the sweeping nature of retaliation against former regime adherents, it was likely a number were political detainees (see section 5 for fuller treatment of proceedings against Qadhafi-era officials).

Civil Judicial Procedures and Remedies

The Constitutional Declaration provides for the right of citizens to resort to the judiciary. The post-Qadhafi judicial system did not have the capacity to provide citizens with access to civil remedies for human rights violations until the Law of Transitional Justice provided for fact-finding, accountability, and repatriations for victims. Implementation of the law stalled during the year. Civil proceedings became increasingly difficult, with no courts functioning in Benghazi, Derna, and Sirte; courts processing only a minimal number of cases in Tripoli; and continuous threats to justices and judicial police.

Impunity for the state and for militias also exists in the law. According to Law 38, even if a court acquits a person detained by a militia, that person has no right to initiate a criminal or civil complaint against the state or the militia unless “fabricated or mendacious” allegations caused the detention.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitutional Declaration considers correspondence, telephone conversations, and other forms of communication as inviolable unless authorized by a court order. Reports in the news and on social media indicated militias, gangs, extremist groups, and government-affiliated actors violated these prohibitions through the entry of homes without judicial authorization, the monitoring of communications and private movements, and the use of informants. Invasion of privacy left citizens vulnerable to targeted attacks based on political affiliation, ideology, and identity.

Extrajudicial punishment extended to targets’ family members and tribes. Armed groups arbitrarily entered, seized, or destroyed private property with impunity. For example, Operation Dawn forces in late August and September destroyed a number of residences in Tripoli belonging to political rivals or persons believed to be of Zintani origin.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

Killings: There were numerous reports government forces, rebel groups, and some tribes committed arbitrary and unlawful killings of civilians. Primary targets of killings included political opponents; members of police, internal security apparatus, and military intelligence; and also judges, political activists, members of civil society, journalists, religious leaders, and Qadhafi-affiliated officials and soldiers. HRW estimated there were at least 250 politically motivated killings in Benghazi and Derna during the year. A series of targeted killings in Benghazi on September 19 included that of Colonel Fathi Abd-al-Salam, a former head of the air force; Sheikh Nabil al-Sati, a prominent Muslim cleric and critic of Operation Dignity leader Khalifa Hifter; and two teenage activists, Tawfik Bensaud and Sami Elkawafi, ages 18 and 19, respectively. Conflicting reports on the September 19 killings illustrated the difficulty of identifying the responsible parties; some blamed Ansar al-Sharia-Benghazi and its affiliates, while others blamed General Hifter and his supporters in the Libyan National Army.

Although exact figures were not possible to obtain, extremist bombings and killings probably resulted in hundreds of deaths. Terrorist organizations Ansar al-Sharia-Benghazi and Ansar al-Sharia-Derna and their affiliates likely carried out much of the violence, although in many instances the perpetrators were unknown. For example, on October 7, media reports indicated militants linked to Ansar al-Sharia instigated the killing of three persons in separate incidents in Benghazi: a petroleum facilities guard, a police officer, and Sheikh Suleiman Jibril Al-Taira. In July and August, the Islamic Youth Shura Council in Derna executed three men in two separate public executions, according to media reports.

Abductions: Forces aligned with both the government and its opponents were responsible for the disappearance of civilians in conflict areas, although in most cases the details remained obscure. In the eastern region, a campaign of killings, kidnappings, and intimidation continued to target activists, journalists, former government officials, and the security forces. Kidnappings remained a daily occurrence in Benghazi.

Physical Abuse, Punishment, and Torture: Jailers at both government and extralegal detention centers reportedly tortured prisoners. Militia control of most government and extralegal detention facilities obscured understanding of the situation.

The extent of torture at extremist or militia hands remained unknown, although some militias reportedly physically abused detainees. Individuals who expressed controversial opinions, such as journalists, also suffered violence. For example, on May 29, unidentified assailants killed Naseeb Miloud Karfana, a television journalist based in Sabha, and her fiancé in Sabha’s northern Al-Hay Al-Jadida district. The NGO Reporters without Borders noted the unidentified assailants appeared to have tortured the woman.

Child Soldiers: There were reports of minors joining government forces, although official policy required proof recruits were at least 18 years of age. There were multiple reports of underage militia enlistees but no verifiable information about any age-related requirements for joining; however, personnel operating both government and extralegal detention centers reportedly tortured prisoners.

Other Conflict-related Abuses: Additional abuses stemming from increased conflict included restrictions on travel, use of civilians to shield combatants’ artillery and vehicles, deliberate attacks on health-care facilities, and the forceful displacement of civilians. The media reported armed groups involved in Tripoli clashes used land mines and improvised explosive devices in heavily populated urban areas.

Armed groups prevented the repatriation of foreign medical personnel in Benghazi. For example, families of Indian medical personnel in Benghazi requested Indian government intervention after unidentified “extremists” in the city seized relatives.

On July 17, damage from a rocket and gunfire forced the closure of the largest private hospital in Tripoli, Al-Afya Clinic. In October Ansar al-Sharia-Benghazi hid vehicles and weapons stockpiles in civilian residences to shield them from air attacks. Operation Dignity officials justified a December 2 airstrike on Zuwara port by claiming Operation Dawn forces had used the port to evacuate wounded combatants. Operation Dignity officials justified a December 2 airstrike against a food-processing factory that killed four persons and injured 15 by stating enemy militias had seized the food to control distribution. In Derna the Islamic Youth Shura Council established armed checkpoints at both entryways to the city, restricting travel for residents and visitors.

Targeted attacks on members of the Tawargha community residing in camps in Benghazi forced internally displaced persons to flee (see section 2.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitutional Declaration provides for freedom of opinion, expression, and the press, but the government limited the exercise of these rights. Neither the GNC nor the HoR fully respected freedoms of speech and press. Unidentified assailants increasingly targeted journalists and reporters for presenting “dissident” political views.

Freedom of Speech: The GNC limited freedom of speech in law and practice. Invoking the penal code, the GNC criminalized a variety of political speech, including speech considered to “tarnish the [country’s] reputation or undermine confidence in it abroad,” speech “insulting constitutional and popular authorities,” and speech “publicly insulting the Libyan Arab people.” On February 5, the GNC enacted Law 5/2014 criminalizing acts that “harm the February 17 revolution of 2011.”

The HoR, contending with widespread violence, loss of control of the capital, and political instability, did little to change restrictions on freedom of speech. Observers noted civil society increasingly self-censored as armed groups threatened and killed activists. Widespread conflict in major urban areas deepened the climate of fear and provided cover for armed groups to target vocal opponents with impunity.

Observers reported persons increasingly self-censored in everyday speech, particularly in locations such as Tripoli, where Operation Dawn forces threatened and detained citizens suspected of supporting Operation Dignity or criticizing abuses committed by Operation Dawn forces.

Press Freedoms: Press freedoms were limited in practice as many journalists self-censored since the media faced increased threats, including abductions and killings by a range of assailants, including militias and violent extremists.

Indirect restrictions on press freedom imposed by both foreign and domestic actors further polarized the media environment. A number of newspapers such as *al-Mayadeen* in Tripoli and *al-Ahwal* in Benghazi stopped publishing for fear of attacks by armed groups. Reporters without Borders reported several radio stations stopped broadcasting certain political programs; others completely ceased broadcasting. Observers previously considered the Doha-based Libya al-Ahrar satellite television station as a positive outlier in its fair and accurate reporting; however, in July Libya al-Ahrar cofounder and host Huda El-Serari resigned with three other journalists amid Qatari government pressure to change their editorial focus. On August 10, 23 television journalists resigned from Libya al-Rasmiyah in response to the board’s perceived anti-HoR bias. According to some accounts, the Operation Dawn-affiliated Libyan Revolutionary Operations Room (LROR) militia prevented the staff of ostensibly state-controlled al-Wataniya television station from telecasting the August 4 inaugural ceremony of the HoR and forced them to support the Operation Dawn agenda instead.

Violence and Harassment: Reportedly, attacks on the media, including harassment and killings of, and threats, abductions, and violence against, media personnel became more focused and frequent as societal unrest increased, to the point where it became nearly impossible for media to operate in any meaningful capacity in areas of conflict. Impunity for attacks on media exacerbated the problem, with no monitoring organizations, security forces, or a functioning judicial system to constrain or record these attacks.

While harassment of journalists became commonplace during the year, more-serious crimes against journalists also were widespread. Unknown assailants killed and tortured several journalists. On October 5, unknown assailants killed Al-Tayeb Issa, one of the founders of privately owned satellite television station Tuareg Tumsat, in the southwestern region. On October 8, unknown assailants killed radio presenter Motassem Al-

Warfalli in Benghazi. On May 26, unknown assailants killed Miftah Bouzeid, editor in chief of *Burniq* newspaper, in Benghazi. Kidnappings were also widespread. On August 1, unknown assailants kidnapped three crewmembers of the privately owned satellite television station al-Assima from Martyrs' Square in Tripoli while they reported on an anti-Operation Dawn protest. The assailants released the journalists five hours later, after they reportedly abused them and shaved their heads. Countless others were threatened or harassed.

Censorship or Content Restrictions: Following the revolution there was a significant increase of outlets for domestic journalism; however, censorship and restrictions increased throughout the country. For example, on January 22, the GNC passed Decree 5/2014 banning satellite television stations critical of the government or the 2011 revolution, thereby censoring peaceful political dissent. On August 21, the Committee to Protect Journalists reported the government shut broadcasts of two state-run television stations, one because of a takeover by militants and the other because it took an antigovernment line. Additionally, journalists self-censored due to lack of security. The unstable security situation and militia fighting created areas of hostility towards civilians and journalists associated with the opposing side.

Libel Laws/National Security: In 2013 the GNC limited freedom of speech in law and practice. Invoking the penal code, the government criminalized a variety of political speech, including speech considered to "tarnish the [country's] reputation or undermine confidence in it abroad," "insult constitutional and popular authorities," and "publicly insulting the Libyan Arab people." Most reports attributed infringement of free speech to intimidation, harassment, and violence. Reports indicated, however, that journalists often used the threat of articles written about political figures or other important persons for blackmail. This practice, in turn, exacerbated public outrage against journalists, increased violence against reporters, and created an environment where journalists were at risk when recognized in public.

Nongovernmental Impact: Militia violence in Tripoli and Benghazi, as well as violent extremists' control of the city of Derna and other communities, further restricted freedom of expression. Militias, terrorist and extremist groups, and individual civilians regularly harassed, intimidated, or assaulted journalists. While media coverage focused on the actions of Islamist-affiliated violent extremists, all sides of the conflict limited freedom of expression. Reports from NGOs indicated various parties, including civilians, attacked journalists and media outlets, noting that lack of professionalism in the media sector exacerbated violence from those who disagreed with what media reported.

Internet Freedom

There were no credible reports that the government monitored private online communications without appropriate legal authority. In November authorities of the "National Salvation Government" in Tripoli requested that Libya Telecom and Technology, a state-owned telecom company, turn over data to assist them in tracking "criminals" and restricting access to pornographic, atheist, and Christian sites.

Internet penetration outside urban centers remained relatively low, and frequent electricity outages following the July outbreak of violence in Tripoli resulted in limited internet availability in the capital. According to a 2013 World Bank study, 16.5 percent of the population used the internet and approximately 1.0 percent of households subscribed to fixed broadband services.

The government did not effectively exercise control over civilian infrastructure for most of the year. Social media, such as YouTube, Facebook, and Twitter, played a critical role in official and unofficial communications. A large number of bloggers, online journalists, and citizens reported practicing self-censorship due to instability, militia intimidation, and the uncertain political situation. Some activists reported finding what appeared to be "kill lists" targeting civilian dissenters on social media websites affiliated with certain Islamist militias.

Academic Freedom and Cultural Events

There were no reported government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The Constitutional Declaration provides for peaceful assembly and association; however, the government failed to provide for these rights.

Freedom of Assembly

The law does not provide for the right to peaceful assembly. In September, HRW noted Law 65 of 2012 on guidelines for peaceful demonstrations fails to include relevant assurances and provides for severe restrictions on the exercise of the right of assembly. The law mandates protesters must inform the government of any

planned protest at least 48 hours in advance and provides that the government can notify the organizers that a protest is banned as little as 12 hours before the event.

Absent an effective security and judicial apparatus, the government lacked the ability to provide for freedom of assembly. The government failed to protect protesters and, conversely, to manage protester violence during the year. On February 7, protests began that rejected the extension of the GNC's political mandate and escalated into storming the parliament by armed rioters on March 2. On November 21, protesters seized a Qatari oil tanker at Brega to protest Qatari government policies. On November 24, UNSMIL removed its remaining international staff in response to aggressive protests outside its compound.

Authorities held no parties accountable for Libya Shield Forces' June 2013 use of lethal force, which killed 30 peaceful protesters, or for the November 2013 killing of 40 protesters in Tripoli by militia forces mostly from Misrata.

Freedom of Association

The Constitutional Declaration includes freedom of association for political and civil society groups. In practice, however, the government could not enforce freedom of association, and the proliferation of targeted attacks on journalists, activists, and religious figures severely undermined freedom of association.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The Constitutional Declaration recognizes freedom of movement, including foreign travel, emigration, and repatriation, although the government has the ability to restrict freedom of movement. Law 38 provides the interim 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."

Political instability and escalating violence created an inhospitable environment for internally displaced persons, refugees, and migrants seeking to go to Europe by sea. At the end of 2013, the UNHCR was undertaking a progressive resumption of refugee status determinations, pending completion of a memorandum of understanding with the government. By the end of the year, however, the UNHCR and the government had not completed the memorandum. The suspension of ICRC activities in June, following the killing of the head of its Misrata suboffice, presented an additional obstacle to providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

As the security situation deteriorated throughout the year, the fear of detention, lack of opportunity, and violence pushed an ever-growing number of migrants and refugees to undertake the crossing to Europe. During the year the country served as the primary departure point for migrants crossing the Mediterranean. Boats were heavily overloaded, and there was a high risk of being lost or capsizing. By August observers believed that an estimated 77,000 migrants arriving in Italy had departed from Libya, a passage on which more than 100,000 persons were rescued between January and October, with an estimated 2,500 to 3,000 lives lost at sea. For example, on August 22, a boat with 270 passengers capsized off the coast of Garibouli to the east of Tripoli, killing 251 migrants.

In-country Movement: At the beginning of the year, the GNC restricted freedom of movement within the country. The law declaring much of the southern part of the country a "closed military zone" remained in effect. Covering the areas around Ghadames, Ghat, Awbari, al-Shati, Sebha, Murzuq, and Kufra, the law limits civilian access to certain roads in an attempt to curtail illicit trafficking. The legislation also temporarily closed the southern border crossings. Some government forces and autonomous militias imposed barriers to movement by setting up checkpoints in areas they wished to control. Militia checkpoints established following the outbreak of violence in Tripoli in July, checkpoints imposed by the Islamic Youth Shura Council in Derna, and checkpoints imposed by Ansar al Sharia-Benghazi impeded movement within the country. The military also established checkpoints targeting extremist movements around Benghazi and Derna.

After Operation Dignity launched in May and Operation Dawn in July, militias effectively controlled regional movements and imposed restrictions through military checkpoints. The government no longer exercised control over in-country movement.

Internally Displaced Persons (IDPs)

As of May the UNHCR reported nearly 64,000 IDPs. By October the UNHCR estimated this figure had reached 290,000 IDPs, 100,000 of whom fled because of the clashes in the west in late September and early October. Limited access to towns affected by fighting between rival armed groups hampered efforts to account for and assist the displaced.

Approximately 30,000 members of the Tawargha community remained displaced. In May, Tawarghans represented nearly half the IDPs; additionally, there were 6,120 from Misrata, 9,400 from Sirte, 9,200 from the western mountains, 4,800 from Sebha, and 2,402 from Ghadames. Opposing militias from Misrata attacked the town of Tawargha after the Qadhafi regime fell. Misrata militia compelled all inhabitants, largely descendants of sub-Saharan former slaves, to leave their homes. The Associated Press reported that approximately 17,000 members of the community resided in Benghazi, and 3,000 members caught in the crossfire between Islamist and Operation Dignity forces in October became IDPs for a second time. At year's end there was no resolution on their return to Tawargha.

IDPs continued to be vulnerable to abuses. Neither the HoR nor its predecessor, the GNC, was able to promote adequately the safe voluntary return or resettlement of IDPs. Due to the lack of adequate laws, policies, or government programs, international organizations and NGOs assisted them.

Protection of Refugees

In cooperation with the Libyan Humanitarian Relief Agency, the UNHCR reported it had registered 36,225 refugees and asylum seekers as of May 15. The overall figure included 18,514 Syrians, 5,201 Palestinians, 3,094 Iraqis, 4,470 Eritreans, and 12,319 Somalis. By August the United Nations noted the UNHCR registered almost 37,000 refugees in Tripoli and Benghazi, with many living in areas heavily damaged by fighting and unable to leave for safer areas. On August 5, the United Nations noted approximately 110,000 Syrians may have been residing in the country, but official estimates were unavailable.

In August the United Nations continued to work in partnership with NGOs to deliver assistance and advocacy, since the government no longer controlled the capital. As the situation deteriorated, organizations, including the United Nations, eventually withdrew their international staff from the country, creating a greater vacuum of services for refugees.

There were reports of hundreds to thousands of sub-Saharan Africans who entered the country illegally, aided by the porous nature of the country's southern borders. Treatment of detained migrants depended upon their country of origin and the offense for which they were being held (some were held for having improper documents and others for having committed crimes). Migrants and refugees also faced abduction, extortion, violent crime, and other abuses, exacerbated by entrenched racism and xenophobia. Government-affiliated and nongovernment militias regularly held refugees and asylum seekers in detention centers alongside criminals or in separate detention centers under conditions that did not meet international standards.

A June 22 report by HRW indicated guards in migrant detention centers under government control tortured and otherwise abused migrants and asylum seekers, including with severe whippings, beatings, and electric shocks (see section 1.c.). Reports of civilians using migrants for extortion also emerged. Libyan civilians took migrants from detention centers, extorted their families for money, and returned them to the detention centers.

Access to Asylum: The Constitutional Declaration recognizes the right of asylum and forbids forcible repatriation of asylum seekers, but the government did not establish a system for providing protection to refugees or asylum seekers. Absent an asylum system, authorities may detain and deport asylum seekers without the opportunity to request refugee status. The government did not legally recognize asylum seekers as a class distinct from migrants without residency permits.

Refugee Abuse: Some refugees faced abuse similar to migrants, principally arbitrary detention, but also killings and gender-based violence. As the UNHCR, ICRC, International Organization for Migration, HRW, and other organizations withdrew their international staff, many of the abuses reported in previous years, and particularly since the fall of Qadhafi, were unmonitored.

Instability in the country and lack of government oversight allowed human trafficking to become a profitable enterprise. Conditions on boats departing for Europe were poor, and human smugglers abandoned many migrants in international waters with insufficient food and water. Migrants reported some human smugglers were Libyan nationals, but officials did little to curb the departures or hold smugglers accountable for crimes against migrants.

Stateless Persons

By law citizenship derives from birth in the country or from a male citizen parent, and there are naturalization provisions for noncitizens. The Qadhafi regime, however, revoked the citizenship of some inhabitants of the Saharan interior of the country, including many Tebu and some Tuareg, after the regime returned the Aouzou strip to Chad. As a result many nomadic and settled stateless persons lived in the country. Neither the HoR nor its predecessor took action to address the challenges faced by stateless persons.

As international and domestic monitoring collapsed during the year, observers could not verify the current number of stateless persons.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Following the revolution, the temporary Constitutional Declaration and road map for political transition guided the interim government's activities. The Declaration, which defines the country as a democratic state deriving authority from the people, provides for a range of political, civil, and judicial liberties, including the ability of citizens peacefully to change their government, and citizens exercised this ability through elections based on universal suffrage in June.

Elections and Political Participation

Recent Elections: On February 20, elections for the Constitutional Drafting Assembly took place. Although the Carter Center reported officials administered the elections according to regulation, the results "failed to achieve the desired inclusiveness to have a representative body." Voter turnout was low due mainly to a combination of insecurity and lack of popular interest, related to, according to the Carter Center, growing political apathy about "the increasing irrelevance of the institutions themselves" and unmet concerns about protecting minority rights. Observers, including the Carter Center, estimated slightly less than 50 percent of eligible voters cast ballots. While the initial round of voting filled only 47 of 60 seats, subsequent elections filled all but five seats.

On June 25, the High National Elections Commission successfully administered the election of members to the HoR, an interim parliament to replace the GNC whose mandate expired in February. An estimated 42 percent of registered voters went to the polls to choose 200 members from among 1,714 candidates. International and domestic observers, representatives of the media, and accredited guests mostly commended the performance of the electoral authorities. The Libyan Association for Democracy, the largest national observation umbrella group, cited minor technical issues and inconsistencies but stated polling was generally well organized.

Violence on election day affected 24 polling centers, most notably in Sabha, Zawiya, Awbari, Sirte, Benghazi, and Derna. Eleven seats remained vacant due to a boycott of candidate registration and voting by the Amazigh community and violence at a number of polling centers that precluded a final vote. Threats to candidates, voters, electoral officials, and materials were widespread. On June 23, unknown gunmen killed a candidate, Mohammed Beddi Hasan Kwakway, in Sabha. In Benghazi unknown assailants attacked and burned two warehouses previously used to store polling materials on the evening of the vote. In Zawiya unknown assailants attacked a convoy carrying election materials from polling centers to a warehouse, stealing materials for 41 of 49 polling stations. Violence forced the commission's office in Baida to close twice.

Political Parties and Political Participation: 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.

In May 2013 under pressure from militias that later formed the LROR, the GNC passed a purge or "lustration" law, the Political Isolation Law (PIL), prohibiting those who held certain positions under Qadhafi between 1969 and 2011 from holding government office. Observers widely criticized the law for its too-broad scope and the wide discretion it gave the PIL Committee to determine whom to exclude from office. The PIL and the partisan manipulation to which it lent itself continued to polarize political debate during the year.

Participation of Women and Minorities: The Constitutional Declaration allows for full participation of women and minorities in elections and the political process, but significant social and cultural barriers prevented their proportionate political participation. The February elections for the Constitutional Drafting Assembly resulted in the election of five women and three members of the Amazigh, Tuareg, and Tebu populations, despite regulations allocating each group six seats. Some minority communities boycotted both the February and June elections, demanding greater assurances for minority rights in advance of any political participation. IDPs have voting rights, but the number of IDPs participating in elections was significantly below the national turnout average.

The High National Electoral Commission put in place special measures permitting internally displaced Tawarghans, Tuareg, and Mesheshiyas to vote, including 17 special polling centers for IDPs. Eligible IDPs could also register as candidates.

Election Law 10/2014 put special measures in place to ensure representation of women within the HoR; of the 200 seats in the parliament, 32 were reserved for women. There was one woman among the 12 ministers in the original Al-Thinni cabinet and one woman in the cabinet appointed in September, when members of the HoR again chose Al-Thinni as prime minister. The High National Election Commission's seven members included one woman on its board of commissioners.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials. The government did not implement the law effectively, and officials reportedly engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year, but as in 2013, no significant investigations or prosecutions occurred.

The Constitutional Declaration provides that the government shall provide for the fair distribution of national wealth among citizens, cities, and regions. Inheriting the heavily centralized institutional legacy of Qadhafi's regime, however, the government struggled to decentralize distribution of oil wealth and delivery of services through regional and local governance structures. There were many reports and accusations of government corruption due to lack of transparency in the government's management of security forces, oil revenues, and the national economy. There were allegations officials in the interim government submitted fraudulent letters of credit to gain access to state funds.

Corruption: Slow progress in implementing decentralization legislation led to increasing accusations of corruption and calls for greater transparency. In April the government persuaded the militias led by Ibrahim Jedran to remove their blockades of the major oil terminals and reportedly paid an estimated 342 million dinars (\$280 million) to Jedran in August. On April 28, the government announced the formation under the Ministry of Justice of the country's first oil corruption committee to investigate both financial and administrative means of corruption in the oil industry. It was not clear whether this committee met or made any progress in addressing corruption issues.

Financial Disclosure: There are no financial disclosure laws, regulations, or codes of conduct requiring income and asset disclosure by appointed and/or elected officials.

Public Access to Information: There are no laws providing for public access to government information, and there was no available information whether requests for such access were granted.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

While the government did not restrict human rights organizations from operating, it was unable to protect organizations from escalating violence that often specifically targeted activists. Due to the government's inability to secure control of territory and the absence of an effective security apparatus, human rights organizations struggled to operate.

The United Nations or Other International Bodies: Government policy and practices were generally to cooperate with UN bodies, including human rights components of UNSMIL. Nonetheless, the government did not carry out recommended actions to combat militias' impunity for human rights abuses and was unwilling or unable to comply with ICC injunctions to transfer suspected war criminal Saif al-Islam Qadhafi.

The 2012 report of the UN Commission of Inquiry on Libya concluded militias executed and tortured to death perceived Qadhafi loyalists and suspected mercenaries and were liable for charges of the war crime of murder or arbitrary deprivation of life. There were no known independent or government prosecutions related to killing by militias, and at year's end there was no investigation.

Moreover, Law 38 includes a provision for amnesty to be granted for any "acts made necessary by the 17 February revolution" and for the revolution's "success or protection." This provision in practice prevents revolutionaries from being subjected to prosecution for taking up arms against the Qadhafi regime. Government

officials stated it would not use the provision to provide amnesty for human rights violations or war crimes committed by revolutionary forces during the conflict, although in the absence of a functioning judicial system, the government had not prosecuted perpetrators of war crimes.

The judicial system held 38 members of the former Qadhafi regime awaiting trial, including Saif al-Islam Qadhafi and Abdullah al-Senussi, on charges of corruption and their actions during the 2011 revolution, including arbitrary killings, looting and sabotage, incitement to rape, abductions, deprivation of liberty, and prevention through violence and threats of the free exercise of political rights. On March 6, Niger extradited Saadi Qadhafi to Libya, where authorities had held him pending trial on charges related to corruption and human rights violations during his father's regime.

The ICC issued arrest warrants for Saif al-Islam Qadhafi and al-Senussi in 2011. On May 21, the ICC Appeals Chamber confirmed the decision of Pre-Trial Chamber I rejecting the government's appeal to try Qadhafi in domestic courts. The Pre-Trial Chamber cited the inability of central state authorities to obtain custody of Qadhafi from Zintani forces; their inability to obtain evidence, in particular from witnesses who had been tortured during detention by militias; and the failure to appoint defense counsel. On December 10, the ICC announced it had referred the country to the UN Security Council for violating an obligation to transfer Saif al-Islam Qadhafi for trial.

Since 2011 Zintani militias held Saif al-Islam Qadhafi in prison. Sessions of his trial, along with 31 other former Qadhafi-regime officials, that began in September 2013 continued at the Tripoli Court of Appeals. The government maintained that the judicial police and the prosecutor general had oversight and that the Ministry of Defense appointed a Zintani brigade to provide security. Qadhafi participated in his May trial in Tripoli via a video link but missed a number of sessions, reportedly due to technical problems with the link. On December 29, the Tripoli Court of Appeals postponed the trial until January 11, 2015. Qadhafi did not appear at the hearing, reportedly for security reasons.

In April 2013 the government filed an appeal with the ICC to try al-Senussi domestically. In October 2013 the ICC Pre-Trial Chamber I decided the case against al-Senussi was inadmissible before the ICC since it was subject to domestic proceedings conducted by competent Libyan authorities who were genuinely willing and able to carry out the proceedings. On July 24, the ICC Appeals Chamber unanimously confirmed the Pre-Trial Chamber I's decision. Authorities reportedly held al-Senussi in Hadba al-Khadra Prison in Tripoli without access to legal counsel following his transfer to Libyan custody from Mauritania in 2012.

Government Human Rights Bodies: According to UNSMIL's December 23 report, human rights defenders faced continuing threats and danger, including the National Council for Civil Liberties and Human Rights, which ceased its work due to intimidation. In mid-November armed men apparently associated with Libya Dawn forcibly closed its offices.

The GNC passed the Transitional Justice Law in September 2013 (see section 1.e.). It establishes a legal framework to promote civil peace, implement justice, compensate victims, and facilitate national reconciliation. It further establishes a Fact-Finding and Reconciliation Commission charged with investigating and reporting on alleged human rights abuses, whether suffered under the Qadhafi regime or during the revolution. On April 29, the civil society group No Peace without Justice organized a meeting in Tripoli between local NGOs, human rights activists, and local government institutions to discuss implementation of the law, but political polarization stalled implementation during the year.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The Constitutional Declaration contains clear references to equal rights and states that all citizens are equal before the law in enjoying civil and political rights, equal opportunities, and the duties of citizenship without discrimination based on religion, sect, language, wealth, sex, descent, political views, social status, or regional, family, or tribal affiliations. In 2013 the GNC adopted a law mandating punishment of not less than one year's imprisonment for anyone guilty of discrimination on the basis of class, group, region, gender, or color. The interim governments enforced neither the prohibitions nor the punishments effectively, particularly with regard to women and minorities.

Women

Women faced social forms of discrimination, which affected their ability to access employment, their presence in the workplace, and their mobility and personal freedom. There is no mechanism to monitor violence against women, and in the absence of monitoring, violence and intimidation against women largely went unreported.

Rape and Domestic Violence: The law criminalizes rape but does not address spousal rape. The Constitutional Declaration prohibits domestic violence, but there was scant information on the penalties for violence against women.

By law a convicted rapist must marry the victim, with her agreement, or serve a prison term of up to 25 years. According to local contacts and NGOs, the forced marriage of victims to rape perpetrators as a way to avoid criminal proceedings largely ceased. In previous years rape victims who failed to meet high evidentiary standards could face charges of adultery.

There were no reliable statistics on the extent of domestic violence, although reports indicate that it escalated along with rising instability. Social and cultural barriers—including police and judicial reluctance to act and family reluctance to publicize an assault—contributed to lack of effective government enforcement. In the past municipalities and local organizations maintained women’s shelters in most major cities, but it was difficult to confirm whether shelters continued to operate or were accessible to victims of domestic violence.

Female Genital Mutilation/Cutting (FGM/C): There were no known reports by international organizations of female genital mutilation/cutting (FGM/C). There was no available information about legislation on FGM/C.

Sexual Harassment: The law criminalizes sexual harassment, but there were no reports on how or whether it was enforced. According to civil society organizations, there was widespread harassment and increasing intimidation of women by militias and extremists, including accusations of “un-Islamic” behavior.

In 2013 several groups supporting women’s rights emerged to catalogue incidents of harassment both to deter them and eventually to seek stronger legislation. Amid increasing violence and instability during the year, it was unclear whether these groups remained or to what extent they could perform their mission.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children; have the information to do so; and have the right to attain the highest standard of reproductive health free from discrimination, coercion, and violence. According to prerevolutionary UN estimates, 28 percent of girls and women between the ages of 15 and 49 used a modern method of contraception. In previous years skilled health personnel attended virtually all births, and more than 90 percent of mothers received prenatal and postnatal care. The outbreak of widespread fighting in July decreased available skilled medical personnel, since many foreign medical workers fled the country, which likely affected women’s access to reproductive and maternal health-care services.

Discrimination: The Constitutional Declaration states citizens are equal under the law and includes prohibitions against gender-based discrimination. Absent implementing legislation, and operating with limited capacity, the government did not effectively enforce these prohibitions. Societal discrimination against women continued. Sharia (Islamic law) governs family matters, including inheritance, divorce, and the right to own property. While civil law mandates equal rights in inheritance, women often received less due to interpretations of sharia that favor males. Women can seek divorce for a range of reasons under the law but, for reasons not identified by law, they often forfeited financial rights by seeking divorce. While the law demands men provide alimony for a fixed duration, authorities did not uniformly enforce the law. Women must obtain government permission to marry noncitizen men and often faced difficulties, including harassment in attempting to do so, while men did not face similar restrictions. The law is ambiguous with respect to women’s ability to confer their nationality to their children if their husbands are not citizens.

Women faced social forms of discrimination within the workplace. In the public sector, the High National Electoral Commission undertook actions to ensure participation of women in the interim government. Nevertheless, observers reported authorities increasingly precluded women from previously accessible professions and the civil service. They reported increasing social pressure on women to leave the workplace, especially in high-profile professions such as journalism and law enforcement. In rural areas societal discrimination restricted women’s movements, including to local destinations, and impaired their ability to play an active role in the workplace.

Children

Birth Registration: By law children derive citizenship from birth in the country or from a male citizen parent. There are also naturalization provisions for noncitizens.

Education: The conflict disrupted the school year for thousands of students across the country; many schools remained empty due to lack of materials, damage, or security concerns. Qadhafi-era law imposed high fees on noncitizens enrolled in primary and secondary schools.

Child Abuse: No statistical information on child abuse was available.

Early and Forced Marriage: The minimum age for marriage is 18 years old for both men and women, although judges can provide permission for those under 18 to marry.

Female Genital Mutilation/Cutting (FGM/C): There were no known reports by international organizations of female genital mutilation/cutting (FGM/C). There was no available information about legislation on FGM/C.

Sexual Exploitation of Children: There was no information available on laws prohibiting or penalties for the commercial sexual exploitation of children, the minimum age of consensual sex, or on any laws prohibiting child pornography.

Child Soldiers: There were reports of minors joining armed forces, although official military policy required all recruits to show proof they were at least 18 years old. Observers could not confirm standards for age of recruits among militias, but there were multiple reports of underage enlistees (see also section 1.g.).

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

Most of the Jewish population left the country between 1948 and 1967. Some Jewish families reportedly remained, but no estimate of the population was available. There were no known reports of anti-Semitic acts during the year.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The Constitutional Declaration addresses the rights of persons with physical, sensory, intellectual, and mental disabilities and requires the state to provide monetary and other types of social assistance, but it does not explicitly prohibit discrimination. The government did not effectively enforce these provisions.

The government did not enact or effectively implement laws and programs to ensure access to buildings, information, and communications, but a number of organizations provided services to persons with disabilities. Few public facilities had adequate access for persons with physical disabilities, resulting in restricted access to employment, education, and health care. New sidewalks did not have curb cuts for persons in wheelchairs, and new construction often did not have accessible entrances. There was limited access to information or communications.

National/Racial/Ethnic Minorities

Arabic-speaking Muslims of mixed Arab-Amazigh ancestry were 97 percent of the citizenry. The principal linguistic-based minorities were Amazigh, Tuareg, and Tebu. These minority groups were predominantly Sunni Muslim but identified with their respective cultural and linguistic heritages rather than with Arab traditions.

Language remained a point of contention. Under Qadhafi, Amazigh persons faced discrimination, including limitations on the use of their native language, Tamazight. Following the revolution Amazigh leaders pressed the interim government to designate Tamazight as an official language. In 2013 the GNC officially recognized the Amazigh, Tuareg, and Tebu languages and provided for their teaching in schools. Prime Minister Abdullah al-Thinni is Amazigh.

Ethnic minorities faced instances of societal discrimination and violence. Racial discrimination existed against dark-skinned citizens, including those originally of sub-Saharan descent, in part due to allegations Qadhafi relied on African mercenaries during the 2011 revolution. Following the revolution there were reports interim government authorities removed dark-skinned citizens as well as Tuareg from their homes in Tripoli and held them in detention centers and prisons. Government officials and journalists often distinguished between "loyal" and "foreign" populations of Tebu and Tuareg in the south and advocated expulsion of minority groups affiliated with political rivals on the basis they were not truly "Libyan." A number of Tebu and Tuareg communities received substandard or no services from municipalities, lacked national identity numbers and thus access to employment, and faced widespread social discrimination.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

In 2013 the government deemed lesbian, gay, bisexual, and transgender (LGBT) orientations illegal, and official and societal discrimination against LGBT persons persisted. The penal code punishes consensual same-sex sexual activity by three to five years in prison. The law provides for punishment of both parties.

There was scant information on and no reports of discrimination based on sexual orientation or gender identity in employment, housing, access to education, or health care. Observers noted that possible violence or abuse could intimidate persons who reported such discrimination. There was no information on whether there were hate crime laws or other judicial mechanisms to aid in prosecuting bias-motivated crimes against members of the LGBT community.

Citizens tended to hold negative views of LGBT persons and stigmatize homosexuality. There were reports of physical violence, harassment, and blackmail based on sexual orientation and gender identity. Militias often policed communities to enforce compliance with militia commanders' understanding of "Islamic" behavior, and harassed and threatened with impunity individuals believed to be LGBT and their families.

HIV and AIDS Social Stigma

There was no available information on societal violence toward persons with HIV/AIDS. In previous years there were reports of societal stigmatization of persons with HIV/AIDS due to an association of the disease with drug use, sex outside marriage, and homosexuality. There were reports the government segregated detainees suspected of having HIV/AIDS from the rest of the detainee population, often in overcrowded spaces, and they received medical treatment last.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law does not provide for the right of workers to form and join independent unions, but it provides for the right of workers to bargain collectively and conduct legal strikes, with significant restrictions. The law neither prohibits antiunion discrimination nor requires the reinstatement of workers for union activity. By law workers in the formal sector are automatically members of the General Trade Union Federation of Workers, although they can elect to withdraw from the union. Union membership is limited to citizens, and regulations do not permit foreign workers to organize.

The requirement that all collective agreements must conform to the "national economic interest" restricts collective bargaining. Workers can call strikes only after exhausting all conciliation and arbitration procedures. The government or one of the parties can demand compulsory arbitration, thus severely restricting strikes. The government has the right to set and cut salaries without consulting workers.

Professional groups such as teachers and airline workers frequently used strikes to protest political policies and present employee demands. No government action prevented or hindered these strikes. Employees organized spontaneous strikes, boycotts, and sit-ins in a number of workplaces. Government payments to leaders of the strike actions customarily ended these actions.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The government, however, did not effectively enforce the applicable laws. The resources, inspections, and penalties for violations were insufficient to deter violators. There were numerous reports of foreign workers subjected to conditions indicative of forced labor. For example, Filipinos, Bangladeshis, and sub-Saharan Africans reportedly worked in conditions of forced labor in the construction and domestic sectors. According to the International Organization for Migration, militias and armed groups subjected migrants in IDP camps and transit centers they controlled to forced labor and trafficking.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children younger than 18 from being employed except in a form of apprenticeship. It was unclear whether child labor occurred, and no information was available concerning whether the law limits

working hours or sets occupational health and safety restrictions for children. At year's end it was unclear whether the interim government had the capacity to enforce these laws and which agency would be responsible.

d. Discrimination with Respect to Employment or Occupation

The Constitutional Declaration prohibits discrimination on the basis of gender, although it does not prohibit discrimination on the basis of race, disability, sexual orientation, social status, HIV-positive status, or having other communicable diseases. Rules against gender discrimination were not adequately enforced. Discrimination in all the above categories occurred.

e. Acceptable Conditions of Work

The law stipulates a workweek of 40 hours, standard working hours, night shift regulations, dismissal procedures, and training requirements. The law does not specifically prohibit excessive compulsory overtime. The minimum wage was 450 dinars (\$369) per month.

The government set occupational health and safety standards, and the law grants workers the right to court hearings regarding these standards.

Certain industries, such as the petroleum sector, attempted to maintain standards set by foreign companies. There was no information available on whether inspections continued during and after the revolution.

Observers and diplomatic missions of countries with large migrant populations in the country estimated that, prior to the revolution, the number of undocumented workers was between 1.5 million and two million. Although foreign workers reportedly constituted more than 20 percent of the workforce, the labor law applies only to legal foreign workers with work contracts, who were a fraction of the total. While contracts are required for the hiring business to sponsor a worker for a visa, such contracts were rare and generally used only if the government closely monitored or regulated the business.

The law permits foreign workers to reside in the country only for the duration of their work contracts, and authorities prohibited workers from sending more than half of their earnings to their home countries. There were reports that by year's end it had become difficult for migrants to acquire work permits.

Employers reportedly subjected foreign workers to coercive practices, such as changes in conditions of work and contracts, and such workers often had little choice other than to accept the changes or leave the country due to the lack of legal protections or avenues for remediation. Workers were not able to remove themselves from situations that endangered their health or safety without jeopardy to their employment. Armed groups prevented third-country health-care workers from departing conflict areas such as Benghazi and compelled these workers to perform unpaid work in dangerous conditions.