

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	338
Land:	Libyen
Kilde:	Human Rights Watch
Titel:	World Report 2020 - Libya.
Udgivet:	14. januar 2020
Optaget på baggrundsmaterialet:	31. januar 2020

Document #2022716

HRW – Human Rights Watch

World Report 2020 - Libya

Governance in Libya remained divided between two feuding entities: the internationally recognized and Tripoli-based Government of National Accord (GNA); and their rivals in eastern Libya, the Interim Government, which is supported by the Libyan House of Representatives (HOR) and by the armed group known as the Libyan National Army (LNA).

Intermittent armed conflicts in most parts of the country since the end of the 2011 revolution that ousted Moammar Gaddafi have displaced more than 300,000 civilians.

Armed groups based in the west of the country and linked with the GNA fought off attempts by Gen. Khalifa Hiftar, the LNA commander, and his allies in the west, to capture the capital Tripoli, beginning in April and continuing at time of writing. The violence, which included attacks on civilian homes and infrastructure, killed more than 200 civilians as of early November.

Armed groups, some of them affiliated with the GNA or the Interim Government, carried out extrajudicial executions and abducted, tortured, and disappeared people.

Migrants and asylum seekers continued to go to Libya, including many hoping to reach Europe. While in Libya, they faced arbitrary and abusive detention by the GNA Interior Ministry and abusive conditions in facilities controlled by smuggler and traffickers.

Political Transition and Constitution

Clashes among armed groups in western Libya in January, Hiftar’s assault on Tripoli in April, and intermittent fighting in the south deepened the political impasse and derailed the United Nations-brokered political process. Talks between the main conflict parties, Khalifa Hiftar, and Fayez Serraj, GNA prime minister, collapsed when Hiftar launched his offensive on Tripoli on April 4.

The High National Elections Commission was unable to organize a referendum on the draft constitution planned for January 2019 due to the prevailing insecurity, failure by the GNA to allocate funds to hold it, and the need for the House of Representatives to modify the referendum law. At time of writing, no new date had been agreed on.

Armed Conflict and War Crimes

The UN Security Council established in Resolution 1970 (2011) individual targeted sanctions and an open-ended arms embargo on the supply of arms and military equipment to and from Libya. As of September, the UN said it had begun investigating over 40 cases of violations of the arms embargo. Ghassan Salame, head of the UN mission in Libya, said on September 25 that the country has become "possibly the largest drone war theatre in the world," with drones being deployed a total of 900 times by various parties to the conflict.

General Hiftar launched his attack to conquer Tripoli on April 4, supported by LNA units and armed groups, including the al-Kani militia from Tarhouna, his main ally in the west, against the GNA and affiliated armed groups from western Libya. As of November, the fighting, which is concentrated in the southern suburbs of Tripoli, had killed over 200 civilians, injured over 300, and displaced over 120,000. According to the United Nations Children' Fund, as of June, 21 schools were being used as shelters for displaced persons in and around Tripoli. The violence had led to the suspension of school for 122,088 children.

In July, an airstrike by the LNA on Tajoura Migrant Detention Centre east of Tripoli, resulted in the deaths of at least 44 migrants and more than 130 injured after two missiles landed in a hangar filled with detainees. The LNA initially claimed it had been targeting a weapons depot belonging to a Tripoli-based militia within the same compound as the migrant prison, but later denied involvement. Since the start of the fighting, the GNA failed to evacuate detention centers under its authority that are in proximity to the front lines and allegedly in proximity to where weapons were stocked, including Tajoura.

In August, the Red Crescent Society of Tarhouna transferred to Tripoli and Misrata the bodies of 12 detainees, including civilians and fighters, who had been held by the LNA-affiliated Kani militia from Tarhouna for an undisclosed period of time. According to the GNA Health Ministry, the bodies bore signs of torture and possible execution, and as of September, not all had been identified.

The LNA, or forces that support them, conducted air strikes in October that resulted in civilian casualties that appeared to be unlawful. On October 6, the LNA struck an equestrian club in Tripoli, injuring six children and killing several horses. The UN's investigation found there were no military assets or military infrastructure at the site. On October 14, an LNA airstrike apparently targeting a military compound killed three girls and wounded their mother and another sister in their home. According to the United Nations Children Fund (UNICEF), the fighting killed seven children within a span of two weeks in October.

As of July, the World Health Organization reported a total of 37 attacks on medical facilities during the Tripoli clashes, which killed 11 health workers and injured 33 health workers and patients.

The LNA struck Mitiga airport, currently the only functioning airport in Tripoli, on multiple occasions since the beginning of the war, claiming the airport was being used by the GNA-linked groups to import weapons. On September 1, an LNA aerial attack on Mitiga resulted in the injury of two crew members of a commercial airline. As of November, Mitiga was still shut and all flights were diverted to Misrata airport, 200 kilometers to the east.

In eastern Libya, the LNA in February took control of Derna, a city it had besieged for three years purportedly to drive out militants who were controlling the city. Residents reported that LNA-linked groups arbitrarily detained and ill-treated residents and deliberately damaged homes, including by arson. According to local authorities who fled Derna after the LNA takeover, hundreds of Derna residents remained displaced, fearing reprisals if they returned.

On July 17, a member of the House of Representatives, Seham Sergewa, was abducted from her home in the eastern city of Benghazi and disappeared. Relatives and Benghazi residents with knowledge of the incident blamed an armed group with links to the LNA. Her husband was shot and injured during the incident and the family home looted and torched, according to relatives. Sergewa had publicly opposed the military assault by the LNA on the capital. At time of writing, there was no information on her whereabouts.

Three UN staff members were killed and two more injured on August 10, after a car exploded next to their convoy in Benghazi. As of November, the perpetrators remained unidentified.

In the south, clashes between LNA and a GNA-affiliated armed group known as the South Protection Force centered in Murzuq escalated in August, killing more than 100 people. On August 4 alone, more than 40 people were killed, including civilians, and more than 50 injured after the LNA reportedly conducted several airstrikes on a residential area in Murzuq. The LNA is trying to expel GNA-affiliates to expand its control in the south.

While the extremist group Islamic State (ISIS) no longer controls territory in Libya, its fighters carried out attacks in the eastern city of Derna and the southern city of Sebha, mostly against LNA fighters.

In September, the United States military said it conducted airstrikes on four different days within 10 days against ISIS targets in southern Libya, killing a total of 43 alleged militants. These strikes, the first conducted by the US military in 2019, were carried out by drones. The US said no civilians were killed in the strikes; this information could not be independently verified.

Judicial System and Detainees

Civilian and military courts operated at reduced capacity or not at all in some parts of the country due to the insecurity and attacks by armed groups against judges, prosecutors, and lawyers. Prison authorities, often only nominally under the authority of one or the other of the rival governments, continued to hold thousands of detainees in long-term arbitrary detention without charges. Prisons in Libya are marked by overcrowding, bad living conditions, ill-treatment and lack of specialized services for women detained with their children.

Dozens of women and children, most of them foreign, remained held without charge in two prisons in Tripoli and Misrata and a facility for orphaned children run by the Red Crescent in Misrata. Authorities are holding them because they were family members of ISIS suspects. Thirty-seven Tunisian children, including six orphans, were among those held since December 2016. Prospects for their release remained dim because of the reluctance of their governments to repatriate them.

In June and July respectively, the GNA Justice Ministry released on health grounds two former Gaddafi prime ministers who a Tripoli criminal court had sentenced to death in 2015 in a flawed trial, Abuzeid Dorda and al-Baghdadi al-Mahmoudi.

International Criminal Court

Saif al-Islam Gaddafi, a son of Muammar Gaddafi, who was sentenced to death in absentia by a Libyan court in 2015, continued to be subject to an ICC arrest warrant for his alleged role in attacks on civilians, including peaceful demonstrators, during the country's 2011 uprising. At time of writing, his whereabouts remained unknown.

Two other Libyans continued to be subject to ICC arrest warrants: Al-Tuhamy Khaled, former head of the Internal Security Agency under Moammar Gaddafi, for war crimes and crimes against humanity committed in Libya between February and August 2011, and LNA commander Mahmoud El-Werfalli for the war crime of murder related to several incidents in and around Benghazi between June 2016 and January 2018.

Death Penalty

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

Internally Displaced Persons

The International Organization for Migration (IOM) estimated that 301,407 people were internally displaced in Libya as of July, almost all due to the security breakdown. The largest groups of IDPs were from Tripoli and the southern city of Sebha, and from Benghazi, where General Hiftar started a military campaign in 2014 purportedly to root out terrorism.

The displaced include most of the 48,000 former residents of the Libyan town of Tawergha, who in 2011 fled armed groups predominantly from Misrata who accused them of having committed serious crimes in a bid to support Gaddafi against those seeking his ouster. Tawerghans have not been able to return home despite reconciliation agreements with Misrata forces. Massive and deliberate destruction of the town and its infrastructure between 2011 and 2017 and scant public services have deterred them.

Freedom of Speech and Expression

Freelance Libyan photojournalist Mohamed Ben Khalifa was killed on January 19 after sustaining shrapnel wounds from indiscriminate shelling while covering clashes in Tripoli.

In May, unidentified fighters shot Hani Amara, a Libyan photojournalist for Reuters, in the thigh as he was covering the Tripoli clashes. On May 2, the LNA-allied al-Kani militia from Tarhouna, arrested Mohamed al- Qurj and Mohamed al- Shibani, two journalists with Libya Al-Ahrar TV, a private Libyan satellite channel that opposes the LNA, while they were reporting on the clashes in Tripoli. The militia released the two after 23 days.

Women's Rights and Sexual Orientation

Libyan law does not specifically criminalize domestic violence. Personal status laws discriminate against women with respect to marriage, divorce, and inheritance. The penal code allows for a reduced sentence for a man who kills or injures his wife or another female relative because he suspects her of extramarital sexual relations. Under the penal code, rapists can escape prosecution if they marry their victim.

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

Migrants, Refugees, and Asylum Seekers

As of October 31, the IOM recorded 9,648 arrivals to Italy of migrants who departed from Libya and 692 deaths in the central Mediterranean. Libyan coast guards intercepted and returned to Libyan shores 8,283 people, including 374 children. According to IOM, 203 persons were missing at sea.

Migrants and asylum seekers who are captured at sea and returned to Libyan territory are placed in detention under the GNA Interior Ministry, where many suffer inhumane conditions including beatings, sexual violence, extortion, forced labor, and inadequate medical treatment, food and water. The Department for Combating Illegal Migration (DCIM), under the GNA Interior Ministry, manages the formal migrant detention centers, while smugglers and traffickers run informal ones.

According to the IOM, there were 655,144 migrants in Libya, including 85,891 in urban areas in Tripoli, as of October 31. That month, the IOM estimated that the 26 official detention centers in Libya were holding a total of 4,754 people.

The European Union has continued to provide training, equipment, and funds to Libyan coast guard forces to intercept boats both in Libyan coastal waters and international waters, and to return migrants and asylum seekers to Libyan territory where they are detained in inhuman and degrading conditions. The EU's aiding and abetting of Libyan coast guard forces appears motivated, in part, to reduce arrivals in Europe and to avoid triggering EU nonrefoulement obligations by outsourcing interdiction to Libyan coast guard forces.

Key International Actors

The United Arab Emirates, Egypt, Russia, and France played key roles in supporting the LNA and Turkey in supporting the GNA. Turkey reportedly supplied the GNA with armed drones that it used to strike LNA positions and armored vehicles. Egypt reportedly supplied the LNA with military equipment, and the United Arab Emirates (UAE) reportedly supported the LNA with armed drones that were used to strike positions of GNA-allied groups in Tripoli and Misrata. France gave political support to General Hiftar, and according to news reports Russia increased its support of Hiftar by providing hundreds of fighters, including snipers, through a Kremlin-linked private group.

The UN Security Council in June renewed the arms embargo on Libya. According to a confidential report of the UN Panel of Experts on Libya delivered to Security Council members on October 29 and leaked to the press, in 2019, the United Arab Emirates, Jordan, and Turkey "routinely and sometimes blatantly supplied weapons with little effort to disguise the source." According to news reports, Jordan provided training to LNA fighters; the UAE allegedly used attack aircraft on behalf of the LNA; and Turkey allegedly supplied the GNA forces with military material, including armored vehicles and drones. According to a news report, Sudan provided 1,000 fighters to support the LNA.

As of November, the Security Council had not yet taken measures against entities allegedly providing weapons to the warring parties.

Since the end of the 2011 revolution, the council has imposed individual targeted sanctions in the form of asset freezes and travel bans on only eight individuals, including two militia commanders and six more individuals in relation to alleged abuses of migrants and illicit trafficking and smuggling.

The European Council in March extended the mandate of Operation Sophia until September 30, then again for another six months until 31 March 2020. The operation involves airplanes, drones and ships deployed to capture and destroy vessels used by migrant smugglers or traffickers; training the Libyan Coastguard and Navy; and enforcing the UN arms embargo off the coast of Libya. The deployment of the operation's naval assets remains suspended.

In October, the United Nations General Assembly confirmed Libya’s bid to join the UN Human Rights Council from 2020 to 2022.

ecoi.net summary:

Annual report on the human rights situation in 2019



Country:

Libya

Source:

HRW – Human Rights Watch [\(/en/source/11207.html\)](/en/source/11207.html)

Original link:

<https://www.hrw.org/world-report/2020/country-chapters/libya>
<https://www.hrw.org/world-report/2020/country-chapters/libya>

Document type:

Periodical Report

Language:

English

Published:

14 January 2020

Document ID:

2022716

Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

