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State of Libya

Head of state: **Disputed**

Head of government: **Fayez Serraj**

Forces affiliated to three rival governments, as well as armed groups and militias, committed serious violations of international law and abuses of human rights with impunity. All sides to the conflict carried out indiscriminate attacks in heavily populated areas leading to deaths of civilians and unlawful killings. Armed groups abducted, arbitrarily arrested and indefinitely detained thousands of people. Torture and other ill-treatment was widespread in prisons under the control of armed groups, militias and state officials. Migrants, refugees and asylum-seekers were subjected to widespread and systematic serious human rights violations and abuses at the hands of state officials, smugglers and armed groups. Women faced discrimination, including arbitrary restrictions on their right to travel. The death penalty remained in force; no executions were reported.

BACKGROUND

Three rival governments and hundreds of militias and armed groups continued to compete for power and control over territory, lucrative trade routes and strategic military locations. The UN-backed Government of National Accord (GNA) continued to reinforce its positions in the capital, Tripoli, gradually gaining territory through strategic alliances and often after armed clashes. In May, the Tripoli Revolutionaries Brigade and the Abu Salim Brigade, both affiliated to the GNA's Ministry of the Interior, removed the coalition of militias supporting the Government of National Salvation (GNS) from their key positions in Tripoli. These included the site of Hadba prison where former senior officials from the rule of Mu'ammar al-Gaddafi were detained, and Tripoli International Airport, where they took control of key strategic areas, including the airport road.

The self-styled Libyan National Army (LNA), led by Khalifa Haftar, consolidated its power and made significant gains in eastern Libya after defeating the Shura Council of Benghazi Revolutionaries (SCBR) in Benghazi and evicting the Benghazi Defence Brigades (BDB) from Benghazi, the oil port of Ras Lanuf and the desert military base of al-Jufra. In May, the Misrata 3rd force aided by the BDB attacked the Brak al-Shati air base, resulting in the deaths of 141 people including LNA soldiers. The LNA regained control of the air base, aided by air strikes from the Egyptian air force.

In July the Constitutional Drafting Assembly approved the new draft Constitution, an initiative that had begun in 2014. No date was set for the referendum on the Constitution.

In September and November, the USA carried out several strikes by remotely piloted vehicles (drones) in Libya including south of Sirte, targeting the armed group Islamic State (IS). In May, the armed group Ansar al-Shari'a in Libya announced its own dissolution.

In September, the UN Security Council extended the mandate of the UN Support Mission in Libya (UNSMIL) until 15 September 2018. Ghassan Salamé, the UN's newly appointed Special Representative for Libya, outlined his action plan, which included amending the UN-brokered Libyan Political Agreement (LPA), convening a national congress, and holding legislative and presidential elections in 2018. In December, the UN Security Council reiterated its commitment to the LPA as the only viable framework for the transition period.

INTERNAL ARMED CONFLICT

Armed clashes between rival forces continued to take place sporadically throughout the country, with armed groups and militias carrying out indiscriminate attacks in heavily populated areas leading to the deaths of civilians. In February, clashes between militias in the Abu Salim area of Tripoli resulted in two civilians being killed and three injured, including a child who was shot in the head by a stray bullet. In July, clashes broke out between two militias near Mitiga airport in Tripoli over the control of a local beach resort. The militias used explosive weapons with wide-area effects, including rocket propelled grenades (RPGs), in densely populated civilian areas. In one case, RPGs hit a nearby beach, killing five civilians – two women and three children – from the same family. A forensic doctor in Tripoli confirmed that the deaths were caused by shrapnel from an RPG.

In March, LNA forces broke the siege they had imposed on an apartment complex in the Ganfouda area of Benghazi by launching an attack to drive the BDB forces out of one of their last strongholds in the city. The two-month siege had cut off all supplies to the area, including food and water, and had trapped civilians and wounded fighters without access to medical care and other basic services. The attack on Ganfouda was indiscriminate and resulted in the deaths of at least five civilians. LNA fighters posed for photos with the bodies, including the exhumed body of a BDB commander who had been killed in air strikes and buried in the days prior to the ground attack.

In July the LNA tightened its siege on the city of Derna in its fight against the Derna Mujahideen Shora Council, hindering access to food, petrol and medical supplies, resulting in a rapid deterioration of the humanitarian situation in the city. A series of air strikes on Derna killed scores of civilians and injured others, including children.

UNLAWFUL KILLINGS

In March, LNA-affiliated fighters were filmed killing captured SCBR fighters, a serious violation of international humanitarian law and a war crime. In August, the ICC issued a warrant for the arrest of Mahmoud el-Werfelli for alleged war crimes committed while he was field commander of the Special Forces Brigade (Al-Saiqa) affiliated to the LNA, including for involvement in the March killings.

A number of mass graves were uncovered in Benghazi between February and October. On at least four occasions, groups of bodies were found in different parts of the city with their hands bound behind their backs, and in some cases blindfolded with signs of torture and execution-style killing. In August, the bodies of six unidentified men were found in a rubbish bin in the eastern Benghazi neighbourhood of Shabneh. The bodies showed signs of torture and had bullet wounds in the head and chest. On 26 October, the bodies of 36 men were found on a deserted road south of the town of al-Abyar, including a 71-year-old Sufi sheikh who had been abducted in August, and a medical student.

FREEDOMS OF EXPRESSION AND ASSOCIATION

Journalists, activists and human rights defenders were particularly vulnerable to harassment, attacks and enforced disappearance by armed groups and militias aligned with various authorities of rival governments.

In the west, Special Deterrence (Radaa) forces operating under the Ministry of the Interior of the GNA carried out a series of arrests, targeting people for peacefully exercising their right to freedom of association and other rights. In September, an imam in Tripoli was arbitrarily arrested by Radaa on suspicion of using his mosque to incite violence. He remained in detention at the end of the year. In November, Radaa forces raided a comic-book convention in Tripoli and arrested 20 people, including the organizers and some attendees. They were released at the end of November.

In the east, forces associated with the LNA targeted journalists and others deemed to have criticized Khalifa Haftar and LNA forces. Armed groups composed of adherents of the Madkhali doctrine, a strand of Salafism inspired by the Saudi Arabian sheikh Rabee al-Madkhali, burned books and abducted student members of a university group who had organized an Earth Day event on their campus in Benghazi. Those abducted included photographer Abdullah Duma, who was later released. In September a radio host from the city of al-Marj was detained for nearly three weeks for openly criticizing a decision made by Abdelraziq al-Nathouri, the LNA's military governor of eastern Libya.

ARBITRARY ARRESTS AND DETENTIONS

Militias, armed groups and security forces affiliated to rival governments continued to arbitrarily arrest and indefinitely detain thousands of people. In the east, militias operating as security forces associated with the LNA abducted people and imprisoned them without charge or trial. In June, an armed group in Bayda abducted cameraman Musa Khamees Ardia and transferred him to Grenada prison in the east. He was released without charge on 3 November.

Armed groups and militias abducted and unlawfully detained hundreds of people because of their opinions, origin, perceived political affiliations or perceived wealth. Those abducted included political activists, lawyers, human rights activists and other civilians. Militias carried out abductions

with the aim of extracting ransoms from families, to negotiate an exchange of detainees, or to silence criticism. In April a militia abducted a university professor in Sayyad on the outskirts of Tripoli. He was held for 47 days in an undisclosed location with little access to food, water and medication. In August, unidentified militiamen abducted former Prime Minister Ali Zeidan from a hotel in Tripoli. He was released after eight days.

JUSTICE SYSTEM

An environment of impunity continued to prevail, leaving perpetrators of serious abuses emboldened and without fear of accountability, which in turn threatened prospects of political stability. Courts and prosecutors' offices were dysfunctional and often feared reprisals for their work. The post of Public Prosecutor remained vacant. In September, senior prosecutor Sadik Essour announced that 800 arrest warrants had been issued and 250 people had been referred to court for their involvement in political violence. In October, just hours before one of these trials was due to start, a gun and suicide-bomb attack on a court in GNA-controlled Misrata killed four people -two civilians and two security personnel -and injured at least 40. IS claimed responsibility for the attack.

Torture was widespread in prisons, where thousands were held without charge. Many detainees had been held since 2011 with no judicial oversight or means to challenge the legality of their detention.

None of the parties to the conflict implemented any of the human rights provisions in the UN-brokered Libya Political Agreement of December 2015, including those obliging them to release detainees held without legal basis.

INTERNALLY DISPLACED PEOPLE

Some 40,000 former residents of the town of Tawargha, near Misrata, remained displaced for a sixth year. In June a political agreement was signed by the mayor of Misrata, the Tawargha local council and the Misrata-Tawargha Reconciliation Committee chairman, in the presence of Prime Minister Serraj, ostensibly to allow the displaced former residents to return to Tawargha. However, the agreement made no mention of accountability for past crimes. Three days later, a group of Tawargha families attempted to return but were threatened and intimidated at a checkpoint manned by residents of Misrata and forced to return to Tripoli. By the end of the year there had been no progress on the return of the Tawargha people or the implementation of the agreement.

MIGRANTS, REFUGEES AND ASYLUM-SEEKERS

Migrants, refugees and asylum-seekers were subjected to widespread and systematic serious human rights violations and abuses at the hands of detention centre officials, the Libyan Coast Guard, smugglers and armed groups. Some were detained after being intercepted by the Libyan Coast Guard at sea trying to cross the Mediterranean to Europe. It was estimated that up to 20,000 people were held in detention centres in Libya run by the Directorate for Combating Illegal Migration (DCIM), a division of the Ministry of the Interior of the GNA. They were held in horrific conditions of extreme overcrowding, lacking access to medical care and adequate nutrition, and systematically subjected to torture and other ill-treatment, including sexual violence, severe beatings and extortion. While the DCIM formally controlled between 17 and 36 centres, armed groups and criminal gangs ran thousands of illicit holding sites throughout the country as part of a lucrative people-smuggling business. In November, a video released by US media organization CNN showing the apparent sale

of migrants into slavery caused international outrage. Libyan law continued to criminalize the irregular entry, stay or exit of foreign nationals, and still lacked a legal framework for asylum. In November, UNHCR, the UN refugee agency, announced that it had reached an agreement with the Libyan authorities to temporarily accommodate people from a transit centre who were in need of international protection. However, there was no progress on a Memorandum of Understanding that would formally recognize UNHCR's operations in Libya. The International Organization for Migration calculated that there were 416,556 migrants in Libya at the end of September. UNHCR stated that 44,306 people in Libya were registered as refugees or asylum-seekers as of 1 December, but the actual number of refugees was likely to be higher. The International Organization for Migration continued to assist in the "voluntary return" of 19,370 nationals to their home countries during the year, often from detention centres. In a significant development, UNHCR began evacuating refugees and asylum-seekers, taking 25 people to Niger for resettlement in France in November and 162 people to Italy in December.

WOMEN'S RIGHTS

Women were particularly affected by the ongoing conflict, which disproportionately affected their right to move freely and to participate in political and public life.

In February the military in eastern Libya issued Decree No. 6 of 2017, restricting Libyan women under the age of 60 from travelling abroad without a legal male guardian. Following a public outcry and calls from civil society for its removal, Decree No. 6 was replaced on 23 February with Decree No. 7, which stipulated that no Libyan male or female between the ages of 18 and 45 could travel abroad without prior "security approval". The Decree failed to specify the procedure required to obtain such approval or the criteria that would be used to grant or deny it.

In the face of intimidation and targeting, high-profile women activists continued to be forced to retreat from public and political engagement.

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