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COI QUERY

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COI QUERY RESPONSE – LIBYA

Situation of Tebu people

1. Legal status of Tebu¹ people in Libya

The Tebu is a non-Arab ethnic minority residing in areas of Sudan, Niger, Chad and the south of Libya.² Minority Rights Group International (MRGI) noted in 2018 that there were ‘at least 12 000- 15 000 Tebu in Libya’³, while in 2021, the International Work Group for Indigenous Affairs (IWGIA) reported that there were around 50 000 Tebu in Libya.⁴

During Gaddafi’s rule and the so-called ‘Arabisation’ policies conducted by his regime, non-Arab communities, including the Tebu people, were marginalised.⁵ Minorities such as the Tebu and Tuareg were deprived of their citizenship rights ‘after the regime returned the Aouzou strip along the Libya-Chad border to Chad in 1994’⁶ During the uprising, the Gadhafi regime cancelled the 1996 decree that revoked Libyan nationality to all those associated with Aouzou⁷, and ‘many Tebu, in particular, were able to regularise their status between 2011 and 2013’.⁸

However, according to the 2018 multisector needs assessment by REACH Initiative⁹, the ‘claims to citizenship by Tuareg, Tebu and Amazigh groups in the south have been further hampered following the implementation of the National Number in 2013’¹⁰, whereby people of

¹ Among the sources consulted the following spellings were found: Tebu, Toubou, Tabu, Tubu, Teda. For ease of reference, the spelling ‘Tebu’ will be used throughout the document

² AI, Libya: Historic discrimination threatens right to health of minorities in the south amid COVID-19, 20 April 2020, [url](#); IWGIA, Indigenous peoples in Libya 2021, 18 March 2021, [url](#); REACH Initiative, Libya; Ubari Area-Based Assessment (ABA); August 2021, August 2021, [url](#), p. 5

³ MRGI, Libya: Tebu, last updated July 2018, [url](#)

⁴ IWGIA, Indigenous peoples in Libya 2021, 18 March 2021, [url](#)

⁵ Van Waas, L., The Stateless Tebu of Libya? Report of the Middle East and North Africa Nationality and Statelessness Research Project, in Tilburg Law School Legal Studies Research Paper Series, No. 012/2013, May 2013, [url](#), p. 5; MRGI, Libya: Tebu, last updated July 2018, [url](#); UN HRC, Summary of Stakeholders’ submissions on Libya; Report of the Office of the United Nations High Commissioner for Human Rights [A/HRC/WG.6/36/LBY/3], 28 February 2020, [url](#), para. 83; IWGIA, Indigenous peoples in Libya 2021, 18 March 2021, [url](#); USDOS, 2021 Country Report on Human Rights Practices: Libya, 12 April 2022, [url](#)

⁶ USDOS, 2021 Country Report on Human Rights Practices: Libya, 12 April 2022, [url](#)

⁷ Van Waas, L., The Stateless Tebu of Libya? Report of the Middle East and North Africa Nationality and Statelessness Research Project, in Tilburg Law School Legal Studies Research Paper Series, No. 012/2013, May 2013, [url](#), p. 12; MRGI, Libya: Tebu, last updated July 2018, [url](#)

⁸ Valerie Stocker, ‘Citizenship on Hold in Libya: Undetermined Legal Status and Implications for Libya’s Peace Process’, European Institute of Peace, July 2019, [url](#), p.8

⁹ REACH is a joint initiative of two international non-governmental organizations - ACTED and IMPACT Initiatives - and the UN Operational Satellite Applications Program (UNOSAT). REACH’s mission is to strengthen evidence-based decision making by aid actors through efficient data collection, management and analysis before, during and after an emergency see REACH Initiative, 2018 Multi-Sector Needs Assessment, 5 February 2019, [url](#), p. 3

¹⁰ Under this system, every Libyan is meant to have a unique personal identification number, which became the new hallmark of citizenship see Valerie Stocker, ‘Citizenship on Hold in Libya: Undetermined Legal Status and Implications for Libya’s Peace Process’, European Institute of Peace, July 2019, [url](#), p. 9

undetermined legal status lost the right to receive government salaries'. The same source reported the following:

'Civil registry records and documentation are in many instances a prerequisite to accessing education, healthcare, legal representation, voting rights and food subsidies and have historically unequally impacted Libyan's in the south of the country such as Tebu and Amazigh populations who struggled to gain citizenship'.¹¹

According to a 2019 research study by Valerie Stocker, a researcher focusing on Libyan affairs¹², the 2013 national number reform has restricted people of undermined legal status, particularly in South Libya, from accessing most public services and basic subsidised food items, as well as humanitarian assistance.¹³

The United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA) noted that, as of 2020, 'marginalized communities, particularly those like the Tebu and Tuareg from southern Libya, continued to be at risk of statelessness due to lack of civil status and documentation'.¹⁴ In April 2020, Amnesty International noted that the lack of documentation, has restricted Tebu and Tuareg people from accessing public healthcare system, while the economic consequences of lack of identity documents left them unable to cover medical expenses privately.¹⁵

Although the 2017 draft constitution 'called for the protection and promotion of the Amazigh, Tuareg and Tebu languages'¹⁶, and the Constitution Drafting Assembly (CDA) featured two reserved seats each for three non-Arab ethnic minority groups, namely Amazigh, Tebu, and Tuareg¹⁷, the representatives of the aforementioned groups rejected the draft for failing to recognise the status of their communities.¹⁸

In its report covering the human rights situation in 2021, the United States Department of State (USDOS) reported that 'several Tebu and Tuareg communities received substandard or no services from municipalities and lacked national identity numbers'. In addition, members of these ethnic minorities also 'faced widespread social discrimination, and suffered from hate speech and identity-based violence.' The same source also noted that 'government officials and journalists often distinguished between "local" and "foreign" populations of Tebu and Tuareg in the south and advocated expulsion of minority groups affiliated with political rivals

¹¹ REACH Initiative, 2018 Multi-Sector Needs Assessment, 5 February 2019, [url](#), p. 77

¹² Valerie Stocker, 'Citizenship on Hold in Libya: Undetermined Legal Status and Implications for Libya's Peace Process', European Institute of Peace, July 2019, [url](#), p. 2

¹³ Valerie Stocker, 'Citizenship on Hold in Libya: Undetermined Legal Status and Implications for Libya's Peace Process', European Institute of Peace, July 2019, [url](#), p. 13

¹⁴ UNOCHA, Libya Humanitarian Needs Overview 2021 (December 2020) , December 2020, [url](#), p. 72

¹⁵ AI, Libya: Historic discrimination threatens right to health of minorities in the south amid COVID-19, 20 April 2020, [url](#)

¹⁶ BTI, 2022 Country Report Libya, 23 February 2022, [url](#)

¹⁷ Freedom House: Freedom in the World 2022 - Libya, 28 February 2022, [url](#)

¹⁸ ICJ, Women's Human Rights in the Libyan Draft Constitution; Ensuring equality, overcoming discrimination, October 2021, [url](#), p. 5, Footnote 7; USDOS, 2021 Country Report on Human Rights Practices: Libya, 12 April 2022, [url](#)

on the basis they were not truly “Libyan”.¹⁹ Ethnic minorities, including the Tuareg and the Tebu people, have also faced societal discrimination during the reporting period²⁰, with Tebu people in southern Libya reportedly not having access to universities²¹ and hospitals due to harassment from Arab tribes that control the areas.²²

2. Involvement of Tebu people in armed conflict in Libya, with a focus on the region of Fezzan, (Murzuq and Sabha)

According to sources from 2018, the region of Fezzan was under the ‘de facto’ control of the southern tribes, namely the Tebu, the Tuareg²³, which at times affiliated with the Government of National Accord (GNA) or Libyan National Army (LNA), without any specific loyalty to either parties.²⁴ Although the Tebu were reported to be aligned initially with Haftar’s LNA, their stance changed due to a series of factors, including the LNA’s policy of courting Arab tribes opposed to the Tebu, the establishment of the United Nations-backed GNA in 2016 and their aspiration to align with the ‘legitimate’ Tripoli government²⁵, as well as Haftar’s denunciation of all Tebu armed groups as Chadian²⁶ rebel armed groups.²⁷

Between late January and August 2018²⁸, the city of Sabha was subject to inter-communal violence between the Tebu and Awlad Suleiman communities, which escalated throughout the month of March, while the LNA moved military equipment into the area.²⁹ In May 2018, the Tebu militias conquered the castle of Sabha from the 6th Brigade, ‘the biggest Arab tribal militia in the city, after the LNA confirmed that the unit is officially part of its alliance’.³⁰

In late January 2019, Haftar’s forces ‘embarked on a campaign to take control of the Fezzan’ region, the source of Libya’s major oil and water reserves.³¹ In response, Tebu and Tuareg

¹⁹ USDOS, 2021 Country Report on Human Rights Practices: Libya, 12 April 2022, [url](#)

²⁰ USDOS, 2018 Country Report on Human Rights Practices: Libya, 13 March 2019, [url](#); USDOS, 2020 Country Reports on Human Rights Practices: Libya, 30 March 2021, [url](#); USDOS, 2021 Country Report on Human Rights Practices: Libya, 12 April 2022, [url](#); Freedom House: Freedom in the World 2022 - Libya, 28 February 2022, [url](#)

²¹ USDOS, 2021 Country Report on Human Rights Practices: Libya, 12 April 2022, [url](#)

²² Al, Libya: Historic discrimination threatens right to health of minorities in the south amid COVID-19, 20 April 2020, [url](#)

²³ Jamestown Foundation: Libya’s Rogue Militias Keep the Country From Tackling Human Trafficking; Terrorism Monitor Volume: 16 Issue: 4, 26 February 2018, [url](#); BTI, 2018; Libya Country Report, 2018, [url](#), p. 5

²⁴ Netherlands Ministry of Foreign Affairs: Country of origin information report on Libya, June 2020, [url](#), p. 15; Les clés du Moyen-Orient, L’ethnie Toubou à l’heure de la révolution. Les Toubous dans le conflit libyen (2/5), 22 June 2020, [url](#)

²⁵ Les clés du Moyen-Orient, L’ethnie Toubou à l’heure de la révolution. Les Toubous dans le conflit libyen (2/5), 22 June 2020, [url](#)

²⁶ Reuters, Drone strike on town in southern Libya kills at least 43: official, 5 August 2019, [url](#)

²⁷ Clingendael Netherlands Institute of International Relations, Libya’s Haftar and the Fezzan, January 2020, [url](#), p. 3

²⁸ UN Security Council, ‘United Nations Support Mission in Libya – Report of the Secretary-General’ 24 August 2018, [url](#), para. 14

²⁹ UN Security Council, United Nations Support Mission in Libya – Report of the Secretary-General’ [S/2018/780], 7 May 2018, [url](#), para. 15

³⁰ LVAK, IFK: Fact Sheet Libya; 25 April 2018 – 23 July 2018; No. 06, July 2018, [url](#), p. 2

³¹ Clingendael Netherlands Institute of International Relations, Libya’s Haftar and the Fezzan, January 2020, [url](#), pp. 1, 2

tribes formed an alliance under the GNA to halt the LNA advance.³² In February 2019, supported by the Arab tribes namely the Fezzan, Awlad Suleiman and Zwai tribes, Haftar's armed forces besieged the city of Murzuq, a town which plays a key role in Libya's gold mining operations³³, and re-established Al-Ahali domination for few days. After the withdrawal of the HAF in late February 2019, tensions escalated again and the Tebu retook control.³⁴ In early June 2019, 15 people were reported killed in clashes in Murzuq. The attempts by the LNA to create parallel local authorities further increased tensions between local Al-Ahali and Tebu communities.³⁵

On 4 August 2019, some 90 civilians were killed and over than 200 were injured in a drone attack launched by the LNA against Tebu neighborhoods, in Murzuq.³⁶ According to a November 2019 letter from the UN Panel of Experts on Libya, the air strike was 'the result of an effort by the Al-Ahali to persuade the Haftar Armed Forces to support them against the Tebu'.³⁷ The same source noted that the tensions between the two communities exist due to:

'1) Tebu resentment of past Al-Ahali support for Gaddafi; 2) Al-Ahali support for HAF auxiliary forces led by the Awlad Suleiman and Zwai tribes; 3) Al-Ahali resentment towards the expansion of Tebu political and economic influence since 2011; 4) the restriction, or lack of access, of the Ahali community to the Tebu controlled local health services; 5) Ahali concerns that the Tebu are changing the demographic composition of the area; and 6) control over smuggling networks. The situation in the area is complex and fragile'.³⁸

In its October 2021 report, the Independent Fact-Finding Mission on Libya by the UN Human Rights Council noted that: 'tensions between the Al-Ahali and Tebu communities have been ongoing in southern Libya since 2011 and culminated in confrontations in 2019 between armed groups from both communities in the context of the broader non-international armed conflict between the GNA and the LNA'.³⁹

³² BTI, 2020 Country Report Libya, 29 April 2020, [url](#), p.4

³³ Clingendael Netherlands Institute of International Relations, Libya's Haftar and the Fezzan, January 2020, [url](#), p. 3

³⁴ UN Security Council: Final report of the Panel of Experts on Libya established pursuant to Security Council resolution 1973 (2011) [S/2019/914], 9 December 2019, [url](#), para. 4

³⁵ UN Security Council, United Nations Support Mission in Libya; Report of the Secretary-General [S/2019/682], 26 August 2019, [url](#), para. 23

³⁶ Guardian (the), Libya drone strike heightens fears of air war and risk of civilian deaths, 11 August 2019, [url](#); UNOCHA, Libya: Communal Violence in Murzuq - Flash Update (As of 30 August 2019), 30 August 2019, [url](#), p. 1

³⁷ UN Security Council: Final report of the Panel of Experts on Libya established pursuant to Security Council resolution 1973 (2011) [S/2019/914], 9 December 2019, [url](#), para. 2

³⁸ UN Security Council: Final report of the Panel of Experts on Libya established pursuant to Security Council resolution 1973 (2011) [S/2019/914], 9 December 2019, [url](#), para. 3

³⁹ UN HRC, Report of the Independent Fact-Finding Mission on Libya [A/HRC/48/83], 1 October 2021, [url](#), para. 51

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