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UNITED NATIONS
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OFFICE OF THE HIGH COMMISSIONER

HUMAN RIGHTS DEFENDERS UNDER ATTACK

25 March 2015

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1. Introduction

This report describes the situation of human rights defenders in Libya against the backdrop of severely deteriorating human rights and humanitarian situations since the escalation of armed conflicts in May 2014 in the east of the country and in July 2014 in the west.

The report has been prepared in follow-up to the one published jointly on 23 December 2014¹ by the United Nations Support Mission in Libya (UNSMIL) and the Office of the United Nations High Commissioner for Human Rights (OHCHR). The latter provided an overview of violations of international human rights and humanitarian law and abuses of human rights in Libya including attacks faced by human rights defenders, political activists, journalists, and others as a result of their work, political or tribal affiliations and expression of opinion.

This report focuses and elaborates upon the situation of human rights defenders² given their indispensable role in the protection and promotion of human rights, and further expands upon the call of the United Nations High Commissioner for Human Rights, on 14 October 2014, to ensure protection of Libyan human rights defenders.³ The report covers the period from mid-May 2014 to mid-March 2015. Some incidents described in this report happened before May 2014 in order to show the continuation, and often escalation, of attacks against defenders during the reporting period.

2. Methodology

The findings of this report are based on the monitoring of the human rights situation in Libya by UNSMIL Human Rights Division, conducted in accordance to UNSMIL's mandate,⁴ and in line with the OHCHR methodology on human rights monitoring. This includes collecting and verifying information received from a variety of sources including Libyan human rights defenders, other members of civil society; medical personnel; journalists; former detainees;

¹ For an overview of violations of international human rights and humanitarian law and abuses of human rights in Libya, see joint reports by UNSMIL and OHCHR issued on 4 September 2014 and 23 December 2014, respectively available at: www.ohchr.org/documents/countries/ly/overviewviolationslibya_unsmil_ohchr_sept04_en.pdf and www.ohchr.org/Documents/Countries/LY/UNSMIL_OHCHRJointly_report_Libya_23.12.14.pdf.

² For further information, see the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (A/RES/53/144) at www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx, and the observations of the Special Rapporteur on Human Rights Defenders on “who is a defender” at www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx.

³ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15168.

⁴ The mandate of UNSMIL was most recently renewed by resolution 2208 of 5 March 2015 requesting UNSMIL to provide assistance in a number of areas, including supporting Libyan efforts to “promote the rule of law and monitor and protect human rights, in accordance with Libya’s international legal obligations.” In fulfillment of its human rights mandate, UNSMIL Human Rights Division also represents OHCHR in Libya.

current and former officials; relatives of victims; and employees of the judicial sector. Interviews were conducted during a mission to Libya in October to November 2014, and on an ongoing basis in person or by telephone with Libyan human rights defenders based in Libya, Egypt, Tunisia and further afield. Where possible and relevant, UNSMIL reviewed documentary information, including medical records, legal complaints, pictures, and messages saved on telephones and social media pages. This report outlines key concerns illustrated by emblematic cases and therefore does not include an exhaustive list of attacks on human rights defenders.

The prevailing climate of fear has made some interlocutors reluctant to disclose information or report serious abuses. A number of those interviewed for this report requested that their names and other identifying information not be included, fearing retaliation against them and their families. Others were reluctant for any information on their cases to be shared publicly. Some human rights defenders based abroad also preferred not to be mentioned in the report, emphasizing the importance of focusing on the suffering of those defenders still in Libya. UNSMIL Human Rights Division has obtained specific informed consent of all those named whose cases are detailed in this report or of relatives and colleagues for those deprived of their liberty. UNSMIL Human Rights Division has also conducted its own assessment of the potential implications for the safety of the defenders included, removing some names and other details in line with the “do no harm” principle of human rights monitoring.⁵

3. Background

The breakdown of law and order in Libya has severely impacted the work of civil society. Across the country, human rights defenders and other members of civil society have been subjected to killings; unlawful deprivation of liberty; abductions; torture and other ill-treatment; physical and verbal assaults; death threats; and other forms of intimidation, by armed groups and unknown perpetrators. In some instances, armed groups and unknown perpetrators have also unlawfully detained, attacked or threatened relatives of human rights defenders with the aim of silencing those who remain in Libya or who have fled.

The offices of many human rights non-governmental organizations (NGO) have been forcibly closed and raided, with sensitive documents and equipment damaged or stolen. In some instances, homes of human rights defenders have been broken into and looted. The National Council for Civil Liberties and Human Rights, the national human rights institution of Libya, has experienced similar attacks, and its offices in Tripoli have been closed as a result.

Women human rights defenders as well as their families have also faced threats and intimidation on the basis of their gender from armed groups to withdraw from public life and stop advocating for women’s rights, equality and the demobilization of armed groups.

Whilst human rights defenders have suffered violence and intimidation in a climate of impunity since 2011, there has been a notable rise in attacks in the east of the country since May 2014, when fighting intensified in and around Benghazi, and since July 2014 in the west, when armed

⁵ See OHCHR Basic Principles of Human Rights Monitoring for more information at www.ohchr.org/Documents/Publications/Chapter02-MHRM.pdf.

clashes erupted in Tripoli and spread to the Warshafana region, the Nafusa Mountain and other parts of western Libya.

Abuses suffered by human rights defenders have been taking place against the backdrop of deep political crisis and armed hostilities. Civilians have borne the brunt of the escalation of armed conflicts and the deteriorating human rights and humanitarian situations. Armed groups across political, tribal, regional and ideological divides have shown disregard for civilian life and are responsible for violations of international human rights and humanitarian law and abuses of human rights, including abductions, extra-judicial executions and other unlawful killings, torture and other ill-treatment. Human rights defenders seeking to document and denounce such violations and abuses have faced reprisals from armed groups. Armed groups have also targeted those who have supported the United Nations-facilitated political dialogue efforts, and those who have called for respect for the rule of law, an end to hostilities, and the establishment of an effective national army and police force.

Civilians in Libya, including human rights defenders, have few or no avenues to seek protection or access to remedy for the harm suffered. The breakdown of law and order has led to the failure of the criminal justice system in some parts of Libya, especially Derna, Benghazi and Sirte, while severe disruptions have been reported elsewhere. Justice sector officials, especially judges, prosecutors, lawyers and high-ranking criminal investigators, have been violently targeted by armed groups. UNSMIL has received information on over 30 incidents of violence against justice officials and premises throughout the country since mid-2012. These included assaults, death threats, abductions, killings, in particular in the eastern region by armed groups operating there, as well as armed attacks, arson and destruction of court buildings, prosecutors' offices, law enforcement offices, correction centers, and prisons.

In those rare cases where human rights defenders sought to lodge police or judicial complaints detailing attacks, no investigations were effectively conducted, to the knowledge of UNSMIL. An illustrative example of the failure of the criminal justice system in Libya is the abduction of **Abdel Nasser al-Jaroushi**, public prosecutor in the South Court of Benghazi, who began investigating the murder of Benghazi-based lawyer and human rights defender Salwa Bughaigis, before he recused himself from the case. UNSMIL received reports that the Shuhada al-Zawiya armed group seized him from the street in central Benghazi on 20 October 2014. At the time of writing, he was still deprived of his liberty, reportedly at the Gernada Prison (military wing). On 18 February 2015 UNSMIL wrote to Dr. al-Mabrouk Gira, Minister of Justice in Prime Minister's Abdallah al-Thini's government, inquiring about Mr. al-Jaroushi's whereabouts and legal status. No response had been received at the time of writing.

As a result of the ongoing attacks on human rights defenders and the total impunity for such acts, Libyans' enjoyment of freedom of expression and association following the former regime's fall in 2011 has been cut short, and the growth of Libya's nascent civil society has been stunted. Given the increasing risks, the killings of prominent human rights defenders and repeated threats, many have fled the country, gone into hiding, fallen silent, or have been forced to work in secret at great risk to themselves and their loved ones. Those who managed to flee abroad face a plethora of problems linked to their residency status, expiration of passports with no possibility of extension at some local Libyan consulates, loss of income, and other financial difficulties.

Children of human rights defenders have also been affected. For instance, some faced difficulties in readjusting to different educational systems and UNSMIL has received reports that some suffer from post-traumatic stress disorder. Some human rights defenders who have fled have explained that they continued to receive death threats on their mobile phones and social media pages. In at least two cases reported to UNSMIL, including one documented in this report, human rights defenders were physically assaulted in Tunisia, apparently by Libyans.

4. Findings

i. Benghazi and eastern Libya

Politically-motivated killings significantly increased since mid-May 2014 with the launch of the military campaign Operation Dignity (*al-Karama*) against the Benghazi Revolutionaries' Shura Council (BRSC), grouping together a number of armed groups including Ansar al-Sharia. While murders of current and former security officials and government employees have been common in Benghazi as early as 2011, since May 2014, human rights defenders, journalists and other media professionals have increasingly been amongst the victims of targeted attacks.

Benghazi's civil society community was particularly shaken by the murders of newspaper editor **Muftah Abu Zeid**⁶ on 26 May 2014 and human rights defender and lawyer **Salwa Bughaigis**⁷ on 26 June 2014. Later that year on 19 September 2014, in what is now known in Libya as "Black Friday," 10 people were murdered, including two prominent young members of civil society **Tawfik Bensaoud**, aged 18, and **Sami al-Kawafi**, aged 17. No group claimed responsibility for these murders, and investigations have been hampered by the security situation and the lack of a functional judicial system in Benghazi. Nonetheless, several sources based in Benghazi indicated that those responsible were armed groups affiliated with the BRSC.

The situation of human rights defenders did not improve following a major offensive by forces affiliated with Operation Dignity in mid-October 2014 to retake Benghazi. Human rights defenders continued to face threats from unknown perpetrators suspected of affiliation with BRSC and other armed groups. At the same time, armed fighters loyal to Operation Dignity have been reported to target defenders who publically criticized Operation Dignity, as well as defenders deemed to be supportive of the opposing side.

Those targeted since May 2014 included women's rights defenders known for their denunciation of human rights abuses and their criticism of political parties and armed groups, which they perceive to be particularly antagonistic towards women's rights. UNSMIL received reports that those affiliated with Operation Dignity also attacked human rights defenders deemed supportive of such groups. Most human rights defenders have fled Benghazi, or have gone into hiding.

⁶ UNSMIL condemned the killing and called for an independent investigation. See: unsmil.unmissions.org/Default.aspx?tabid=3561&ctl=Details&mid=8549&ItemID=1825909&language=en-US.

⁷ UNSMIL condemned the killing and called for an independent investigation. See: unsmil.unmissions.org/Default.aspx?ctl=Details&tabid=3543&mid=6187&ItemID=1850147. See also page 31, A/HRC/28/85, Communications Report of Special Procedure, which includes a summary of an allegation letter transmitted on the murder of Ms. Bughaigis on 10 July 2014. For the letter see [spdb.ohchr.org/hrdb/28th/public_-_AL_Libya_10.07.14_\(2.2014\).pdf](http://spdb.ohchr.org/hrdb/28th/public_-_AL_Libya_10.07.14_(2.2014).pdf).

Jurists without Chains, a human rights organization registered with the Ministry of Culture, was forced to shut its office in Benghazi in early October 2014 due to the deteriorating security situation. The group, which worked on a number of human rights issues, including women's rights, detention, and human rights guarantees in the constitution has been subjected to several attacks since May 2014. Their office was raided on at least two occasions in June and July 2014 when no one was present. Computers and documents were stolen. Information collected indicates that all other offices in the building were left untouched. Around the same time, a staff member of Jurists without Chains received a text message warning: "*everything but God's laws/borders, oh defenders without borders*," a play on words in Arabic linked to the name of the organization. The threat implied that the NGO was pursuing policies or activities deemed to be contrary to *shari'a* (Islamic law). Staff members, particularly women, had previously received threats posted on their social media pages accusing them of engaging in socially unacceptable behavior and warning them "*we know where you are*" and "*we want your life*." Staff members recounted to UNSMIL that in July 2014, shortly before Ramadan, a projectile was launched into the office, landing behind a desk. It did not explode, but caused damage to the office. According to staff, there were no armed clashes in the area at the time, and no other offices in the building were affected. On at least one occasion, in July 2014, staff members attempted to file a complaint with the police to report the theft of computers and other items. However, they reported that the only police station functioning at that time in the area of Fouwa'hat refused to file a report. In view of the risks for their safety, staff decided in October 2014 to no longer work from the office, which has since remained closed.

Media professional and women's rights defender from Benghazi, **Manal al-Bousefi**, has endured threats, intimidation and attacks since June 2013, and decided to leave Benghazi in August 2014, fearing that she and her children were in danger. Ms. al-Bousefi wrote for *al-Qurina* newspaper since 2006, and started writing for the magazine *Women in Libya* in 2012. She first reported being threatened by an alleged member of an armed group during a telephone call in June 2013, following the publication of an article she had written addressing divorce, alimony and child custody. In the article, she urged women members of the General National Congress (GNC) to advocate for legal reforms which would ensure equality and the protection of women's rights. She subsequently reported receiving a number of text messages demanding her to stop writing on women's issues to protect her son from abduction, and to save her own life. In August 2013, a car hit her while she was driving in Benghazi, apparently deliberately, as the other driver ordered her to stop writing on women's concerns, adding that she deserved that her right hand be fractured. One of her arms was broken during the incident and she received medical treatment from a Benghazi hospital. She told UNSMIL that the traffic police took no action. They advised her not to report the incident to the police for fear of retaliation against her. Her other income-generating activity – a factory of dolls in the Lithi neighbourhood – was set on fire in February 2014 after she ignored warnings by men from the area to shut down the factory producing "idols." In September 2013, she decided to take her two younger children out of school due to rising insecurity and her fears that they would be abducted to silence or punish her. She subsequently limited her movement and fled Libya in August 2014. Since relocating abroad, she has continued to be active and outspoken. She received continued threats on her Facebook page. She told UNSMIL that on 19 October 2014, as she was walking to the train station, she was

stopped by a car with Libyan license plates. The passenger threw a cup of coffee at her warning: *“you...activist and journalist...next time it will be acid.”*

Ms. al-Bousefi is not the only women’s human rights defender to receive threats in Benghazi. Since mid-2014, another human rights defender from Benghazi reported receiving messages on social media threatening to kill her. She founded an organization in 2011, which focused its work on women’s rights, documented violations against women detainees and called for equality in the Constitution. The organization is no longer functional. She reported that one morning, shortly after the murder of human rights defender Ms. Bughaigis in June 2014, she found a piece of paper on her car warning *“your turn is next.”* Subsequently, she recalled receiving a threatening anonymous call taunting her: *“Salwa [Bughaigis] had a villa and a gardener, and we were able to get her. You and your four children just live in an apartment.”* She has since moved her family out of Benghazi. Her organization’s office is said to have been shelled in August 2014 during fighting.

Other prominent human rights defenders from Benghazi have left the city even before May 2014 after receiving repeated threats. One such human rights defender has been active documenting and reporting violations, lobbying, providing legal analysis, and sharing information with human rights organizations since the 2011 armed conflict. Following numerous threats received through Facebook since 2013 he found his name on a list of individuals targeted for political killings by armed groups in the east of Libya in January 2014. Upon advice from a number of officials, including those in the Ministry of Justice, he left Benghazi but continued to receive threatening text messages. He reported the harassment to the Prosecutor General in a complaint. Even after leaving the country, he continued to receive threats via his social media pages and by telephone. For instance, in February 2015, he received three messages on his Facebook page warning him that his movements, including those with his family, were monitored and that his life remained in danger. Investigations in the human rights defender’s current country of residence were reportedly opened following his formal complaint. A well-known Libyan figure based abroad also appeared on a television channel, known for its support to one of the parties to the conflict, and publicly incited violence against the human rights defender, claiming he had been spreading misleading information, including to international organizations, on human rights violations and abuses committed in Libya in order to harm the reputation of the country.

Other human rights defenders remained in Benghazi but limited their movement for fear of their safety. **Asma al-Reeshy**, a human rights defender and media worker who frequently took pictures of sites of violence for different news channels and her own social media pages, has reported being the target of numerous death threats since July 2011. Messages included pictures of corpses, along with warnings to stop sending material to media outlets like Wataniya television and the Tadamoun News Agency. She reported being approached by a group of armed men in civilian clothes in 2013 while she was photographing the National Security Center, an intelligence body, following an explosion. The men confiscated her camera and other personal belongings, including her identity card. Since October 2014, she has been confined to her house after receiving a string of death threats.

Since the October 2014 offensive and their territorial gains of Operation Dignity forces in Benghazi, UNSMIL has received reports that the forces and allied neighborhood vigilante armed

groups, purportedly formed to ensure local security, have carried out reprisal attacks against actual or perceived sympathizers of the BRSC, especially residents of Misratan origin, including individuals engaged in activities which amount to the peaceful exercise of the right to freedom of expression, as illustrated in examples set out below. Residents and human rights defenders in Benghazi, including those critical of both parties to the conflict, have described the climate as repressive and intolerant of the mildest criticism or questioning of Operation Dignity.

Among those reported to have been targeted in reprisal attacks by supporters of Operation Dignity are relatives of victims of the 1996 Abu Salim prison killings⁸ who have been active since before the fall of the Qadhafi regime in calling for justice and accountability. It is thought that the perpetrators consider some of the relatives to be sympathetic to the BRSC, which may explain the motive for their targeting. Relatives of victims of the Abu Slim prison killings simply active in denouncing violations and abuses committed by forces affiliated to Operation Dignity have been among those targeted. Many fled Benghazi. Some of the relatives and other Benghazi residents told UNSMIL that the Salmani house of lawyer and human rights defender **Fathi Tirbil**, their representative, whose arrest on 15 February 2011 by Qadhafi security forces helped spark the Libyan uprising, was broken into and searched in October 2014. Some personal belongings, including cars, were stolen. Perpetrators were reportedly chanting slogans blaming Mr. Tirbil for the deterioration of the situation in Benghazi and the spread of armed groups.

The sister of another victim of the Abu Salim prison killings, active in demanding justice for the crime and denouncing ongoing abuses by forces affiliated with Operation Dignity, told UNSMIL that she had fled her home in February 2015. She took this decision following repeated threats sent to her social media pages, and an attempted forced entry into her house by unknown men in the same month.

A human rights defender active on social media in his early thirties from Benghazi fled the city in October 2014, after hearing that his name had been included on lists of wanted individuals sympathetic to “terrorists,” which was reportedly compiled by armed groups loyal to Operation Dignity. He believes that this is due to his criticism on social media of violations and abuses by forces aligned to Operation Dignity, including alleged abductions, destruction of civilian property, and torture at the Gernada Prison. He also feared reprisals because of his Misratan origins. Before fleeing Benghazi, he had limited his movements outside his house and avoided checkpoints. In a similar case, UNSMIL received credible reports that in November 2014, a young man of Misratan origin in his early 20s was brought into a makeshift detention facility in Birsis with bruises on his face and a bloodied nose. He was accused by the guards of aiding “Muslim Brotherhood channels” and spreading “false rumors about the army.” The young man had been critical of Operation Dignity on his social media pages.

⁸ In arguably the gravest human rights violation during Qadhafi’s 40-year rule, over 1,200 prisoners were summarily executed in June 1996 by Qadhafi security forces. Many of the victims were from the east of Libya. For years, the Qadhafi regime refused to acknowledge the killings, open investigations and provide relatives with reparation. Since 2010, families of victims of the Abu Salim Prison killings in Benghazi broke the wall of fear and silence and held regular demonstrations calling for truth and justice.

Human rights defenders in Derna, a stronghold of extremist armed groups such as Ansar al-Shari'a, Abou Salim Martyrs, and the so-called Islamist State in Libya, have been operating in a particularly difficult and dangerous environment. Human rights defenders who have been vocal in their opposition to armed groups, and have been calling for the establishment of a strong national army, had previously been the target of attacks in Derna. As with Benghazi, Derna has witnessed a string of politically-motivated killings of former and current security officials, government employees including judges, human rights defenders, and media workers, as well as a woman member of the General National Congress.

A human rights defender from Derna, known for her opposition to such armed groups and for her advocacy against gender-based discrimination, was forced to flee the city in September 2014, fearing for her and her relatives' lives. She had been part of the Nour Campaign launched in 2013, which aimed to highlight the impact of the security situation on women's rights and the ongoing violence against women. She reported an attempt against her life in March 2014, repeated threats on her social media pages, and accusations of being an "agent of the western powers." She recounted that in July 2014, after a prolonged absence from the city she received a text message from an unknown number which said: "*finally, you graced us with your presence.*"

Another lawyer and human rights defender from Derna, **Ali Faraj**, also known for his opposition to armed groups, told UNSMIL that he had left the city in February 2015, following repeated threats and attacks against other human rights defenders. He recounted taking the decision after finding a small piece of paper inside his house threatening to blow up the house because it allegedly belonged to supporters of Operation Dignity. He reported having previously received threats on his personal Facebook page, prompting him to remove his picture, and verbal warnings from relatives and neighbors close to armed groups advising him to terminate his activities such as appearing on a radio show discussing human rights and other concerns faced by Derna residents.

NGOs working in the field of human rights in Derna have also been previously targeted. Staff members of the Legal Centre for Human Rights in Derna reported that they had found the office locks changed one morning in late 2012 and their personal belongings outside. An explosion reportedly damaged the headquarters of the network of civil society organizations in central Derna in late 2013, following demonstrations in the city in September 2013 calling for the withdrawal of armed groups.

ii. Tripoli and western Libya

Human rights defenders have been facing a series of attacks since the August 2014 takeover of Tripoli by Libya Dawn (*Fajr Libya*) forces, which include armed groups from Misrata, Tripoli, and al-Zawiya, among others. After six weeks of fighting, "Libya Dawn" fighters took control of Tripoli, evicting Zintan-affiliated armed groups from the international airport and other areas of the capital. Some human rights defenders report finding their offices forcibly shut down or destroyed. Some were abducted and tortured; others and their relatives were threatened. Some had their homes raided and looted. As in Benghazi and other parts of eastern Libya, many human rights defenders or those suspected of opposing the *de facto* authorities in Tripoli and elsewhere in the west, have fled or have gone into hiding.

Staff and board members of the **National Council for Civil Liberties and Human Rights (NCCLHR)**, the national human rights institution of Libya have also been subjected to threats and intimidation.⁹ In mid-October 2014, Council members and staff received threatening calls by persons claiming to be affiliated with Libya Dawn. A group of armed men apparently associated with the Libya Dawn camp then visited the premises of the Council, requesting the handover of keys and official stamps, which the staff refused to do. In a separate visit, armed men sought to question some senior staff and members of the NCCLHR who were not there at the time. In late November 2014, the premises of the Council were forcibly shut down. Individual members and staff received threats, and some have since left the country. In January 2015, an armed group affiliated to Libya Dawn apparently seized an individual by mistake while looking for his sibling who works for the NCCLHR. In Tunis, a member of the NCCLHR reported that his vehicle was broken into on 31 December 2014, and some files belonging to another Libyan human rights defender stolen. The case was reported to the Tunisian Police.

Other human rights defenders' offices closed during the months of tension preceding the July 2014 offensive. Minority rights defender **Jumaa Koussa**, from Murzuq, who also heads the National Centre for Democratic Development, left Tripoli after the Libya Dawn operations began. As an active member of the National Tabu Assembly, based in Tripoli, he used to attend regular meetings at its headquarters in Gorgi. He recounted to UNSMIL how, on 19 February 2014, he and his deputy, Omar Mahmoud, were attacked by armed men in front of the headquarters of the National Tabu Assembly. As soon as they came out of the office at about 9.00 pm, they were confronted by two vehicles: a Toyota pick-up truck and a regular car. Armed men came out of the vehicles and confiscated their documents, assaulted them with rifle-butts and took Mr. Koussa's car. The armed men reportedly asked them about their activities and meetings. A few days before the incident, Mr. Koussa appeared on television, declaring that the Constitution Drafting Assembly of Libya was marginalizing minority groups. He filed a police report at the Ghout al-Shaal Police Station, but no action was taken. After this incident, the National Tabu Assembly reduced its activities and stopped meeting regularly at its headquarters. Mr. Koussa recalled that on another occasion, shortly before the July 2014 fighting began, the Assembly was visited by a group of men, who argued that those present should support the General National Congress. According to Mr. Koussa, after the latter incident, the Tabu Assembly ceased functioning completely. Separately, his neighbors in Tripoli warned him that unknown men had visited the area with the intention of finding him. He subsequently moved house before leaving Tripoli.

The killing of 35-year-old **Entissar al-Hassaeri** in February 2015 shocked Libyan civil society, as it was the first time that a well-known woman member of civil society was targeted in Tripoli. Her body and the body of her 55-year-old aunt, Amal Mazdawi, were recovered in the trunk of her car on 23 February 2015, in the Mashru' al-Hadbha area of Tripoli. Both had been shot in the head. Reportedly, money, telephones and other personal belongings were left in the car, suggesting that the motive was not theft. Ms. al-Hassaeri's friends and fellow human rights

⁹ OHCHR expressed concern about intimidation faced by the staff members of the NCCLHR on 24 October and 14 November 2014. See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15294&LangID=E and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15205&.

defenders told UNSMIL that they had lost contact with her in the afternoon of 22 February. She was vocal in her criticism of armed groups and urged for the establishment of a strong national army and police force. Ms. al-Hassaeri had founded the “Enlightenment” (*Tanwir*) group in 2012, with the purpose of promoting cultural activities. In 2011, she took part in a sit-in in central Tripoli, calling for the demobilization of armed groups, and she participated in other demonstrations in the capital between 2012 and 2014. According to fellow members of civil society, she received threats on her Facebook page and on at least one occasion was stopped while driving by armed men at a checkpoint who warned her to dress “appropriately” and cover her hair. Investigations were reportedly opened by the public prosecution into the killings and the local criminal investigations department went to the scene of the crime. UNSMIL has called for a full, impartial and independent investigation into the killing of Ms. al-Hassaeri and her aunt with the view to bringing those responsible to justice.¹⁰ Human rights defenders expressed fears that investigations would not be conducted effectively, particularly after reports emerged, on 27 February, of the alleged abduction of a member of the criminal investigations department involved in the case. There are also concerns for the safety of “Enlightenment” members still based in western Libya.

Human rights defenders have also been subjected to abductions by armed groups in Tripoli. On 13 and 14 February 2015, two members of the National Commission for Human Rights-Libya, a human rights NGO, **Dr. Ali Osta**, a member of its board and **Dr. Hadi Ben Taleb**, the director of the organisation, were abducted respectively in a street in central Tripoli. They called colleagues on 14 February, informing them that they had been taken into custody by an armed group based in Madar Street in Tripoli. It later transpired that they were being held at the previous base of the al-Saadawi armed group. They were taken into custody by the Shahid Hamza armed group, whose members claimed to UNSMIL that the two men were detained in connection to a common-law crime, and not in relation to their human rights work. A number of human rights defenders have refuted this claim arguing that Dr. Osta and Dr. Taleb have been detained because the National Commission for Human Rights-Libya has been publishing press releases condemning human rights violations and abuses taking place in the context of the ongoing armed conflict, including abductions of human rights defenders and others in Tripoli and Benghazi. On 26 February, Dr. Osta was released. However, Dr. Taleb was allegedly asked to report back to the Shahid Hamza armed group with his passport to complete release procedures. When he did as instructed, he was detained again.¹¹ He was subsequently released on 18 March. Staff members of the National Commission for Human Rights-Libya had previously reported that in September 2014, armed groups affiliated with Libya Dawn had raided their office in Tripoli.

Another Tripoli-based human rights defender has been missing since his abduction in late July 2014 by armed groups affiliated to Libya Dawn. It is believed that he was abducted due to his questioning of the legitimacy of the GNC, his condemnation of attacks on Sufi shrines, and his vocal opposition to, and participation in demonstrations against armed groups. UNSMIL reviewed a number of Facebook comments posted prior to his abduction which accused him of

¹⁰ See unsmil.unmissions.org/Default.aspx?tabid=3543&ctl=Details&mid=6187&ItemID=2004056&language=e.

¹¹ A press release from the National Commission for Human Rights-Libya, dated 16 February, announcing both men’s release, was issued prior to the renewed detention of Dr. Taleb.

being a remnant of the Qadhafi regime and a supporter of the Coalition of National Forces party and Zintan armed groups. A fellow member of civil society in Tripoli- told UNSMIL that a small demonstration had been held near Algeria Square in July 2014 to protest against his abduction the previous night and against the continued fighting. He alleged that a group of armed men had approached the protesters, warning them to no longer organize or participate in such demonstrations. He left Tripoli two months later, fearing abduction himself, particularly after receiving threats by telephone and in person by Tripoli-based armed men.

Tawerghan human rights defender and head of the Rahamah Association, **Ali Harous**, has been subjected to repeated physical assaults, short-term detentions and threats. Even though armed men stopped Mr. Harous at makeshift checkpoints on numerous occasions since the Libya Dawn offensive in July 2014, two incidents stand out. In August 2014, armed men from al-Zawiya stopped his car on the road to Jmil, as he was travelling to meet Tawergha internally displaced families who had fled the fighting in Tripoli. Once the armed men found out that he was from Tawergha and that he was going to Jmil - allegedly a stronghold of Qadhafi supporters - they started insulting him, calling him a “slave,” and claiming that Tawergha had committed numerous crimes against Misrata during the 2011 armed conflict.¹² They forced him to stand on the highway while telling passing cars of his “crimes.” A number of passers-by insulted him and spat on him. His ordeal lasted some six hours, until an older man intervened and allowed Mr. Harous to make a phone call. He was let go after he informed an influential man from al-Zawiya of his predicament. In another incident, in late August 2014, Mr. Harous was again stopped at a makeshift checkpoint by armed men, this time near Janzour. He was travelling to his home in an internally displaced persons camp for Tawerghans camp in the Naval Academy in Janzour. The armed men questioned him on his activities, eventually releasing him about two hours later after making phone calls to inquire about his identity.

Even before the Libya Dawn operation began, Mr. Harous faced violence and intimidation. In February 2014, a group of men reportedly approached him outside a mosque on Tariq al-Matar, asking him if he was “Ali al-Tawarghi.” When he confirmed, they held him and punched him in the face. UNSMIL human rights officers met him shortly after the incident and witnessed his bruised face and swollen eye. He informed UNSMIL that he suspected the perpetrators to be from Misrata because of their accents. In a separate incident, in April 2014, he was blindfolded, beaten and had a metal object dropped on his foot by armed men allegedly from the Swehli armed group. The incident happened when he accompanied another Tawerghan man who was going to hand over his government car to the armed group in response to their demand. He was released following the intervention of one of the armed men, who pointed out that Mr. Harous was not the car-owner. The other man was held by the group for several days.

Since 2013, Mr. Harous received numerous phone calls and messages ordering him to stop his activities including searching for detainees, obtaining information on victims from hospitals and morgues, and reporting information to international organizations. In September 2014, for the first time, the threats were directed at his family, prompting him to leave Tripoli. He fled Libya a

¹² All inhabitants of Tawergha were forcibly displaced from their town in August 2011 by armed groups from Misrata, who accused Tawerghans of grave human rights abuses committed in Misrata by pro-Qadhafi forces from Tawergha.

few days after a man who said he was from Misrata, called him, threatening to abduct his children since he had not listened to “advice.”

Since 2011, a woman journalist and human rights defender has been active in writing for a publication and on her Facebook page on issues related to the establishment of a strong national police and military force, and condemned violations committed by armed groups. After February 2014, when she reported rejecting unwanted advances of a sexual nature from a prominent Libya Dawn supporter, she began receiving threats of sexual violence and other threats on her Facebook page, including statements like: *“We will finish Warshafana and the Tripoli airport and come to your house and break your honor.”* In August 2014, she reported receiving a phone call warning her to stop criticizing Libya Dawn if *“she wants to see the sun”* again. Also in August, she indicated that she received another call ordering her to *“stop writing on [her] Facebook page or [her] head will be cut off.”* She then left Tripoli. In late August, neighbors called her family warning them that three vehicles full of armed men had entered their abandoned home in Tripoli, looted their personal belongings and destroyed furniture. Soon after, she fled the country. After fleeing, she continued receiving death threats via Viber and text message – seen by UNSMIL – describing her as an “infidel.”

Another women’s rights defender and journalist was forced to leave Misrata in November 2014 after receiving repeated threats. She lived in the city her entire life, including during its siege and shelling by Qadhafi forces in 2011. She reported experiencing difficulties and receiving indirect warnings passed on through colleagues since 2013 after having covered a story on an assassination attempt of an official in Misrata, without first seeking the approval of local government and military officials. She reported receiving another warning after having discussed the issue of verbal harassment against women and children on a local radio programme, Tawasul, in July 2014. UNSMIL listened to the programme during which she had argued that women should be able to access public space without being verbally harassed, while another guest claimed that women should dress “modestly” in order to avoid harassment and even remain confined to the private sphere. Most callers into the programme, including women, attacked her point of view, blaming harassment on women for not dressing “modestly” and for women’s “bad morals.” She told UNSMIL that two days after the radio programme, a group of local men had approached a male relative to tell him that she was damaging the morals of women from Misrata, and to instruct her to no longer discuss women’s issues. She told UNSMIL that her family then advised her to stop her activities in order to preserve her reputation and ensure her safety. In a separate incident that motivated her to flee abroad, she was called a “traitor” during a public meeting in Misrata, according to another meeting attendee. She recounted to UNSMIL that in September 2014, she had left a civil society organizations’ meeting early, feeling uncomfortable due to the chants supporting armed conflict. A friend later warned her that after she left the meeting, a group of men shouted that it was “a disgrace that a traitor” like her had attended, insulting her and claiming that she “hated Misrata.” She explained that at that stage, she had to leave after being publicly called a “traitor,” feeling endangered in a small community like Misrata.

5. Legal Framework

i. International law

All parties in Libya are bound by relevant provisions of international human rights and humanitarian law.

Abductions, the taking of hostages, as well as arbitrary deprivation of liberty, including detention on the basis of a person's individual or group identity, are prohibited. All those deprived of their liberty must be treated humanely.

International human rights law, which continues to apply in times of armed conflict,¹³ prohibits violations to the right to life, liberty and security of person, torture, discrimination and arbitrary detention; and upholds the rights to freedoms of association and expression. Libya is a state party to key international human rights treaties, treaties including the International Covenant on Civil and Political Rights; the International Covenant on Economic Social and Cultural Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Convention on the Elimination of all Forms of Discrimination against Women. Libya is also a party to the African Charter on Human and Peoples' Rights.

Common Article 3 to the four Geneva Conventions, to which Libya is a State party, requires that persons not taking an active part in hostilities - which may include human rights defenders - be treated humanely, and prohibits, at any time and in any place, violence to life and person.

The UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms was adopted by the General Assembly in 1998.¹⁴ It enumerates a number of rights of human rights defenders, including the rights to freedoms of expression, association and peaceful assembly; the right to seek and impart information on human rights; and the right to raise concerns on human rights violations and abuses. In 2014, the General Assembly adopted resolution 68/181 addressing the protection of women human rights defenders which called upon Member States to, inter alia, promote, translate and give full effect to the Declaration, including by taking appropriate, robust and practical steps to protect women human rights defenders.¹⁵

Libya is under the jurisdiction of the International Criminal Court following the referral of the situation in Libya, since 15 February 2011, to the Prosecutor of the Court by United Nations Security Council resolution 1970 of 21 February 2011. Those committing crimes under international law, as well as political leaders and commanders of armed groups who order the commission of such crimes, or fail to take reasonable and necessary measures to prevent or punish their commission, are criminally liable, including before the International Criminal Court. Many of the violations and abuses described within this report potentially fall under the jurisdiction of the International

¹³ See OHCHR publication “International Legal Protection of Human Rights in Armed Conflict” for more information at www.ohchr.org/Documents/Publications/HR_in_armed_conflict.pdf.

¹⁴ The Declaration was adopted by General Assembly resolution 53/144 of 9 December 1998.

¹⁵ See operating paragraph 1, A/RES/68/181.

Criminal Court. In the context of the escalating violence in Libya, the Prosecutor of the International Criminal Court noted in August 2014 that her Office continued to exercise jurisdiction over crimes against humanity and war crimes committed within the territory of Libya.

Under resolution 2174 (2014), adopted on 27 August 2014, the Security Council decided that targeted travel ban and asset freeze measures shall apply to, inter alia, individuals or entities “planning, directing, or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in Libya.”

ii. National law

Libya’s Code of Criminal Procedures contains a number of safeguards against arbitrary detention and torture, including the requirement to refer suspects to the public prosecution within 24 hours (Article 26), the need to have a warrant from competent authorities except in cases of *flagrant delit* (Article 30), and the obligation to hold people deprived of their liberty in “prisons designed for that purpose” (Article 31).

The Libyan Penal Code also criminalizes torture. Law 10 of 2013 criminalizes torture, enforced disappearances and discrimination. Other provisions of the Libyan Penal Code (Articles 248 and 249) explicitly criminalize the use of threats against judges, prosecutors and members of administrative bodies, as in the case of the National Council for Civil Liberties and Human Rights. Further, the destruction of official documents is punished by Article 348 of the Penal Code.

Voluntary homicide, physical assault and abduction, including of children, are criminalized, respectively by Articles 368 to 370 and 372, Articles 378 to 380 and Articles 428 and 406. Rape and sexual assault are criminalized by Articles 407 and 408 of the Penal Code. Article 430 criminalizes the use of verbal threat, while verbal assault is punished by Article 438. The public prosecution has the mandate and the duty to initiate a serious investigation of the crimes that come to their attention in violation of these laws.

6. Recommendations

UNSMIL and OHCHR reiterate the appeal to all sides of the conflict to cease all armed hostilities and engage in an inclusive political dialogue, seeking to build a State based on democracy and respect for human rights and the rule of law.

The Libyan authorities must investigate and hold accountable, in accordance with international standards, all parties responsible for violations of international human rights and humanitarian law, and abuses of human rights, regardless of affiliation. The authorities should resume building state institutions as soon as feasible, particularly law enforcement agencies and the overall justice system. This should include gender-sensitive training for law enforcement and other protection officials.

UNSMIL and OHCHR also urge the Libyan authorities and all those with effective control on the ground to:

- Immediately refrain from and take action to stop attacks on human rights defenders, the National Council for Civil Liberties and Human Rights and other members of civil society, and undertake urgent measures to protect them. All parties should publicly condemn such attacks.
- Ensure a safer and more enabling environment in which the National Council for Civil Liberties and Human Rights and human rights defenders can conduct human rights work in the country.
- Respect the rights of women human rights defenders to carry out their work in the public sphere without fear of intimidation and violence.
- Release all human rights defenders deprived of their liberty on account of their peaceful expression of opinion, real or perceived political affiliations, and human rights work. Pending release, ensure that they are protected from torture or other ill-treatment, and immediately inform their families of their whereabouts.
- Ensure that investigations into the killing of, and other violence directed at human rights defenders are full, impartial and independent and that entities and individuals suspected of implication in the crimes do not have access to evidence or intimidate witnesses.
- Tackle incitement to discrimination, hostility or violence directed at human rights defenders based on their opinions, origin, and real or perceived political affiliations, in whatever fora they appear including regular media outlets and social media, with due regard to the right to freedom of expression.
- Ensure judicial independence and security to bring perpetrators of human rights violations and abuses to justice in accordance with international standards.
- Provide reparation to human rights defenders who suffered violations and abuses, including medical treatment, rehabilitation and financial compensation for looted, damaged and destroyed offices and homes.
- Cooperate fully with the International Criminal Court by assisting its investigations and complying with its rulings.

UNSMIL and OHCHR call on those drafting the Constitution and other national legislation to:

- Ensure the inclusion in line with international human rights law of fundamental human rights, including freedom of opinion and expression, association, and of peaceful assembly, in the draft constitution and other pertinent national legislation in order to facilitate the work of human rights defenders. The establishment of a national human rights institution, its powers, and explicit safeguards to ensure its protection should be included in the Constitution.

UNSMIL and OHCHR call upon the regional and international community, including neighbouring countries, to:

- Urgently ensure protection of and practical assistance to Libyan human rights defenders based in Libya and abroad, including through taking concrete measures such as facilitating

the issuance of emergency visas and temporary shelter; supporting the relocation of defenders at risk; and strengthening the self-protection capacity of defenders.

- Support projects and activities aimed at building the capacity of Libyan human rights defenders and organizations based in Libya and abroad.
- Support projects and activities which aim to create an enabling environment to freely conduct human rights work in Libya.
- Support the International Criminal Court in its vital role of complementing the Libyan justice system, including by ensuring that the Office of the Prosecutor is adequately resourced for the task of investigating crimes under its jurisdiction in Libya.