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Country of Origin Information (COI) Report

COI Service

7 March 2012



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Preface

- i This Country of Origin Information (COI) Report has been produced by the COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 14 February 2012. The 'Latest News' section contains further brief information on events and reports accessed from 15 February 2012 to 5 March 2012. The report was issued on 7 March 2012.
- ii The Report is compiled wholly from material produced by a wide range of external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links may be provided. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.
- vi As noted above, the Report is a compilation of extracts produced by a number of information sources. In compiling the Report no attempt has been made to resolve discrepancies between information provided in different source documents though COI Service will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. Reports do not aim to bring consistency of spelling but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

The main text of this COI Report contains the most up to date publicly available information as at 14 February 2012.

Further brief information on recent events and reports has been provided in the Latest News section to 5 March 2012.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This Report and the accompanying source material are public documents. All Reports are published on the UKBA website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified are available in electronic form, the relevant weblink has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from COI Service upon request.
- ix Reports are published regularly on the top 20 asylum intake countries. Reports on countries outside the top 20 countries may also be produced if there is a particular operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this Report, COI Service has sought to provide an accurate, up to date, balanced and impartial compilation of extracts of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to COI Service as below.

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Independent Advisory Group on Country Information

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's COI material. The IAGCI welcomes feedback on UKBA's COI Reports and other COI material. Information about the IAGCI's work can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xii In the course of its work the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://icinspector.independent.gov.uk/country-information-reviews/>

- xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself. The IAGCI can be contacted at:

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Latest News

Events in libya from 14 february 2012 to 5 march 2012

The Latest News provides a non-exhaustive selection of significant events since 14 February 2012. Further information may also be available from the list of useful sources below.

The Home Office is not responsible for the content of external websites.

4 March Two British journalists working for Iran's English-language TV station Press TV have been detained in Libya by a local militia group on suspicion of spying.

BBC News

Libyan militia says UK journalists are 'spies', 4 March 2012

<http://www.bbc.co.uk/news/world-africa-17254054>

Accessed 1 March 2012

27 February The situation remains tense in the south-eastern town of Kufra, where the death toll from recent inter-ethnic clashes is at least 100 and half the population has fled.

UN News Centre

Tense conditions prevail in Libyan town after deadly ethnic clashes – UN, 27 February 2012

<http://www.un.org/apps/news/story.asp?NewsID=41387&Cr=libya&Cr1=>

Accessed 1 March 2012

27 February Libya will announce a law that will return land and buildings expropriated by late ruler Muammar Qaddafi to the original landowners 'within weeks,' a senior member of the Land Ownership Committee said.

Bloomberg

Libya Plans Law to Return Qaddafi Land, Buildings to Owners, 27 February 2012

<http://www.bloomberg.com/news/2012-02-27/libya-plans-law-to-return-qaddafi-land-buildings-to-owners.html>

Accessed 1 March 2012

22 February Neighbours Libya and Algeria are to exchange high-level visits in an attempt to re-launch cooperation in fighting arms trafficking and Islamist insurgents in the Sahara desert.

Reuters

Algeria, Libya set aside row to tackle security, 22 February 2012

<http://www.reuters.com/article/2012/02/22/libya-algeria-security-idUSL5E8DMBCF20120222>

Accessed 1 March 2012

Reports on libya published between 15 february 2012 and 5 march 2012

The Home Office is not responsible for the content of external websites.

Amnesty International

Militias threaten hopes for new Libya, 16 February 2012

<http://www.amnesty.org/en/library/asset/MDE19/002/2012/en/6b6a5b08-9874-4679-bc0f-c3d47bfd93a9/mde190022012en.html>

Accessed 1 March 2012

Committee to Project Journalists

Attacks on the Press in 2011 –Libya, 22 February 2012

<http://cpj.org/2012/02/attacks-on-the-press-in-2011-libya.php>

Accessed 1 March 2012

Useful news sources for further information

A list of news sources with Weblinks is provided below, which may be useful if additional up to date information is required to supplement that provided in this report.

AlertNet (Thomson Reuters) <http://www.alertnet.org/thenews/newsdesk/index.htm?news=all>

Al-Jazeera <http://english.aljazeera.net/indepth/spotlight/libya/>

British Broadcasting Corporation (BBC) <http://news.bbc.co.uk>

Cable News Network (CNN) <http://edition.cnn.com/WORLD/?fbid=i0gUtrVnUAY>

Canadian Immigration and Refugee Board, National Documentation Packages

http://www2.irb-cisr.gc.ca/en/research/ndp/index_e.htm?id=1140

ECOI.net <http://www.ecoi.net/>

Integrated Regional Information Networks (IRIN) <http://www.irinnews.org/>

UNHCR Refworld <http://www.unhcr.org/refworld/publisher.UNHCR.COUNTRYPOS...0.html>

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Background Information

1. Geography

- 1.01 The official state name is Libya. This was changed from the Great Socialist People's Libyan Arab Jamahiriya on 26 August 2011. (Foreign and Commonwealth Office, *Geographical Names and Information*, revised August 2011).¹ Libya is the fourth largest country in Africa. It lies on the north coast of Africa, on the Mediterranean Sea, and is bordered by Tunisia, Algeria, Niger, Chad, Sudan and Egypt. It is a low-lying country, much of which is desert. There are mountainous regions in the South and North West and North East. (FCO Country Profile – Libya, 10 March 2011)²
- 1.02 The Central Intelligence Agency (CIA) *World Factbook*, *profile of Libya*, updated 16 December 2011, estimated that in July 2011 the population was 6,597,960 (including 166,510 non-nationals). It also estimated that the median age was 24.5 years.³
- 1.03 The United States Department of State (USSD) *Background note on Libya*, updated 7 July 2011, stated:

"Libya has a small population in a large land area. Population density is about 50 persons per sq. km. (80/sq. mi.) in the two northern regions of Tripolitania and Cyrenaica, but falls to less than one person per sq. km. (1.6/sq. mi.) elsewhere. Ninety percent of the people live in less than 10% of the area, primarily along the coast. More than half the population is urban, mostly concentrated in the two largest cities, Tripoli and Benghazi. Thirty-three percent of the population is estimated to be under age 15."⁴
- 1.04 Europa World Online on *its Libya country page* (accessed 16 January 2012) stated that the capital was Tripoli (Tarabulus), with a population of 997,065 (based on a 2006 census) and listed the main towns (in descending order of population, based on the 2006 census) as: Benghazi (Banghazi) 622,148, Misurata (Misratah) 511,628, Al-Jifarah 422,999, Al-Marqab 410,187, Zawia (Al-Zawiyah) 270,751 followed by Al-Nuquat al-Khams, Al-Jabal al-Akhdar, Al-Marj, Al-Wahah, Darnah, Al-Butnan and Sirte (Surt).⁵
- 1.05 The same source also noted that the country is divided into three provinces, 10 governorates and 1,500 administrative communes.⁶
- 1.06 The USSD *Background note on Libya* (updated 7 July 2011) noted, "Native Libyans are

¹ Foreign and Commonwealth Office, *Geographical Names and Information*, revised August 2011 <http://www.fco.gov.uk/resources/en/pdf/publications/geographical-names-and-information> Accessed 12 December 2011

² Foreign and Commonwealth Office, *Libya Country Profile*, 10 March 2011 <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/middle-east-north-africa/libya/?profile=geography> Accessed 10 May 2011

³ CIA World Factbook – Libya, updated 3 May 2011 <https://www.cia.gov/library/publications/the-world-factbook/geos/ly.html> Accessed 16 January 2012

⁴ USSD Background note – Libya updated 7 July 2011 <http://www.state.gov/r/pa/ei/bgn/5425.htm> Accessed 10 May 2011

⁵ Europa World Online (Country Statistics: Area and Population), Subscription only – hard copies available on request. Accessed 10 May 2011

⁶ Europa World Online (Government), Subscription only – hard copies available on request. Accessed 10 May 2011

primarily a mixture of Arabs and Berbers. Small Tebou and Tuareg tribal groups in southern Libya are nomadic or semi-nomadic. Among foreign residents, the largest groups are citizens of other African nations, including North Africans (primarily Egyptians and Tunisians), West Africans, and other Sub-Saharan Africans.”⁷

1.07 Map



⁷ USSD Background note – Libya updated 7 July 2011

<http://www.state.gov/r/pa/ei/bgn/5425.htm> Accessed 10 May 2011

(Maps of World) – Libya Political Map⁸

- 1.08 Europa World Online, on its *Libya country page* (accessed 16 January 2012), noted “Arabic is the official language, although English and Italian are also used in trade. Almost all of the population are Sunni Muslims.”⁹
- 1.09 The Economist Intelligence Unit, in its *Libya report*, basic data, updated 8 April 2011, gave details of public holidays, “Commercial offices and government establishments are closed on Fridays. Other than the usual Islamic celebrations, national holidays include Declaration of the People's Power Day (March 3rd); Evacuation Day (June 11th); Revolution Day (July 23rd); and National Day (September 1st)”¹

Geographic and tribal issues

- 1.10 The International Crisis Group, in a report of 6 June 2011, called *Popular Protest in North Africa and the Middle East (V): Making sense of Libya*, stated:

“Libya’s three distinct parts – Tripolitania in the west, Cyrenaica in the east and Fezzan in the south – came together as a united country only in the 1950s. Its divisions are partly geographical. The main towns in the east, west and south are separated by vast expanses of desert, with transport and communications between them limited. For example, there is no railway or motorway – only a highway – connecting the two main cities, Tripoli and Benghazi. The only efficient way to move from one to the other is by air, something far beyond the means of most ordinary Libyans. As a result, many in the east traditionally have felt closer to Egypt than to the west of Libya, a sentiment accentuated by the fact that many Libyan tribes extend into the western regions of their eastern neighbour. In contrast, people from western Libya tend to feel closer to the Maghreb, particularly Tunisia, and – due to old trading links – Europe. Residents of the capital generally consider themselves more outward looking and cosmopolitan than their eastern counterparts; even the Arabic spoken in the two areas differs markedly.

“Strong tribal differences likewise distinguish east from west. Although, as explained above, many tribes extend across regions, tribal structures are more tightly preserved in the east, a reflection of the difficulties successive invading forces and colonisers have had in bringing the eastern hinterlands under their control. The main resistance to Italian invaders occurred in the east, where Libya’s best known national hero, Omar Al-Mukhtar, led a guerrilla war. Tribal structures in the east also were sustained thanks to the Sanussi brotherhood – a religious order that established itself in Cyrenaica and enmeshed itself within local tribal structures.”¹¹

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⁸ Maps of World, Libya Political Map

<http://www.mapsofworld.com/libya/libya-political-map.html> Accessed 11 May 2011

⁹ Europa World Online (Country Profile: Language, Religion), Subscription only – hard copies available on request. Date accessed 10 May 2011

¹ Economist Intelligence Unit, Basic Data, 9 December 2011 Subscription only – hard copies available on request. Date accessed 23 January 2012

¹¹ International Crisis Group, *Popular Protest in North Africa and the Middle East (V): Making sense of Libya*, 6 June 2011

<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/107%20Popular%20Protest%20in%20North%20Africa%20and%20the%20Middle%20East%20V%20-%20Making%20Sense%20of%20Libya.ashx> Accessed 7 June 2011

- 1.11 The Executive Summary and Recommendations of The International Crisis Group report *Holding Libya Together: Security Challenges After Qadhafi*, published 14 December 2011, considered how geographical divisions in the country were demonstrated during the 2011 uprising:

“To much of the world, the NTC was the face of the uprising. It was formed early, spoke with authority and swiftly achieved broad international recognition. On the ground, the picture was different. The NTC was headquartered in the eastern city of Benghazi, a traditional base of anti-regime activity that provided army defectors a relatively secure area of operations, particularly after NATO’s involvement. The eastern rebellion was built around a strong kernel of experienced opposition and commanders who found friendly territory in which to defect at relatively low cost and personal risk. But it could only encourage western cities and towns to rise up, not adequately support them. At key times, army components that defected, stuck on the eastern frontlines, by and large became passive observers of what occurred in the rest of the country. In the eyes of many, the rebel army looked increasingly like an eastern, not a truly national force. As for the NTC, focused on obtaining vital international support, it never fully led the uprising, nor could it establish a substantial physical presence in much of the rest of the country.

“In the west, rebels formed militias and military brigades that were essentially autonomous, self-armed and self-trained, benefiting in most instances from limited NTC and foreign government support. Some had a military background, but most were civilians – accountants, lawyers, students or labourers. When and where they prevailed, they assumed security and civilian responsibility under the authority of local military councils. As a result, most of the militias are geographically rooted, identified with specific neighbourhoods, towns and cities – such as Zintan and Misrata – rather than joined by ideology, tribal membership or ethnicity; they seldom possess a clear political agenda beyond securing their area.

“The situation in Tripoli was different and uniquely dangerous. There, victory over Qadhafi forces reflected the combined efforts of local residents and various militias from across the country. The outcome was a series of parallel, at times uncoordinated chains of command. The presence of multiple militias has led to armed clashes as they overlap and compete for power.”¹²

See also [Ethnic Groups](#)

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The east

Islamism

- 1.12 The International Crisis Group, in a report of 6 June 2011, called *Popular Protest in North Africa and the Middle East (V): Making sense of Libya*, stated, “The east also has been heavily associated with Islamism, its population reputed for its more traditional and

¹² International Crisis Group, *Holding Libya Together: Security Challenges After Qadhafi* (Executive Summary and Recommendations), 14 December 2011
<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/Holding%20Libya%20Together%20-%20Security%20Challenges%20after%20Qadhafi.pdf> Accessed 20 December 2011

socially conservative orientation.” It went on to say:

“It is the region where the Sanussi order was established and flourished... [which] was a revivalist movement that sought to combine the esoteric spiritual teachings of the Sufi Islamic tradition with elements of religious reform...

“In more recent decades, the east also provided most recruits for various Islamist opposition currents, both moderate (such as the Libyan Islamic Group, the local arm of the Muslim Brotherhood) and militantly jihadi (such as the Libyan Islamic Fighting Group).¹³

State policy (under Gaddafi) towards the east

1.13 The same source considered Gaddafi’s policy towards the eastern side of Libya:

“From the outset, Qaddafi has been wary of the eastern regions. The feeling is rooted in centuries-old tribal rivalries between the Qadadfa and some of the larger tribes in the east, the eastern region’s history of rebellion against colonialism and especially its close association with the monarchy that Qaddafi and his colleagues overthrew. It was exacerbated when the regime uncovered several militant Islamist cells there in the late 1980s; in 1989, security forces rounded up thousands of suspected Islamists whom Qaddafi described as ‘more dangerous than AIDS’. Later, in the mid-1990s, after militant groups led an insurgency, the regime arrested thousands and turned the east into a virtual security zone with a heavy security presence.

“This painful history may help to explain easterners’ belief that Qaddafi’s regime has kept their region in a perpetual state of underdevelopment as punishment for its rebelliousness and starved of funds as investment focused almost exclusively in the north west. Local residents have complained that infrastructure was so poor that raw sewage was pumped straight into Benghazi’s main lake, where families’ picnic, and that, despite the country’s vast oil wealth, some eastern residents have been forced to live in small shanty towns. After the 2011 uprising broke, a local historian in Benghazi said, ‘the whole city has been neglected for more than 30 years.... The money goes to Tripoli. I guess we are used to it’. In fact, however, shanty towns are to be found in many areas of Libya; the east has no monopoly. And the statistical evidence, such as it is, does not really bear out easterners’ claims of suffering discriminatory treatment where public investment is concerned.

“Nonetheless, the conviction that they have suffered discriminatory treatment has contributed to some (and possibly many) easterners’ strong resentment at what they consider, rightly or wrongly, is their status as second-class citizens...

“Aware of these currents of opinion, the regime has sought in the past few years to focus more attention on the east. Aside from releasing Islamist detainees, Saif Al-Islam [Gaddafi] promised a major eco-friendly tourism zone in the Jebel Akhdar (Green Mountains) as well as development projects. But, due to administrative and bureaucratic

¹³ International Crisis Group, Popular Protest in North Africa and the Middle East (V): Making sense of Libya, 6 June 2011

<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/107%20Popular%20Protest%20in%20North%20Africa%20and%20the%20Middle%20East%20V%20-%20Making%20Sense%20of%20Libya.ashx> Accessed 7 June 2011

delays, wrangling within the regime and, most importantly, lack of political will, none of these projects materialised.”¹⁴

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Transport

Roads

- 1.14 The Economic Intelligence Unit's *2008 Country Profile on Libya*, stated, “Libya has an extensive and reliable network of about 25,000 km of tarmac roads. Most major towns and villages, including the desert oases, are accessible by car... The country's most important road link is the 1,822-km coastal road from Tunisia through Libya, via Tripoli and Benghazi, to the Egyptian border. A second major artery runs from the coastal road at Tripoli down to Sebha in the south.”¹⁵

Railways

- 1.15 The same report added, “There has been no rail service in Libya since 1964, when the line between Benghazi and Barce (Al Marj) was abandoned.”¹⁶

International and internal airports and flight routes

- 1.16 Temehu, a travel website, gave details of International & Internal Flights and Schedules in Libya. Although accessed on 29 June 2011 this information would have been written before the conflict:

“International Flights:

“Air Malta, British Airways and Lufthansa all fly direct to Tripoli. You can also fly to Djerba in Tunisia and then continue your journey over land... You can also take the boat from Malta or Italy to Tripoli or Tunis.

“The Main Airports:

“There are three main airports in Libya that function on a daily basis: Tripoli, Benghazi and Sabha. The other three airports, namely Ghadames, Ghat and Alkufra, do not operate on a daily basis, but only one, two or three flights per a week and without a fixed timetable.

- Tripoli International Airport
 - Benghazi Airport
 - Sabha Airport

¹⁴ International Crisis Group, *Popular Protest in North Africa and the Middle East (V): Making sense of Libya*, 6 June 2011 <http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/107%20Popular%20Protest%20in%20North%20Africa%20and%20the%20Middle%20East%20V%20-%20Making%20Sense%20of%20Libya.ashx> Accessed 7 June 2011

¹⁵ Economic Intelligence Unit, *2008 Country Profile on Libya* 21 November 2008. Accessed 118 July 2011 Subscription only.

¹⁶ Economic Intelligence Unit, *2008 Country Profile on Libya* 21 November 2008. Accessed 118 July 2011 Subscription only.

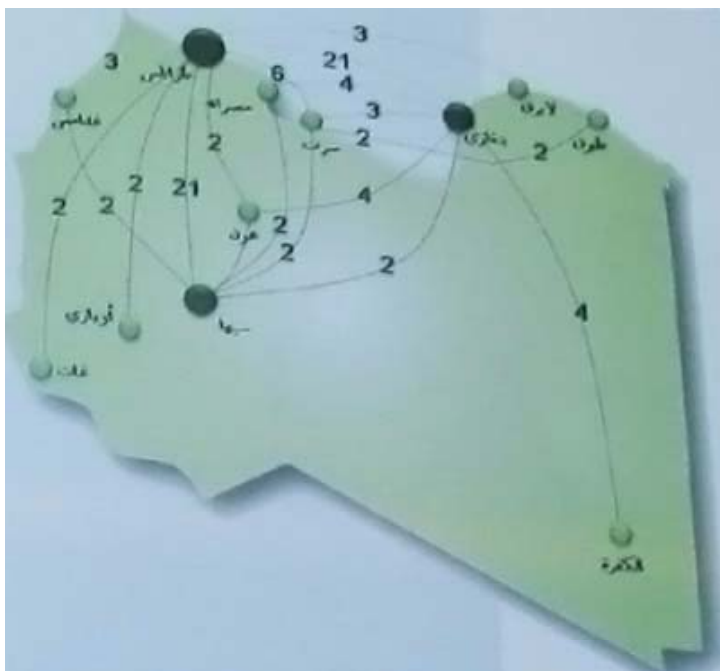
- Ghadames Airport
- Ghat Airport
- Alkufra Airport
- Sirte Gulf Airport
- Mitiga Airport
- Tobruk Civil Airport
- Misratha Airport
- Zuwarah Civil Airport”¹⁷

1.17 The same source showed a map of the internal flights in Libya:

“Internal Routes:

- Tripoli - Sabha
- Sabha - Tripoli
- Tripoli - Benghazi
- Benghazi - Tripoli
- Tripoli - Ghat.
- Tripoli - Ghadames.
- Tripoli – Alkufra”

The legend is in Arabic, so the map will need to be looked at in conjunction with the [map at 1.07](#). The three main airports are the large dark circles with Tripoli to the west on the Mediterranean coast, Benghazi on the right and Sabha in the south.



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¹⁷ Temehu, International & Internal Flights and Schedules In Libya. <http://www.temehu.com/internal-flights-and-airports.htm> Accessed 29 June 2011

¹⁸ Temehu, International & Internal Flights and Schedules In Libya. <http://www.temehu.com/internal-flights-and-airports.htm>

- 1.18 The Foreign and Commonwealth Office *Travel advice to Libya* updated 6 January 2012, noted, “The airports in Tripoli and Benghazi are open and there are numerous commercial flights including to and from Europe.”¹⁹
- 1.19 The Telegraph reported on 23 January 2012, “British Airways is to resume flights to Libya on May 1, despite the Foreign Office continuing to advise against non-essential travel to the country.”²

See Non-government armed forces: Difficulties facing the new government in disarming the militia groups, [para10.09](#) for details of militia controlling Tripoli airport

Sea ports

- 1.20 Temehu also provided a list of Libyan seaports:

“The following list of Libyan sea ports provides introductory information about the main Libyan ports...The list includes summary information about the following Libyan sea ports: Abu Kammash Port, Bouri Oil Terminal, Benghazi Port, Darna Port, Elbrega Port (Marsa Brega), Khoms Port, Marsa al-Hariga Oil Terminal, Musratha Port (Misurata or Qasr Ahmed), Ras Lanouf Oil Terminal, Ras Lanouf Port (RASCO), As-Sidrah Port (Oil Terminal), Tobruk Port, Tripoli Port, Zawya (Zawiya or Azzawya) Port, Zwitina Port (or Zueitina), and Zwara (Zuwarah) Port: Marsa Zuwarah.

“Tripoli Port is currently the only port that receives tourists, and there are a number of visitors arriving at the port from Europe and elsewhere. All other ports are mostly industrial or commercial.”²¹

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2. Economy

- 2.01 The Central Intelligence Agency (CIA) *World Factbook, profile of Libya*, updated 16 December 2011, gave details of the economy:

“The Libyan economy depends primarily upon revenues from the oil sector, which contribute about 95% of export earnings, 25% of GDP, and 80% of government revenue...Substantial revenues from the energy sector coupled with a small population give Libya one of the highest per capita GDPs in Africa, but little of this income flows down to the lower orders of society. Libyan officials in the past five years have made progress on economic reforms as part of a broader campaign to reintegrate the country into the international fold...Libyan oil and gas licensing rounds continue to draw high international interest; the National Oil Corporation (NOC) set a goal of nearly doubling oil production to 3 million bbl/day by 2012...The non-oil manufacturing and construction sectors, which account for more than 20% of GDP, have expanded from processing mostly agricultural products to include the production of petrochemicals, iron, steel, and aluminium. Climatic conditions and poor soils severely limit agricultural output, and

[flights-and-airports.htm](#) Accessed 29 June 2011

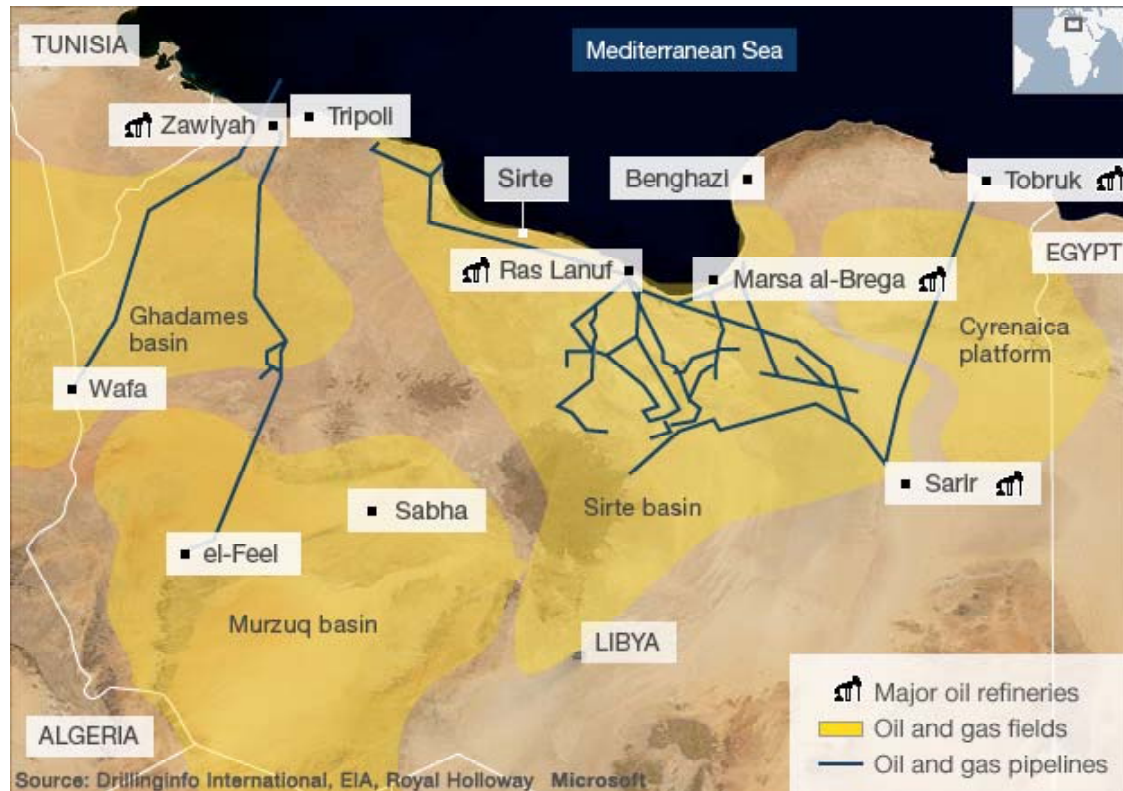
¹⁹ FCO, Travel Advice to Libya, 6 January 2012 <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/middle-east-north-africa/libya> Accessed 16 January 2012

² The Telegraph, British Airways is to resume flights to Libya, 23 January 2012 <http://www.telegraph.co.uk/travel/travelnews/9032350/British-Airways-to-resume-flights-to-Libya.html> Accessed 23 January 2012

²¹ Temehu, Libyan Sea ports <http://www.temehu.com/Libyan-ports.htm> Accessed 29 June 2011

Libya imports about 75% of its food. Libya's primary agricultural water source remains the Great Manmade River Project, but significant resources are being invested in desalinization research to meet growing water demands.”²²

- 2.02 The BBC News, *Key maps of Libya*, accessed 11 May 2011, shows that “The Sirte basin is responsible for most of Libya's oil output. It contains about 80% of the country's proven oil reserves, which amount to 44 billion barrels, the largest in Africa.



“Libya produces 2.1% of the world's oil. Since the protests began, production has dropped, although Saudi Arabia has promised to make up any shortfall.”²³

- 2.03 Euromonitor International, in a report of 8 November 2011, *Libyan Economic Prospects Strong Following Civil War* noted:

“Libya's large oil, gold and natural gas reserves, as well as its low base of development, offer the strongest economic growth potential of all the Arab Spring states. However, the unstable nature of a post-revolutionary environment and high input costs for rebuilding damaged infrastructure remain concerns. In 2010, Libya held foreign exchange reserves of US\$96.8 billion...Underpinning Libya's economic potential is oil wealth, with its proven oil reserves of 46.4 billion barrels in 2010, eighth largest worldwide. Underinvestment and economic sanctions have limited extraction and a number of oil and gas fields remain unexplored, leaving huge potential for investors in the extraction and exploration of hydrocarbons...However, with oil accounting for around 95.0% of export earnings in 2010 according to the IMF, the economy needs

²² CIA World Factbook – Libya, updated 3 May 2011

<https://www.cia.gov/library/publications/the-world-factbook/geos/ly.html> Accessed 11 May 2011

²³ BBC News, Key Maps of Libya

<http://www.bbc.co.uk/news/world-africa-12572593> , Accessed 11 May 2011

diversifying to avoid vulnerability to global market fluctuations. Considerable investment will be necessary to restore production, rebuild facilities and ensure the return of much-needed foreign labour.”²⁴

- 2.04 The Economist Intelligence Unit, in its *Libya report – economy (current policy)*, updated 9 December 2011, stated:

“The new oil minister, Mr Ben Yezza, and the head of the NOC [National Oil Corporation], Nouri Berouin, have indicated that they hope to facilitate greater openness and transparency in the industry. Mr Ben Yezza is widely considered the most technocratic of all the new ministers and has very few ties to the former regime. After working for Waha Oil Company and the NOC, he went on to become chairman of Eni Oil Company, a joint venture of Italy's Eni and the NOC. He has said that there will be ‘no earthquake’ when it comes to restructuring the country's oil hierarchy, but confirmed plans to split the policy side from the commercial. The new oil minister, Mr Ben Yezza, and the head of the NOC, Nouri Berouin, have indicated that they hope to facilitate greater openness and transparency in the industry. Mr Ben Yezza is widely considered the most technocratic of all the new ministers and has very few ties to the former regime. After working for Waha Oil Company and the NOC, he went on to become chairman of Eni Oil Company, a joint venture of Italy's Eni and the NOC. He has said that there will be ‘no earthquake’ when it comes to restructuring the country's oil hierarchy, but confirmed plans to split the policy side from the commercial.

“Since 2006, when Colonel Qadhafi abolished the oil ministry, the NOC straddled both roles. Under the new system, the oil ministry is likely to assume control of the direction of policy, while the NOC will become a purely commercial entity. This should help to eliminate the confusion that often reigned as a result of arbitrary decision-making, sudden reversals of policy and a lack of transparency under the Qadhafi regime. Mr Berouin has said that these practices would become a thing of the past and that Libya's future oil transactions would be driven by transparency. He added that the ministry would honour existing contracts but would investigate any deals where corruption is suspected. According to Reuters, the NTC [National Transitional Council] has established a committee that will investigate corruption in the sector under the former regime and report directly to the NTC.”²⁵

- 2.05 The same source, in a recent developments section of the economy section, gave details of how oil production is being restored:

“In late November Mr Berouin announced that oil production had reached 840,000 barrels/day (b/d), indicating a much faster recovery in output than originally expected. Mr Ben Yezza is already looking beyond pre-conflict production levels and said shortly after his appointment that he was finalising plans to increase output to more than 1.6m b/d by the end of 2012.

“Production is rising across Libya's oilfields. In the east, the Arabian Gulf Oil Company (Agoco), which was the first to restart production, now produces around 280,000 b/d and expects to reach full capacity of 425,000 b/d by the end of February 2012. In late November production resumed at several fields, including Sirte Oil's Alraqhobh field (at

²⁴ Euromonitor International, *Libyan Economic Prospects Strong Following Civil War*, 8 November 2011 <http://blog.euromonitor.com/2011/11/libyan-economic-prospects-strong-following-civil-war-.html>
Accessed 16 January 2012

²⁵ Economist Intelligence Unit, *Economy*, 9 December 2011, Subscription only – hard copies available on request. Date accessed 16 January 2012

8,000 b/d) and the Dahra and Samah fields operated by Waha Oil Company (at 16,000 b/d). These two fields make up just 5% of the Waha's total capacity, which in turn accounts for one-quarter of Libya's total output. Waha said that it was rapidly ramping up production at all its fields and was seeking 'to reach maximum production rates as soon as possible'.

"Production has also restarted at Eni's offshore Bouri field and the NOC expects it to reach full capacity of 40,000 b/d by mid-December. In late November Eni announced it was producing 200,000 b/d of oil equivalent of oil and gas and aimed to return to pre-conflict levels of 280,000 b/d of oil equivalent by mid-2012. The company plans to boost production to 300,000 b/d of oil equivalent by 2013 and to invest up to US\$35bn towards doubling its output by 2012.

"The International 'Herculean efforts to restore upstream operations' by Libyan officials. It also said that its worst fears over security and damage to infrastructure had not been realised. However, it noted that these quick gains were all achieved by the local workforce and that ratcheting up output further could require input from international oil companies." ²⁶

- 2.06 The United States Department of State, *Country Report on Human Rights Practices 2010, Libya*, published 8 April 2011, stated:

"The minimum wage was 250 dinars (\$208) per month. The government paid an additional pension of 90 dinars (\$75) for a single person, 130 dinars (\$108) for a married couple, and 180 dinars (\$150) for a family of more than two. Although there was no information available regarding whether the average wage was sufficient to provide a worker and family with a decent standard of living, the government heavily subsidized rent and utilities, and government workers received an additional 130 dinars (\$108) per month for food staples during the year." ²⁷

- 2.07 The same source also noted, "Although some public sector categories, such as professors, have received pay increases in recent years, a freeze imposed more than a decade ago continued to depress earnings." ²⁸

- 2.08 Reuters, in a report of 13 January 2012 called *Libyan central bank starts withdrawing old currency*, stated:

"Libya's central bank has started withdrawing old currency in an apparent attempt to restore liquidity into the country's banking system after it found that the vast majority of funds are being kept outside banks.

"One of the biggest implications in the economy is the increase of the percentage of money in the market outside the banks which is in excess of 15 billion dinars (\$12 billion) or 96 per cent of available money,' Saddeq Omar Elkaber, governor of the central bank told reporters on Friday. 'The bank has started printing a new Libyan

²⁶ Economist Intelligence Unit, *Economy*, 9 December 2011 Subscription only – hard copies available on request. Date accessed 16 January 2012

²⁷ The United States Department of State, *Country Report on Human Rights Practices 2010, Libya*, published 8 April 2011, Section 6e: Acceptable conditions of work.
<http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 11 May 2011

²⁸ The United States Department of State, *Country Report on Human Rights Practices 2010, Libya*, published 8 April 2011, Section 6e: Acceptable conditions of work.
<http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 11 May 2011

currency to replace exist (sic) notes,' he added.

"ElKaber said that the central bank has set a timeline for withdrawing the old currency starting with the fifty dinar note, the highest value banknote... This measure is an indication that the Central Bank wants to return confidence to Libya's banking system, which suffered severely during the civil war."²⁹

- 2.09 XE.com (accessed 14 February 2012) stated that the exchange rate was 1.96 Libyan Dinar per GN £.³

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3. History

Early history to 1911

- 3.01 The Foreign and Commonwealth Office, *Country Profile of Algeria*, reviewed 10 March 2011, stated, "The Arabs conquered North Africa in the seventh century AD. In the following centuries, most of the indigenous peoples adopted Islam and the Arabic language and culture. The Ottoman Turks conquered the area in the 16th century. The provinces of Cyrenaica (now eastern Libya), Tripolitania (west) and Fezzan (south) remained part of their empire - although at times virtually autonomous - until Italy invaded in 1911."³¹

Italian occupation to the peace treaty of 1947

- 3.02 The same source continued:

"[Following their invasion in 1911] Italian control over territory outside Tripoli remained weak until the late 1920s and resistance subsided only after the execution of Omar Mukhtar in 1931.

"In 1934, Italy adopted the name 'Libya' (used by the Greeks for all of North Africa, except Egypt) as the official name of the colony. Libyan resistance to Italian occupation between the two World Wars was led by the Sanussiyya religious brotherhood. Its head, Sidi Idris al-Senussi, was recognised by the Italians as Emir of Cyrenaica, but had lived in exile in Egypt since 1922. He returned to Libya in 1942, where he was subsequently invited to become Emir of Tripolitania. From 1943 to 1951, Tripolitania and Cyrenaica were under British administration; the French controlled Fezzan. Under the terms of the 1947 peace treaty with the Allies, Italy relinquished all claims to Libya."³²

²⁹ Reuters, Libyan central bank starts withdrawing old currency, 13 January 2012
<http://www.reuters.com/article/2012/01/13/withdraw-currency-libya-idUSL6E8CD43320120113>
Accessed 16 January 2012

³ XE.com <http://www.xe.com/ucc/convert/?Amount=1&From=GBP&To=LYD>

³¹ The Foreign and Commonwealth Office, *Country Profile of Algeria*, reviewed 10 March 2011
<http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/middle-east-north-africa/libya/?profile=history> Accessed 11 May 2011

³² The Foreign and Commonwealth Office, *Country Profile of Algeria*, reviewed 10 March 2011
<http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/middle-east-north-africa/libya/?profile=history> Accessed 11 May 2011

1949 under king idris until the military coup of september 1969

3.03 The same source continued:

“On 21 November 1949, the UN [United Nations] General Assembly passed a resolution stating that Libya should become independent before 1 January 1952. Sidi Idris represented Libya in the subsequent UN negotiations. When Libya declared its independence on December 24, 1951, it was the first country to do so through the United Nations. Libya was proclaimed a constitutional and hereditary monarchy under the King Idris I. The discovery of significant oil reserves in 1959 and the subsequent income from petroleum sales enabled what had been one of the world's poorest countries to become extremely wealthy, as measured by per capita GDP. King Idris ruled the Kingdom of Libya until he was overthrown in a military-led coup on 1 September 1969.”³³

1 September 1969 – 2011 libya under colonel muammar al qadhafi [aka gaddafi] ‘leader of the revolution’ (de facto head of state)

3.04 The same source continued:

“The new regime, headed by the Revolutionary Command Council (RCC), abolished the monarchy and proclaimed the new Libyan Arab Republic. Col. Muammar Al Qadhafi emerged as leader of the RCC and eventually as de facto head of state, a position he still holds. Qadhafi became known as the ‘Brother Leader of the Revolution’, but his only official position is Supreme Commander of the Armed Forces.

“Seeking new directions, the RCC's motto became ‘freedom, socialism, and unity.’ It pledged itself to remove backwardness, take an active role in the Palestinian Arab cause, promote Arab unity, and encourage domestic policies based on social justice, non-exploitation, and an equitable distribution of wealth.

“An early objective of the new revolutionary government was the withdrawal of all foreign military installations from Libya. Following negotiations, British military bases at Tobruk and nearby El Adem closed in March 1970, and U.S. facilities at Wheelus Air Force Base near Tripoli closed in June 1970. That July, the Libyan Government ordered the expulsion of several thousand Italian residents. By 1971, libraries and cultural centres operated by foreign governments were closed. Libya claimed leadership of Arab and African revolutionary forces and sought active roles in various international organisations. In the late 1970s, Libyan embassies were re-designated as ‘people's bureau’, as Qadhafi sought to portray all Libyan policy as an expression of the popular will. The ‘people's bureau’, aided by Libyan religious, political, educational, and business institutions overseas, exported Qadhafi's revolutionary philosophy abroad.”³⁴

3.05 Europa World Online in its *Libyan Country Profile, historical content*, accessed 11 May 2011, observed:

“The Arab Socialist Union (ASU) was established in June 1971 as the country's sole

³³ The Foreign and Commonwealth Office, Country Profile of Algeria, reviewed 10 March 2011 <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/middle-east-north-africa/libya/?profile=history> Accessed 11 May 2011

³⁴ The Foreign and Commonwealth Office, Country Profile of Algeria, reviewed 10 March 2011 <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/middle-east-north-africa/libya/?profile=history> Accessed 11 May 2011

political party. People's Congresses and Popular Committees were formed, and an undertaking was made to administer the country in accordance with Islamic principles. The General National Congress of the ASU (which comprised members of the RCC, leaders of the People's Congresses and Popular Committees, and of trade unions and professional organizations) held its first session in January 1976; it was subsequently restyled the General People's Congress (GPC).

"In March 1977 the GPC endorsed constitutional changes, recommended by Qaddafi, whereby the official name of the country was changed to the Socialist People's Libyan Arab Jamahiriya. Power was vested in the people through the GPC and its constituent parts. The RCC was dissolved, and a General Secretariat of the GPC (with Qaddafi as Secretary-General) was established. The GPC elected Qaddafi as Revolutionary Leader of the new state. The Council of Ministers was replaced by a General People's Committee, initially with 26 members—each a secretary of a department.

"In March 1979 Qaddafi resigned from the post of Secretary-General of the General Secretariat of the GPC to devote more time to 'preserving the revolution'. The creation in early 1984 of the post of Secretary for External Security and of an office, attached to the Secretariat for Foreign Liaison, to 'combat international terrorism', combined with repressive measures to curb the activity of dissidents, apparently reflected Qaddafi's increasing sensitivity to the growth of opposition groups—principally the National Front for the Salvation of Libya (NFSL), which he accused foreign governments of fostering. In 1986 the country's official name was changed to the Great Socialist People's Libyan Arab Jamahiriya."³⁵

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The Green Book

- 3.06 Freedom House, in its report published 12 May 2011, *Freedom in the World 2011 - Libya*, noted, "In the early years of his rule, al-Qadhafi published a multivolume treatise, the Green Book, in which he expounded his political philosophy and ideology – a fusion of Arab nationalism, socialism, and Islam... It is illegal for any political group to oppose the principles of the 1969 revolution, which are laid out in the Green Book, although market-based economic changes in recent years have diverged from the regime's socialist ideals."³⁶

The Men of the Tent

- 3.07 The International Crisis Group, in a report of 6 June 2011, called *Popular Protest in North Africa and the Middle East (V): Making sense of Libya* noted:

"Qaddafi's informal network of advisers and trusted confidants sometimes referred to as Rijal al-Khaimah ('the Men of the Tent'), has been a key feature of the regime since the revolution. This inner circle comprises members of Qaddafi's own family and of his particular branch of the Qadadfa tribe. Important figures from the family in this circle include his cousins, Ahmed Qadhaf Al-Dam, who has long been responsible for relations with Egypt, and Ahmed Ibrahim, the former Deputy Secretary of the General People's Congress and current head of the World Centre for Research and Studies on

³⁵ Europa World Online (Country Profile: Historical Context), Subscription only – hard copies available on request. Date accessed 10 May 2011

³⁶ Freedom House, *Freedom in the World 2011 – Libya*, 12 May 2011
<http://www.unhcr.org/refworld/country,,,LBY,,4dcbf517c,0.html> Accessed 16 May 2011

the Green Book.

"This network also comprises key individuals who carried out the revolution with Qaddafi and belonged to the original Revolutionary Command Council...Others within this network consist of loyal individuals whose personal connections to Qaddafi often date back to before the revolution.

"This group has seen relatively little new blood and thus operates rather like an old boys' club. The principal exceptions have been Qaddafi's sons, who have grown in importance as they have come of age."³⁷

The rise to prominence of Saif al-Islam Gaddafi

- 3.08 Europa World Online in its *Libyan Country Profile, recent developments*, accessed 11 May 2011, described the rise of Colonel Gaddafi's son Seif (Saif al-Islam Gaddafi):

"In October 2009 Col Qaddafi asked the country's senior administrators to find an official role not limited to a four-year mandate for Seif al-Islam in order to allow him to continue the implementation of his reform programme. The following day it was announced that Seif al-Islam would be appointed as co-ordinator of social and popular committees, a role which elevated Qaddafi's son to the second most powerful position in the Libyan leadership. The decision was widely interpreted as the formal approval by the Libyan authorities of Seif al-Islam as the successor to his father.

"In December 2009, in a move widely viewed as an attempt by Libya to open up to the west, Seif al-Islam's Human Rights Association published a report detailing wide-ranging examples of the use of torture, wrongful imprisonment and other human rights abuses, and criticizing the Libyan state's dominance of the media."³⁸

See also Annex A: [Chronology of major events](#).

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4. Recent developments (february 2011 – november 2011)

Anti-gaddafi uprising

- 4.01 The BBC News *Timeline: Libya*, updated 26 January 2012, provided a brief overview of the conflict:

"2011 February - Arrest of human rights campaigner sparks violent protests in eastern city of Benghazi that rapidly spread to other cities. Authorities use aircraft to attack protestors. Many Libyan diplomats resign in protest. Gaddafi insists that he will not quit, and remains in control of the capital, Tripoli.

"2011 March - UN Security Council authorises a no-fly zone over Libya and air strikes to

³⁷ International Crisis Group, *Popular Protest in North Africa and the Middle East (V): Making sense of Libya*, 6 June 2011 <http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/107%20Popular%20Protest%20in%20North%20Africa%20and%20the%20Middle%20East%20V%20-%20Making%20Sense%20of%20Libya.ashx> Accessed 7 June 2011

³⁸ Europa World Online (Country Profile: Recent Developments), Subscription only – hard copies available on request. Date accessed 10 May 2011

protect civilians, over which NATO assumes command. London conference of world powers, European Union and Arab League calls on Col Gaddafi to quit.

“Backed by extensive NATO air raids, Libyan rebels initially capture territory but are then forced back by better-armed pro-Gaddafi forces. Rebels ask West for arms.

“Foreign Minister Moussa Koussa flies to Britain in protest at attacks on the rebels. Other senior figures defect in subsequent weeks.

“2011 May - International Criminal Court seeks arrest of Gaddafi for crimes against humanity following ‘widespread and systematic attacks’ on civilians.

“2011 August - Rebels swarm into Col Gaddafi's fortress compound in Tripoli, six months after the uprising began. With only a few remaining strongholds under his control, Col Gaddafi goes into hiding. His wife and three of his children flee to neighbouring Algeria.

“2011 August-September - Several foreign embassies re-open in Tripoli after shutting as unrest grew earlier in the year.

“African Union joins 60 countries which have recognised the NTC as the new Libyan authority.

“2011 20 October - Col Gaddafi is killed. Three days later, the NTC declares Libya to be officially ‘liberated’ and announces plans to hold elections within eight months.

“2011 November - Saif al-Islam, the fugitive son of former Libyan leader Muammar Gaddafi, is captured. He is the last key Gaddafi family member to be seized or killed. The transitional government says he will be put on trial.

“2012 January - Clashes erupt between former rebel forces in Benghazi in sign of discontent with the pace and nature of change under the governing NTC. The deputy head of the NTC, Abdel Hafiz Ghoga, resigns in attempt to draw some of the criticism. Later in the month, clashes break out between NTC militiamen and armed locals in the former Gaddafi stronghold of Bani Walid.

“UN officials say former rebel militias hold more than 8,000 Gaddafi supporters in secret detention centres, amid reports of torture.”³⁹

- 4.02 The Integrated Regional Information Networks (IRIN), gives a more detailed timeline from 14 June to 22 July 2011, with links to timelines dating back to 4 February 2011. This can be accessed via the following link:

[Libya: Timeline of key events since 14 June 2011](#), published 22 July 2011.⁴

- 4.03 The Human Rights Watch *World Report 2012 – Libya*, released on 22 January 2012 and covering events of 2011, gave the following summary of the uprising:

“On February 15, 2011, anti-government protests began in Libya’s second-largest city,

³⁹ BBC News, Timeline: Libya

<http://www.bbc.co.uk/news/world-africa-13755445> Accessed 8 February 2012

⁴ IRIN Libya: Timeline of key events since 14 June 2011, 22 July 2011

<http://www.irinnews.org/report.aspx?ReportId=93297> Accessed 11 January 2012

Benghazi, following popular uprisings in neighbouring Tunisia and Egypt. The protests were triggered by the arrests of government critics, including a lawyer representing the families of an estimated 1,200 prisoners who had been killed at Tripoli's Abu Salim prison in 1996.

"Government forces responded by arresting and attacking peaceful demonstrators in Benghazi and other eastern cities. The government used excessive force when protests spread to the western cities of Tripoli, the capital, Misrata, Zawiya, Zuwara, and Zintan. Human Rights Watch documented the government's lethal use of live fire on peaceful protesters, as well as the arrest and disappearance of hundreds of people suspected of involvement in anti-government demonstrations.

"The international response to Gaddafi's crackdown was swift. On February 25 the United Nation Human Rights Council condemned 'gross and systematic' violations in Libya and called for the creation of a commission of inquiry. The next day the UN Security Council unanimously passed Resolution 1970, imposing an arms embargo, sanctions on Gaddafi and key members of his family and government, and referring the situation in Libya to the International Criminal Court (ICC). The resolution gave the ICC jurisdiction over war crimes and crimes against humanity committed in Libya from February 15. In June ICC judges authorized arrest warrants for crimes against humanity against three suspects: Muammar Gaddafi, his son Saif al-Islam, and Gaddafi's intelligence chief and brother-in-law Abdullah Sanussi. Muammar Gaddafi died on October 20 ...

"Faced with violent government repression, the uprising rapidly evolved into an armed conflict, especially after opposition forces seized arms from abandoned government military depots in eastern Libya. On March 17, as Gaddafi's military forces closed in on Benghazi, the key opposition stronghold, the UN Security Council passed Resolution 1973 imposing a no-fly zone over Libya and authorizing the use of 'all necessary measures'—with the exception of an occupation force—to protect civilians. This led to NATO's Operation Unified Protector, with a mandate to protect civilians, which prevented Gaddafi forces from retaking Benghazi and eastern Libya. The NATO mission expanded over time beyond its mandate to give air support for anti-Gaddafi forces. France, Qatar, the United Arab Emirates, and possibly other governments provided weapons and training to opposition fighters. Qatar later said it had deployed hundreds of its own forces on the ground."⁴¹

- 4.04 The International Crisis Group, in a report of 6 June 2011, called *Popular Protest in North Africa and the Middle East (V): Making sense of Libya*, stated:

"Much remains to come to light about the way in which the anti-Qaddafi rising began. It is widely supposed that the protests started on 15-16 February and that the initial locus of the revolt was Benghazi and certain other towns in the east of the country. The first impetus came from a call broadly circulated on internet and social networking sites to demonstrate on a 'Day of Rage', 17 February, the anniversary of the demonstrations against the Danish cartoons of the Prophet which took place in 2006 and degenerated into riots in which ten demonstrators were killed by security forces and scores were injured. It has been suggested that what triggered the demonstrations in 2011 was the regime's repressive attempts to pre-empt them, notably by arresting a well-known lawyer and human rights activist, Fathi Terbil, in Benghazi on 15 February.

⁴¹ Human Rights Watch, World Report 2012 – Libya, 22 January 2012
<http://www.hrw.org/sites/default/files/reports/wr2012.pdf> Accessed 23 January 2012

"That the regime sought to pre-empt the 'Day of Rage' protests is clear. But this initially took the form of a political manoeuvre rather than repression, for Qaddafi himself called for a rally against the government on 17 February in what seems to have been, once again, an attempt to co-opt popular unrest by placing himself at its head and channelling it into demonstrations that targeted government officialdom rather than his own authority and the regime as a whole. Terbil apparently was arrested on a quite separate matter...News of his arrest triggered a small protest in Benghazi on 16 February, and several protesters were arrested.

"Subsequent Western media coverage has identified this incident with the explicitly anti-regime demonstrations that got under way in the days that followed and has encouraged the perception that the anti-Qaddafi movement originated in the east. But, as informed Libyan sources told Crisis Group, 'a big misconception is that the Libyan uprising was organised in the east; in fact, the online protest calls originated from Libyans abroad, in Switzerland and the United Kingdom'...

"In addition to security measures, the regime deployed other means to pre-empt the protest movement, including mobilising supporters in pro-regime rallies. In addition, Qaddafi warned tribal leaders not to allow their youth to engage in protests and toured the country, seeking to show a more sympathetic face by listening to popular demands. Despite this, once demonstrations began in Benghazi, they quickly spread to other eastern towns, including Derna, Tobruk and Al-Baida, while security and military personnel in the region either fled or joined them...

"Like the regime itself, many observers expected Libyans in the west of the country to follow the example of the east. Indeed, although the west has fared better under Qaddafi, the grievances of easterners are not unique; to a large degree, they are shared in Tripoli and other western towns. Yet, although some of these did in fact rise up, the protests in the capital were on a relatively small scale...

"Determination to hold on at all cost was a reason why Qaddafi resorted to brutal violence against protesters, including firing at unarmed civilians during funerals for those killed by the regime. There also have been largely uncorroborated reports, especially on Al Jazeera television, that the regime attacked hospitals, destroyed blood banks, raped women and executed the injured. Qaddafi's regime has long been cited by international human rights groups as employing brutal techniques against those who have dared to challenge it.

"At the same time, much Western media coverage has from the outset presented a very one-sided view of the logic of events, portraying the protest movement as entirely peaceful and repeatedly suggesting that the regime's security forces were unaccountably massacring unarmed demonstrators who presented no real security challenge. This version would appear to ignore evidence that the protest movement exhibited a violent aspect from very early on. While there is no doubt that many and quite probably a large majority of the people mobilised in the early demonstrations were indeed intent on demonstrating peacefully, there is also evidence that, as the regime claimed, the demonstrations were infiltrated by violent elements. Likewise, there are grounds for questioning the more sensational reports that the regime was using its air force to slaughter demonstrators, let alone engaging in anything remotely warranting use of the term 'genocide'. That said, the repression was real enough, and its brutality shocked even Libyans. It may also have backfired, prompting a growing number of people to take to the streets...

"Qaddafi's special security forces, which have always been far stronger than the regular army, are dominated by the leader's family and tribe, plus those allied tribes (such as the Magarha) that have remained loyal to the regime. As such, their fate is almost entirely enmeshed with that of Qaddafi and his regime, and they are likely to defend the regime to the last. Similarly, there is little reason to expect Qaddafi's inner circle to force him out; for the most part, they have known him since his schooldays, and their power is derived from their personal connection to him. Again in contrast to Tunisia and Egypt, there does not appear to be an institution capable of forcing Qaddafi out and preserving the state while overseeing some kind of transition process."⁴²

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Un resolution 1973 (2011)

- 4.05 The United Nations Security Council, in a news release of 17 March 2011, called Security Council Approves 'No-Fly Zone' over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions, stated:

"Demanding an immediate ceasefire in Libya, including an end to the current attacks against civilians, which it said might constitute 'crimes against humanity', the Security Council this evening imposed a ban on all flights in the country's airspace — a no-fly zone — and tightened sanctions on the Qadhafi regime and its supporters.

"Adopting resolution 1973 (2011) ... the Council authorized Member States, acting nationally or through regional organizations or arrangements, to take all necessary measures to protect civilians under threat of attack in the country, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory — requesting them to immediately inform the Secretary-General of such measures...

"The Council stressed the need to intensify efforts to find a solution to the crisis that responded to the legitimate demands of the Libyan people, noting actions being taken on the diplomatic front in that regard. It further demanded that Libyan authorities comply with their obligations under international law and take all measures to protect civilians and meet their basic needs and to ensure the rapid and unimpeded passage of humanitarian assistance.

"In that connection, the Council specified that the flight ban would not apply to flights that had as their sole purpose humanitarian aid, the evacuation of foreign nationals, enforcing the ban or other purposes 'deemed necessary for the benefit of the Libyan people'".⁴³

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⁴² International Crisis Group, Popular Protest in North Africa and the Middle East (V): Making sense of Libya, 6 June 2011

<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/107%20Popular%20Protest%20in%20North%20Africa%20and%20the%20Middle%20East%20V%20-%20Making%20Sense%20of%20Libya.ashx> Accessed 7 June 2011

⁴³ UN Security Council, Approves 'No-Fly Zone' over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, 17 March 2011 <http://www.un.org/News/Press/docs/2011/sc10200.doc.htm> Accessed 7 June 2011

Nato military intervention

- 4.06 Reuters, in a report of 31 October 2011 called *In Tripoli, NATO chief hails 'free Libya'*, stated:

"NATO took over the mission on March 31, based on a United Nations mandate that set a no-fly zone over Libya and permitted foreign military forces, including NATO, to use 'all necessary measures' to protect Libyan civilians.

"That mandate was terminated last Thursday [27 October 2011], despite a request for the U.N. Security Council to wait for the NTC to decide if it wanted NATO help to secure its borders.

"The mission was criticized by some countries, notably Russia and China, which, after co-sponsoring the U.N. resolution authorizing intervention in Libya, accused NATO of overstepping its mandate to protect civilians.

"NATO allies have been keen to see a quick conclusion to a costly effort that has involved more than 26,000 air sorties and round-the-clock naval patrols at a time when budgets are under severe strain because of the global economic crisis...

"Fourteen NATO members and four other states provided naval and air forces, but only eight NATO nations took part in combat missions. Some big NATO states, notably Germany, had opposed the intervention."⁴⁴

Rebel fighters

- 4.07 The Financial Times, in a report of 20 March 2011, called *Q&A: Who are the Libyan rebels?* stated:

"Who are the Opposition?"

Libya, one of the region's most closed societies, is very different to its North African neighbours, with no established opposition groups, civil society groups or strong state institutions after 41 years of Colonel Gaddafi's oppressive rule. The uprising was also far more violent than in Egypt or Tunisia, with security forces repeatedly using live fire in a bid to crush the protests while civilians responded with their own attacks on military bases. These factors meant that when the regime's hold on the east was broken, there was no clear leadership in the so-called liberated areas. In an effort to fill the vacuum, lawyers, academics, businessmen and youths who participated in the 'February 17th revolution' formed committees to organise themselves and run cities and towns...

"Who are the rebel fighters?"

The opposition's disorganisation and lack of clear leadership structures has been at its most conspicuous with its fighting forces. Army, air force, and naval personnel defected to the opposition, but their strength and capacity, as well as who led them, has often been unclear. When Col. Gaddafi's forces launched counter-offensives in the east, most of the rebel fighters were young volunteers in looted uniforms who careered into battle in pick-up trucks with virtually no training. The defected army units, officers said, supported them with arms and some volunteer officers, but there was no mass movement of the professional soldiers as army officers spoke of shoring up the

⁴⁴ Reuters, *In Tripoli, NATO chief hails 'free Libya'*, 31 October 2011
<http://www.reuters.com/article/2011/10/31/us-libya-idUSTRE79S34620111031> Accessed 11 January 2012

defences of territory under opposition control...

"[Another] key figure on the opposition's military front is General Abdul Fatah Younis. He was also involved in the 1969 coup and was seen as an integral part of the regime and close ally of Col. Gaddafi until the uprising wrought bloodshed on Benghazi. He resigned as interior minister around February 20 and used his post as head of Libya's special forces to support the civilian fighters. However, some Libyans are still wary of his true loyalties. As the regime forces moved eastwards towards Benghazi, the army appeared to take on a more active role."⁴⁵

- 4.08 An article by Jon Lee Anderson in the *New Yorker*, dated 4 April 2011, and called *Who Are the Rebels?* stated:

"During weeks of reporting in Benghazi and along the chaotic, shifting front line, I've spent a great deal of time with these volunteers. The hard core of the fighters has been the shabab—the young people whose protests in mid-February sparked the uprising. They range from street toughs to university students (many in computer science, engineering, or medicine), and have been joined by unemployed hipsters and middle-aged mechanics, merchants, and storekeepers. There is a contingent of workers for foreign companies: oil and maritime engineers, construction supervisors, translators. There are former soldiers, their gunstocks painted red, green, and black—the suddenly ubiquitous colours of the pre-Qaddafi Libyan flag.

"And there are a few bearded religious men, more disciplined than the others, who appear intent on fighting at the dangerous tip of the advancing lines. It seems unlikely, however, that they represent Al Qaeda. I saw prayers being held on the front line at Ras Lanuf, but most of the fighters did not attend. One zealous-looking fighter at Brega acknowledged that he was a jihadi—a veteran of the Iraq war—but said that he welcomed U.S. involvement in Libya, because Qaddafi was a kafir, an unbeliever.

"Outside Ajdabiya, a man named Ibrahim, one of many émigrés who have returned, said, 'Libyans have always been Muslims—good Muslims.' People here regard themselves as decent and observant; a bit old-fashioned and parochial, but not Islamist radicals. Ibrahim is fifty-seven. He lives in Chicago, and turned over his auto-body shop and car wash to a friend so that he could come and fight. He had made his life in the United States, he said, but it was his duty as a Libyan to help get rid of Qaddafi—the monster.'

"In the past month, men like Ibrahim have rushed into combat as if it were an extension of the street protests, spurred by bravado and defiance but barely able to handle weapons. For many of them, the fighting consists largely of a performance—dancing and singing and firing into the air—and of racing around in improvised gun wagons. The ritual goes on until they are sent scurrying by Qaddafi's shells. In the early days of Qaddafi's counterattack, youthful fighters were outraged that the enemy was firing real artillery at them. Many hundreds have died.

"The reality of combat has frightened the rebels, but it has also strengthened the resolve of those who have lost friends or brothers. Outside Ajdabiya, I met Muhammad Saleh, a young mechanic armed with only a bayonet. Just an hour or two earlier, he had seen his younger brother die. A few days later, he told me that he was planning to buy

⁴⁵ FT, Q&A Who are the Libyan Rebel Fighters? 20 March 2011
<http://www.ft.com/cms/s/0/5bfb98b0-52fd-11e0-86e6-00144feab49a.html#axzz1O2IdzPx8> Accessed 1 June 2011

black-market weapons and, with a group of ten friends, return to the battlefield. With professional training and leadership (presumably from abroad), the rebels may eventually turn into something like a proper army. But, for now, they have perhaps only a thousand trained fighters, and are woefully outgunned. Last week, a former Army officer told me, 'There is no army. It's just us—a few volunteers like me and the shabab.'...

"Before Qaddafi's troops arrived in Benghazi, there was a great deal of revolutionary bluster; Libyans were united in their hatred of Qaddafi, rebels said, and if his forces tried to take the city they would stand and fight. But, when the first columns of soldiers reached the city's edge, many thousands of Benghazians—including some city-council members—fled eastward. Of those who stayed to fight, more than thirty died, and the effort was saved only by the arrival of French warplanes. Since then, the rhetoric about unity has changed to include suspicious asides about Qaddafi loyalists, scores of whom have been rounded up and detained, in some cases violently...

"In Benghazi, an influential businessman named Sami Bутбуна expressed a common sentiment: 'We want democracy. We want good schools, we want a free media, an end to corruption, a private sector that can help build this nation, and a parliament to get rid of whoever, whenever, we want.' These are honourable aims. But to expect that they will be achieved easily is to deny the cost of decades of insanity, terror, and the deliberate eradication of civil society."⁴⁶

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National Liberation Army

- 4.09 France 24 International News reported on 31 May 2011, in an article called *Libyan rebels rename themselves National Liberation Army*:

"Libya's rebel leaders, the National Transitional Council (NTC), have announced that they have renamed their armed forces the National Liberation Army (NLA).

"The NTC hopes that the temporary name will help better define the increasingly professional and disciplined military efforts to overcome the Kadhafi regime,' said the statement.

"Rebels have been fighting troops loyal to Libyan leader Moamer Kadhafi since the February 17 uprising that has effectively split the country in two, with the rebel forces entrenched in the east of the country.

"But their military force is made largely of young, inexperienced volunteers and the force is poorly equipped compared to the soldiers fighting for Kadhafi."⁴⁷

Defectors

- 4.10 The International Crisis Group, in a report of 6 June 2011, called *Popular Protest in*

⁴⁶ The New Yorker, Who are the Rebels?, 4 April 2011

http://www.newyorker.com/talk/comment/2011/04/04/110404taco_talk_anderson#ixzz1Hv5AcdAY

Accessed 1 June 2011

⁴⁷ France 24 International News Libyan rebels rename themselves National Liberation Army, 31 May 2011 <http://www.france24.com/en/20110531-libyan-rebels-rename-themselves-national-liberation-army>

Accessed 7 June 2011

North Africa and the Middle East (V): Making sense of Libya, stated:

“Since the uprising began, a number of key defectors have joined the opposition, including members of the government and diplomatic corps as well as military and security personnel. Most significant among these was foreign affairs secretary (minister) Musa Kusa, long a central regime figure with very close ties to Qaddafi...”

“Of lesser significance yet nonetheless a blow to the regime was the resignation of the ambassador to the UN, Abdelrahman Shalgam, a longstanding regime servant who previously spent years as foreign affairs secretary...Most other defections have been General People’s Committee members or diplomats, embarrassing but not of critical importance to the regime. A majority have come from the east.

“So far, the most noteworthy feature arguably has been the limited number of high-level defections and the apparent loyalty of Qaddafi’s inner circle. This has been a major factor in his ability to hold on to Tripoli, although there are unconfirmed reports that members of the Revolutionary Command Council and the so-called ‘Men of the Tent’ are in effect under house arrest, with armoured vehicles outside their houses to prevent their defection. Their reluctance to part from the regime, assuming they are not being barred from doing so, likely reflects their belief that their fates are so closely tied to Qaddafi’s that their only choice is to fight with him until the end.

“Other defections have included Fathi Ben Shetwan, former energy secretary and former industry secretary in the General People’s Committee, who fled by boat from Misrata in April 2011 and Ferhat Ben Ghadara, governor of the Central Bank, who also defected in April. It was reported on 17 May 2011 that the head of the National Oil Company, Shukri Ghanem, had likewise defected. Although not a key member of the regime, Ghanem is a competent oil man with strong connections to the West.”⁴⁸

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War crimes

- 4.11 The UN News Service, in a news release of 1 June 2011, *Libyan Government forces and opposition committed war crimes - UN panel*, stated:

“A United Nations-ordered panel investigating human rights abuses in Libya says that both Government forces and the opposition have committed war crimes during the weeks of fighting following the uprising against the regime of Colonel Muammar al-Qadhafi.

“The three-member International Commission of Inquiry, dispatched by the UN Human Rights Council, submitted its findings to the 47-member body in Geneva today. The report comes as concern grows about the worsening humanitarian situation in the North African country, including dwindling food stocks, and as diplomatic efforts to help resolve the crisis continue.

“The commission ‘has reached the conclusion that crimes against humanity and war

⁴⁸ International Crisis Group, *Popular Protest in North Africa and the Middle East (V): Making sense of Libya*, 6 June 2011

<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/107%20Popular%20Protest%20in%20North%20Africa%20and%20the%20Middle%20East%20V%20-%20Making%20Sense%20of%20Libya.ashx> Accessed 7 June 2011

crimes have been committed by the Government forces of Libya,'

"The commission received fewer reports of facts which would amount to the commission of international crimes by opposition forces; however, it did find some acts which would constitute war crimes.'

"The acts falling under crimes against humanity include murder, imprisonment, torture, persecution, enforced disappearance and sexual abuse, which the report stated were committed by Government forces 'as part of a widespread or systematic attack against a civilian population.'

"Serious violations of international humanitarian law committed by Government forces amounting to war crimes include intentionally directing attacks against protected persons and targets such as civilian structures, medical units and transport.

"The commission said it had received, but was unable to verify, individual accounts of rape. 'It notes, however, that sufficient information was received to justify further investigation to ascertain the extent of sexual violence, including whether cases were linked to incitement by the command of either side.'

"Further investigation is also warranted, it stated, with regard to the use and recruitment of child soldiers, the use of excessive force by Government forces against demonstrators, arrests and detentions that were carried out in a 'blanket' fashion, and a 'pattern of enforced disappearances.'

"The commission also found that torture and other forms of cruel, inhuman or degrading treatment were committed by both the Government and opposition forces in violation of obligations under international human rights law and humanitarian law.

"The team, led by Professor Cherif Bassiouni, an Egyptian jurist and war crimes expert, calls on the Government to immediately cease acts of violence against civilians in violation of international humanitarian and human rights law, and to conduct 'exhaustive, impartial and transparent' investigations into all alleged violations.

"It also calls on the National Transitional Council, the umbrella group representing the opposition, to conduct similar investigations into alleged violations, and to ensure the immediate implementation of applicable international humanitarian and human rights law."⁴⁹

- 4.12 In a further press release on 8 June 2011, called *Evidence emerging of use of rape as tool of war in Libya - ICC prosecutor*, the UN News Service stated:

"Investigators with the International Criminal Court (ICC) are gathering evidence that the Libyan leadership is using rape as a tool of war and repression and had even acquired large quantities of drugs for its soldiers in an apparent bid to make them more likely to commit sexual assault, the court's prosecutor said today.

"We have information to confirm that it was a policy in Libya to rape those who were against the Government,' Luis Moreno-Ocampo, the ICC Prosecutor told reporters at United Nations Headquarters. 'We are getting some information that [Libyan leader Muammar al-] Qadhafi decided to [use] rape. Rape is a new aspect of the repression,'

⁴⁹ UN News Service, *Libyan Government forces and opposition committed war crimes - UN panel*, 1 June 2011 <http://www.un.org/apps/news/story.asp?NewsID=38578&Cr=libya&Cr1> Accessed 6 June 2011

said Mr. Moreno-Ocampo...

"Mr. Moreno-Ocampo said at the time that his office had gathered direct evidence detailing the orders issued by Mr. Qadhafi, the role of Saif Al Islam Qadhafi in recruiting mercenaries, and the participation of intelligence chief Abdullah Al Sanousi in attacks against demonstrators.

"In his press conference today, Mr. Moreno-Ocampo said a rape charge is likely be added to the previous ones, once the investigations are completed and after the judges have made a ruling on the first set of charges."⁵

- 4.13 The International Criminal Court, in a press release of 27 June 2011 called *Pre-Trial Chamber I issues three warrants of arrest for Muammar Gaddafi, Saif Al-Islam Gaddafi and Abdualla Al-Senussi*, stated:

"Today, 27 June 2011, Pre-Trial Chamber I of the International Criminal Court (ICC) issued three warrants of arrest respectively for Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi for crimes against humanity (murder and persecution) allegedly committed across Libya from 15 February 2011 until at least 28 February 2011, through the State apparatus and Security Forces.

"The Chamber, composed of Judges Sanji Mmasenono Monageng (Presiding), Sylvia Steiner and Cuno Tarfusser, considered that there are reasonable grounds to believe that the three suspects committed the alleged crimes and that their arrests appear necessary in order to ensure their appearances before the Court; to ensure that they do not continue to obstruct and endanger the Court's investigations; and to prevent them from using their powers to continue the commission of crimes within the jurisdiction of the Court.

"The situation in Libya was referred to the ICC Prosecutor by the United Nations Security Council, through the unanimous adoption of Resolution 1970 on 26 February 2011. The Security Council decided, under Chapter VII of the United Nations Charter, that 'the Libyan authorities shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to this resolution' and, while recognizing that States not party to the Rome Statute have no obligations under the Statute, the Security Council urged all States and concerned regional and other international organisations to cooperate fully with the Court and the Prosecutor.

"On 3 March 2011, the ICC Prosecutor decided to open an investigation and requested, on 16 May 2011, the issuance of the arrest warrants."⁵¹

- 4.14 The UN News Service, in a news release of 9 June 2011 called *Ban calls for continued aid to Libyan civilians as crisis continues*, stated, "Libya presented a written report to the commission saying that no widespread and systematic violations of human rights had taken place under the orders of the Libyan authorities and denying widespread and systematic attacks against civilians, torture and other violations."⁵²

⁵ UN News Service, Evidence emerging of use of rape as tool of war in Libya - ICC prosecutor, 8 June 2011 <http://www.unhcr.org/refworld/country,,,LIBY,,4df211b2,0.html> Accessed 13 June 2011

⁵¹ The International Criminal Court, Press release: Pre-Trial Chamber I issues three warrants of arrest for Muammar Gaddafi, Saif Al-Islam Gaddafi and Abdualla Al-Senussi, 27 June 2011 <http://www.icc-cpi.int/NR/exeres/D07229DE-4E3D-45BC-8CB1-F5DAF8370218.htm> Accessed 28 June 2011

⁵² The UN News Service, Ban calls for continued aid to Libyan civilians as crisis continues, 9 June 2011

4.15 The Human Rights Watch *World Report 2012 – Libya*, released on 22 January 2012 and covering events of 2011, noted, “Three days after Gaddafi’s death, Human Rights Watch found 53 bodies of apparent Gaddafi supporters outside the Mahari Hotel in Sirte, where rebel forces from Misrata had been based. Some victims had their hands bound behind their backs; they all seemed to have been shot at that location. The NTC [National transitional Council] said it will investigate.”⁵³

4.16 The Independent, in a report of 19 January 2012, *Nato accused of war crimes in Libya*, noted:

“An independent report published by Middle Eastern human rights groups says there is evidence that war crimes and human rights violations were committed by all the participants – Nato, rebel forces and those loyal to Colonel Gaddafi – in last year’s Libyan uprising.

“The report, published today by the Arab Organisation for Human Rights together and the Palestinian Centre for Human Rights with the International Legal Assistance Consortium, follows extensive fact-finding work carried out by law and war crimes experts. While the document stresses that findings are not conclusive, it adds weight to growing concerns about violations committed by all sides in the conflict.”⁵⁴

4.17 The [Report of the Independent Civil Society Fact-Finding Mission to Libya](#), released January 2012, gives full details of the evidence it has collated that lead to the above conclusions.

For detailed information about the areas of conflict during the uprising see Section 9 of the [COIS Country Report on Libya: Background and Security Situation](#), published 25 July 2011.

See also Security forces: [Human rights abuses committed by both sides during the uprising](#).

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National transitional council

4.18 The BBC News, in a report of 10 March 2011 called *Q&A: Libyan National Council*, noted:

“Amid the popular Libyan uprising against Col Muammar Gaddafi, residents of towns and cities in the areas of eastern Libya controlled by rebels have formed an interim administration. The Interim Transitional National Council aims to provide political and military leadership, organise basic services and represent Libyans abroad...

“By 1 March, it appeared that agreement had been reached on the creation of an ‘interim national council’ in Benghazi, headed by Mr Mustafa Abdul Jalil and with Mr

<http://www.unhcr.org/refworld/country,...,LIBY,4df727b92,0.html> Accessed 14 June 2011

⁵³ Human Rights Watch, *World Report 2012 – Libya*, 22 January 2012

<http://www.hrw.org/sites/default/files/reports/wr2012.pdf> Accessed 23 January 2012

⁵⁴ The Independent, *Nato accused of war crimes in Libya*, 19 January 2012

<http://www.independent.co.uk/news/world/africa/nato-accused-of-war-crimes-in-libya-6291566.html>
Accessed 23 January 2012

Abdul Hafez Ghoga as his deputy, although its exact title remained unclear. Four days later, the rebels declared the establishment of the 'Interim Transitional National Council of the Libyan Republic' (not of the Libyan Arab Jamahiriya, the name for Col Gaddafi's system of government)."⁵⁵

4.19 The report gave details of the aims of the Council:

"On its website the Interim Transitional National Council says its aim is to 'steer Libya during the interim period that will come after its complete liberation and the destruction of Gaddafi's oppressive regime'.

"It will guide the country to free elections and the establishment of a constitution for Libya.'

"Elsewhere, it states: 'We call on all the people of Libya to participate in achieving these lofty goals through the commitment to the noble Libyan ethics and by prioritising our country before the self in the same way our ancestors did to liberate it from the Italian colonisers.'

"Spokesmen for the council have made similar proclamations and, in addition, vowed that it will not allow Libya to be split into two states."⁵⁶

4.20 The report went on to explain who supported the council:

"On its website, the council declares that it 'derives it (sic) legitimacy from the decisions of local councils set up by the revolutionary people of Libya on 17 February', two days after the first protest in Benghazi.

"These local councils facilitated a mechanism to manage daily life in the liberated cities and villages. The council consists of 31 members representing the various cities of Libya from the east to the west and from the north to the south.'

"The council has also said its membership is 'open to all Libyans'.

"On its website are oaths of allegiance made people in several towns, including Nalut, Zintan, Ajdabiya, Kufra, Rajban and Maslata.

"We have placed ourselves under the authority of the interim government in Benghazi,' said Shaban Abu Sitta, a lawyer in Nalut."⁵⁷

4.21 The website of the Libyan Interim National Council can be accessed via the following link:

<http://www.ntclibya.org/english/>⁵⁸

4.22 The BBC News, in a report of 28 March 2011 called *Key figures in Libya's rebel council*,

⁵⁵ BBC News, Q&A: Libyan National Council, 10 March 2011
<http://www.bbc.co.uk/news/world-africa-12699785> Accessed 1 May 2011

⁵⁶ BBC News, Q&A: Libyan National Council, 10 March 2011
<http://www.bbc.co.uk/news/world-africa-12699785> Accessed 1 May 2011

⁵⁷ BBC News, Q&A: Libyan National Council, 10 March 2011
<http://www.bbc.co.uk/news/world-africa-12699785> Accessed 1 May 2011

⁵⁸ Libyan Interim National Council
<http://www.ntclibya.org/english/>

stated:

"Its leaders say the council is not a government, but aims to 'steer' Libya into what they hope will be a post-Gaddafi era and then 'guide the country to free elections and the establishment of a constitution for Libya'.

"According to its website, the body currently has 31 members representing the various regions and cities of Libya. Some have been named, while those representing Ajdabiya, Kufra, Ghat, Nalut, Misrata, Zintan and Zawiya will remain anonymous. Five seats on the council are held by women and five by young people.

"Correspondents have described the council's meetings as chaotic and its leadership as contradictory, and it is not always clear who the council represents."

4.23 The report went on to give details of the key figures in the Council:

"Mustafa Mohammed Abdul Jalil - Chairman

Mr Abdul Jalil quit as Libya's justice minister on 21 February in protest at 'the excessive use of violence against unarmed protesters' by the state, the first member of the General People's Committee to do so...Mr Abdul Jalil was known during his career as a judge for ruling consistently against the government...As justice minister, Mr Abdul Jalil won praise from human rights groups and Western powers for his efforts to reform Libya's criminal code.

"Abdul Hafez Ghoga - Vice-chairman, spokesman

Mr Ghoga is a Benghazi-based human rights lawyer and community organiser... Mr Ghoga was accused by Col Gaddafi's son of betraying his country. The former president of the Libyan Bar Association was arrested on 19 February, shortly after the anti-government protests began, but was released a few days later.

"Omar al-Hariri - military affairs

Mr Hariri is one of the officers who took part in the military coup that brought Col Gaddafi to power in 1969...Mr Hariri is a member of the Farjan tribe, which is based in western Libya and has a strong presence in and around Col Gaddafi's stronghold of Sirte.

In 1975, while serving as secretary general of the revolutionary cabinet, Mr Hariri began to organise a plot to overthrow Col Gaddafi with his fellow officers. The plot was discovered...he spent the next 15 years in prison awaiting execution, four and a half of them in solitary confinement. Then in 1990, Col Gaddafi unexpectedly commuted Mr Hariri's death sentence and he was placed under house arrest in the eastern city of Tobruk. The security forces watched him closely until the uprising began.

"Mahmoud Jibril - foreign affairs

Before the uprising, Mr Jibril was involved in a project called 'Libyan Vision' with other intellectuals, which sought to establish a democratic state. He is also head of the rebel council's crisis committee, which aims to streamline decision making.

"Ali Issawi - foreign affairs

Mr Issawi resigned as Libyan ambassador to India on 21 February in protest at the government's 'use of violence against its citizens' and deployment of 'foreign mercenaries against Libyans.'

"Ahmed al-Zubair Ahmed al-Sanusi - political prisoners

The dissident was Libya's longest-serving 'prisoner of conscience'. He was accused of conspiracy in an attempted coup against Col Gaddafi in 1970 and spent 31 years in prison, many of them in solitary confinement.

"Fathi Mohammed Baja - Benghazi

Mr Baja is a US-educated political science professor at the University of Benghazi and a member of Benghazi's city council. He was once accused by Libya's state security apparatus of writing articles critical of the government.

"Fathi Tirbil Salwa - young people

Mr Tirbil played a significant part in sparking the uprising. The young lawyer and activist helped organise a peaceful demonstration in Benghazi on 15 February by the families of some of the 1,200 inmates of the notorious Abu Salim prison who were massacred by Libyan security forces in 1996 in retaliation for a revolt in the eastern city.

"Salwa al-Dighaili - women

A Benghazi-based lawyer, who is from a prominent family in eastern Libya. Her uncle was imprisoned for opposition activities."⁵⁹

- 4.24 The Foreign and Commonwealth Office, in a news release of 12 May 2011, called *Head of the Libyan National Transitional Council visits UK*, quoted the Foreign Secretary, William Hague, as saying:

"Over the last few months the National Transitional Council have made great progress, today we have welcomed their clear commitments to build a better future for Libya based on principles of openness and tolerance. We have invited them to open a mission in London; this is an important statement of our engagement and our commitment to deepen our relationship. It will improve our ability to communicate with the National Transitional Council leadership and complement the work undertaken by our own office in Benghazi.

"The United Kingdom has also been at the forefront of efforts to support the NTC financially including by setting up a Temporary Financial Mechanism (TFM) which will soon come on stream."⁶

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⁵⁹ BBC News, Key Figures in Libya's Rebel Council, 28 March 2011
<http://www.bbc.co.uk/news/world-africa-12698562> Accessed 1 June 2011

⁶ FCO Head of the Libyan National Transitional Council visits UK, 12 May 2011
<http://www.fco.gov.uk/en/news/latest-news/?view=News&id=594960582> Accessed 1 June 2011

Death of gaddafi and end of conflict

- 4.25 Reuters, in a report of 26 October 2011, called *Gaddafi killed in hometown, Libya eyes future*, noted:

"The deaths of Gaddafi and his son Mo'tassim after both were captured wounded but alive on Thursday [20 October 2011] and the grisly public display of their decomposing bodies in a Misrata meat locker have made the NTC's Western backers uneasy about Libya's prospects for stable government and respect for the rule of law.

"Gaddafi and Mo'tassim were buried in a secret desert location on Tuesday to prevent their graves becoming a shrine for any remaining followers in the oil-rich North African state.

"Under pressure from Western allies, the NTC promised on Monday to investigate how Gaddafi and his son were killed. Mobile phone footage shows both alive after their capture. The former leader was seen being mocked, beaten and abused before he died, in what NTC officials say was crossfire...

"The treatment of others who supported Gaddafi and fought alongside him was now an issue, said U.S. Assistant Secretary of State for Near Eastern Affairs Jeffrey Feltman.

"This is a test. The NTC has repeatedly said that they will distinguish themselves from the Gaddafi regime in terms of the respect of human rights and the rule of law,' he told a news conference in Morocco. 'Now is the time for them to begin actions that will help them reinforce these words.'

"Emerging from 42 years of often brutal one-man rule, many Libyans are savouring the end of eight months of bitter civil war won with NATO's backing and are unconcerned about how Gaddafi met his end and how his body was treated afterwards...

"Hatred of Gaddafi unified his disparate opponents, who will likely now tussle for power during a planned transition to democracy in a nation riven with regional and tribal rivalries."⁶¹

- 4.26 The Human Rights Watch *World Report 2012 – Libya*, released on 22 January 2012 and covering events of 2011, noted, "On October 20, after weeks of fierce fighting in Sirte, NTC forces captured Muammar Gaddafi and his son Muatassim. Video footage strongly suggests that they were executed in custody. The NTC said it will form a commission of inquiry to examine the deaths."⁶²

For details of the Declaration of Liberation on 23 October 2011 and the new transitional cabinet see [Chapter 6 Political System](#)

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⁶¹ Reuters, *Gaddafi killed in hometown, Libya eyes future*, 26 October 2011
<http://www.reuters.com/article/2011/10/20/us-libya-idUSTRE79F1FK20111020> Accessed 11 January 2012

⁶² Human Rights Watch, *World Report 2012 – Libya*, 22 January 2012
<http://www.hrw.org/sites/default/files/reports/wr2012.pdf> Accessed 23 January 2012

Capture of saif al-islam gaddafi

4.27 The BBC News reported on 19 November 2011, "A commander of the Zintan militia, Wisam Dughaly, said Saif al-Islam had been captured along with several aides as they tried to smuggle him out to neighbouring Niger... He was taken by fighters near the southern town of Obari and flown to the city of Zintan in the north. Saif al-Islam told a journalist he was well."⁶³

4.28 Human Rights Watch, in a report of 21 December 2011 called *Libya: Ensure Gaddafi Son's Access to Lawyer* stated:

"The Zintan Military Council, which has physical custody of Gaddafi, allowed Human Rights Watch 30 minutes with the detainee in private.

"Saif al-Islam Gaddafi says he is getting good food and medical care – he had no complaints about the physical conditions of his detention,' said Fred Abrahams, special adviser at Human Rights Watch, who conducted the visit. 'His main concern was the lack of access to family and to a lawyer who can help his case.'

"Al-Hasadi told Human Rights Watch that he would allow Gaddafi access to a lawyer as soon as the government prepared a secure detention facility in Tripoli where Gaddafi could be held without risk of attack, either by those wishing to free him or by those wishing him harm. The prosecutor's office is working to prepare such a location, he said..."⁶⁴

4.29 The report went on to consider the difficulties surrounding the trial of Saif:

"The International Criminal Court (ICC) has issued an arrest warrant for Saif al-Islam Gaddafi for crimes against humanity committed in Libya starting on February 15. The ICC investigation was authorized under United Nations Security Council Resolution 1970. The resolution requires Libya to cooperate with any ICC investigation into serious crimes committed in Libya, including the surrender of ICC suspects.

"Libya's general prosecutor, as well as the justice minister, prime minister, and chairman of the National Transitional Council (NTC), all told Human Rights Watch that they are determined to try Gaddafi in Libya. The Libyan government has hired a law firm in London to represent its interests before the ICC, senior officials said.

"If Libya wishes to try Gaddafi domestically for crimes within the ICC's arrest warrant, it must challenge the ICC's jurisdiction through a legal submission to the court. Libya would have to show that it is genuinely able and willing to prosecute Gaddafi's case in fair and credible proceedings. In addition, the Libyan proceedings must encompass the same conduct as in the case before the ICC. The ICC judges would review the challenge and determine whether the Libyan proceedings make it unnecessary for the ICC to hear the case.

"If Libya argues that surrendering Gaddafi to the ICC would interfere with an ongoing domestic investigation or prosecution for a different case, then it may postpone

⁶³ BBC News, Gaddafi's son Saif al-Islam captured in Libya, 19 November 2011
<http://www.bbc.co.uk/news/world-middle-east-15804299> Accessed 23 January 2012

⁶⁴ Human Rights Watch, Libya: Ensure Gaddafi Son's Access to Lawyer, 21 December 2011
<http://www.hrw.org/news/2011/12/21/libya-ensure-gaddafi-son-s-access-lawyer> Accessed 11 January 2012

surrendering him for a period of time agreed upon with the court...

"On what basis the Libyan authorities will proceed remains unclear. In a decision by the ICC Pre-Trial Chamber on December 6, the judges noted that the chamber had received, through the ICC Office of the Prosecutor, a letter allegedly from the NTC. Referring to article 94 of the ICC treaty, the letter said the NTC will postpone the execution of the ICC's request for the arrest and surrender of Saif al-Islam Gaddafi, and that it would discuss the matter with the court. Article 94, unlike the ICC treaty's provisions on the admissibility of a case, provides for postponing the execution of a request in light of ongoing investigation or prosecution.

"The ICC judges, in their December 6 decision, requested further information from the Libyan authorities regarding Gaddafi's status, including whether and when Libya intends to surrender him to the court. Libya has until January 10, 2012, to file submissions on the issues outlined by the ICC judges."⁶⁵

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5. Constitution

- 5.01 Tunisia.live.net in a report of 11 August 2011, called *NTC Announces Constitutional Declaration*, noted:

"On Wednesday, August 10th, the National Transitional Council (NTC) issued the first Libyan 'Constitutional Declaration' of the post-Gadhafi period, including 37 articles.

"Mr. Abdul Hafeez Goukha, Vice President of the NTC and the official spokesman for the Council, said in a press conference yesterday that the NTC finished the constitutional declaration of the transition phase. Dr. Salwa Aldeghaily, responsible for Legal Affairs in the Council, also spoke at the press conference.

"Goukha explained that the constitutional declaration includes a set of principles. The first contains general provisions and public rights, and the second include the fundamental operation of the interim government during the transitional phase after the removal of the Gadhafi regime.

"He explained that the new constitution includes 37 articles, and that the system of the transitional government during the transitional period is ruled by the articles 17 to 30. The transitional phase will take about 20 months, 8 months under the NTC and 12 months under a General National Assembly.

"Each member of the NTC signed the constitutional declaration and pledged that they would have no role in the presidential or parliamentary elections to come.

"Dr. Salwa Aldeghaily explained that Article 30 of the Constitutional Declaration requires the formation of a national government within 30 days of liberation — the term for Gadhafi's defeat. By 90 days after liberation, election laws will be announced, and a high commission for elections should be formed. Libyans then elect a new General

⁶⁵ Human Rights Watch, Libya: Ensure Gaddafi Son's Access to Lawyer, 21 December 2011 <http://www.hrw.org/news/2011/12/21/libya-ensure-gaddafi-son-s-access-lawyer> Accessed 11 January 2012

National Assembly within 240 days of liberation. The Assembly will consist of 210 members. It will be responsible for choosing a temporary head of government and drafting and passing laws to manage the country's affairs.

"After its formation, the Assembly will have 30 days to select the temporary head of government and within 60 days it must submit a constitution for a popular referendum. If approved by the Libyan people, the constitution becomes law, and if the people reject it, the Assembly will be given another 30 days to restore the constitution. After the approval of the constitution, the Assembly has 30 days to pass electoral laws for a presidential election within 180 days. The role of the interim head of government finishes when the elected president takes office."⁶⁶

- 5.02 The Official website of the NTC, under the heading *A vision of a democratic Libya*, undated, stated:

"The interim national council will be guided by the following in our continuing march to freedom, through espousing the principles of political democracy. We recognise without reservation our obligation to:

"1. Draft a national constitution that clearly defines its nature, essence and purpose and establishes legal, political, civil, legislative, executive and judicial institutions. The constitution will also clarify the rights and obligations of citizens in a transparent manner, thus separating and balancing the three branches of legislative, executive and judicial powers.

"2. Form political organisations and civil institutions including the formation of political parties, popular organisations, unions, societies and other civil and peaceful associations.

"3. Maintain a constitutional civil and free state by upholding intellectual and political pluralism and the peaceful transfer of power, opening the way for genuine political participation, without discrimination.

"4. Guarantee every Libyan citizen, of statutory age, the right to vote in free and fair parliamentary and presidential elections, as well as the right to run for office.

"5. Guarantee and respect the freedom of expression through media, peaceful protests, demonstrations and sit-ins and other means of communication, in accordance with the constitution and its laws in a way that protects public security and social peace.

"6. A state that draws strength from our strong religious beliefs in peace, truth, justice and equality.

"7. Political democracy and the values of social justice, which include:

"a. The nation's economy to be used for the benefit of the Libyan people by creating effective economic institutions in order to eradicate poverty and unemployment – working towards a healthy society, a green environment and a prosperous economy.

"b. The development of genuine economic partnerships between a strong and

⁶⁶ Tunisia.live.net NTC Announces constitutional Declaration, 11 August 2011
<http://www.tunisia-live.net/2011/08/11/the-ntc-issues-the-constitutional-declaration-for-the-transitional-period/> Accessed 12 December 2011

productive public sector, a free private sector and a supportive and effective civil society, which over stands corruption and waste.

“c. Support the use of science and technology for the betterment of society, through investments in education, research and development, thus enabling the encouragement of an innovative culture and enhancing the spirit of creativity. Focus on emphasising individual rights in a way that guarantees social freedoms that were denied to the Libyan people during the rule of dictatorship. In addition to building efficient public and private institutions and funds for social care, integration and solidarity, the state will guarantee the rights and empowerment of women in all legal, political, economic and cultural spheres.

“d. A constitutional civil state which respects the sanctity of religious doctrine and condemns intolerance, extremism and violence that are manufactured by certain political, social or economic interests. The state to which we aspire will denounce violence, terrorism, intolerance and cultural isolation; while respecting human rights, rules and principles of citizenship and the rights of minorities and those most vulnerable. Every individual will enjoy the full rights of citizenship, regardless of colour, gender, ethnicity or social status.

“8. Build a democratic Libya whose international and regional relationships will be based upon:

“a. The embodiment of democratic values and institutions which respects its neighbours, builds partnerships and recognises the independence and sovereignty of other nations. The state will also seek to enhance regional integration and international co-operation through its participation with members of the international community in achieving international peace and security.

“b. A state which will uphold the values of international justice, citizenship, the respect of international humanitarian law and human rights declarations, as well as condemning authoritarian and despotic regimes. The interests and rights of foreign nationals and companies will be protected. Immigration, residency and citizenship will be managed by government institutions, respecting the principles and rights of political asylum and public liberties.

“c. A state which will join the international community in rejecting and denouncing racism, discrimination and terrorism while strongly supporting peace, democracy and freedom.”⁶⁷

- 5.03 The Tripoli Post, in an article of 5 January 2012 called *Libya New Leaders Legalise Political Parties* noted, “A 200-strong body formed after the national election will be in charge of writing a new constitution, overseeing a national referendum on the constitution and overseeing governmental affairs until a third vote will be held to elect a permanent government as outlined in the new constitution.”⁶⁸

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6. Political system

⁶⁷ A vision of a democratic Libya (undated) <http://www.ntclibya.org/english/libya/> Accessed 12 December 2011

⁶⁸ Tripoli Post, Libya’s New leaders Legalise Political Parties, 5 January 2012 <http://tripolipost.com/article/detail.asp?c=1&i=7616> Accessed 9 January 2012.

Before the 2011 uprising

6.01 Europa World online (accessed 16 May 2011) stated:

“Following the overthrow of King Idris I in 1969, a Constitutional Proclamation was issued by the Revolutionary Command Council. In 1977 a further document, the Declaration on the Establishment of the Authority of the People, was approved by the General People's Congress (GPC). Under the system set out in this document, power is vested in the people through People's Congresses, Popular Committees, Trade Unions, Vocational Syndicates, and with the GPC and its General Secretariat. The Head of State is the Revolutionary Leader, elected by the GPC; however, Col Muammar al-Qaddafi himself rejects this nomenclature and all other titles. Executive power is exercised by the General People's Committee. The country is divided into three provinces, 10 governorates and 1,500 administrative communes.”⁶⁹

General People's Committee

6.02 The same source gave details of the General People's Committee:

“The Senate and House of Representatives were dissolved after the coup d'état of September 1969, and the provisional Constitution issued in December 1969 made no mention of elections or a return to parliamentary procedure. However, in January 1971 Col Qaddafi announced that a new legislature would be appointed, not elected; no date was mentioned. All political parties other than the Arab Socialist Union were banned. In November 1975 provision was made for the creation of the 1,112-member General National Congress of the Arab Socialist Union, which met officially in January 1976. This later became the General People's Congress, which met for the first time in November 1976 and in March 1977 began introducing wide-ranging changes.”⁷

The 1977 declaration on the establishment of the authority of the people

6.03 The United States Department of State, *Country Report on Human Rights Practices 2010, Libya*, published 8 April 2011, noted:

“The government prohibits the creation of and membership in political parties. The 1977 Declaration on the Establishment of the Authority of the People dictates how citizens exercise their political rights. The government is structured in a pyramid of directly elected residential people's committees (roughly neighbourhood voting districts), which in turn form the 424 basic people's congresses, municipal people's committees (sha'abiyas, formed of the basic people's congresses), the 760-member General People's Congress, and the 20 cabinet-level secretaries of the General People's Committee with a general secretary, each layer of which is involved in the selection of the next-higher level. Citizens participate through numerous organizations, including residential, vocational, professional, and skilled labour congresses. Voting for leaders of the local congresses is mandatory for all citizens 18 or older. In practice the regime exercised significant influence over legislation and enforcement of the General People's Congress' decisions.

“Elections to the General People's Committee occur at meetings of the General

⁶⁹ Europa World Online (Country Profile: Government), Subscription only – hard copies available on request. Date accessed 16 May 2011

⁷ Europa World Online (Country Profile: Government), Subscription only – hard copies available on request. Date accessed 16 May 2011

People's Congress. Elections generally are held every three years. The most recent elections were held in March 2009 with the people's congresses, the local bodies comprising all citizens, electing their leadership committees. The election process continues through the hierarchy of committees and congresses. Finally, the General People's Congress chooses the General People's Committee, which manages the daily affairs of the government. Al-Qadhafi is considered the 'Brotherly Leader and Guide of the Revolution' and is not elected by the citizens. He is structurally outside the political system but in practice retains authority over the government.

"Revolutionary committees guard against political dissent and assure that citizens adhere to sanctioned ideology. These committees approve candidates for the General People's Congress. In practice revolutionary committees played an unclear role in enforcing official ideology, sometimes appearing increasingly marginalized and sometimes appearing active in political life."⁷¹

Political parties

- 6.04 Freedom House, in its report published 12 May 2011, *Freedom in the World 2011-Libya*, noted, "Political parties are illegal, and the government strictly monitors political activity. Organizing or joining anything akin to a political party is punishable by long prison terms and even the death penalty. Many Libyan opposition movements and figures operate outside the country."⁷²

Since the declaration of liberation (23 october 2011)

- 6.05 The United Nations News Centre, in a press release of 23 October stated:

"The United Nations on Sunday renewed its commitment to help the people of Libya build a brighter future as the transitional authorities declared the full liberation of the North African nation, more than eight months after the popular uprising began.

"Secretary-General Ban Ki-moon said the declaration made today in the city of Benghazi by the Libyan National Transitional Council (NTC) marks a historical juncture that signifies a people attaining their freedom after decades of dictatorship.

"The declaration by the NTC comes three days after the death of the country's long-time leader Muammar Qadhafi, who was killed in his hometown of Sirte on Thursday [20 October 2011], bringing an end to eight months of conflict between Government forces and rebels that began when the pro-democracy movement started earlier this year."⁷³

See also [Political Affiliation](#)

New prime minister

⁷¹ The United States Department of State, Country Report on Human Rights Practices 2010, Libya, published 8 April 2011, Section 3 Respect for Political Rights.

<http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 16 May 2011

⁷² Freedom House, Freedom in the World 2011 – Libya, 12 May 2011

<http://www.unhcr.org/refworld/country,,,LB,Y,,4dcbf517c,0.html> Accessed 16 May 2011

⁷³ UN News Centre, UN renews commitment to support Libya as new leaders declare liberation, 23 October 2011 <http://www.un.org/apps/news/story.asp?NewsID=40167&Cr=Libya&Cr1=> Accessed 8 November 2011

- 6.06 The Wall Street Journal in an article of 1 November 2011, called *Libya Chooses New Prime Minister*, noted:

“The National Transitional Council [NTC] chose a Tripoli-born, U.S. educated electrical engineer to head the interim governing authority and help shepherd the country's transition from its Gadhafi-era dictatorship to its first elections.

“Abdel-Rahim El Keib won a simple majority of the votes cast by the 54 NTC members, after several other candidates fell out of the running in earlier rounds of voting Monday [31 October] evening.”⁷⁴

- 6.07 Jane's *Sentinel Country Risk Assessment* of Libya, in its section on Political Leadership, posted 23 November 2011, stated that the political system was a “Transitional Government” and the next elections would be “Constituent Assembly – 2012 and Parliamentary and presidential – 2013”. It went on to give a political profile of the Interim Prime Minister:

“Abdurrahim el-Keib was born in the town of Sabratha, west of Tripoli, in 1950. An engineer and academic by training, he was educated and taught at the University of Tripoli, the University of Southern California and North Carolina State University in the 1970s and 1980s, before taking up a teaching post at the University of Alabama as Assistant Professor of Electrical Engineering in 1985. He was made professor in 1996. He left the University of Alabama in 2006 to join the Petroleum Institute in the UAE where he remained until mid-2011, when he joined the TNC and returned to Tripoli. During his time in the United States, he was a member of the opposition in exile and active in promoting inter-faith dialogue in Alabama in the aftermath of the 11 September 2001 Al-Qaeda attacks in the US. El-Keib holds dual Libyan-US citizenship.”⁷⁵

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New transitional cabinet

- 6.08 The BBC News, in a report of 22 November 2011 called *Libya's interim PM unveils new government line-up*, noted, “Libya's interim PM has named a new transitional cabinet, the first step to forming an elected government. The new government is tasked with drafting a constitution and holding democratic elections by next June. Correspondents say the line-up is aimed at soothing the rivalries between regional factions.”⁷⁶

- 6.09 The same report went on to name the main posts in the government:

- “Defense minister - Osama al-Juwali, the local military commander of the western town of Zintan.
- Interior minister - Fawzi Abdelal, one of the Misrata rebel leaders, whose fighters captured Muammar Gaddafi in October.
- Foreign minister -Ashour Bin Khayal
- Oil and gas minister - Abdurrahim Bin Yazza - a former executive with the Italian

⁷⁴ The Wall Street Journal, *Libya Chooses New Prime Minister*, 1 November 2011 <http://online.wsj.com/article/SB10001424052970204394804577010121109790562.html> Accessed 8 November 2011

⁷⁵ Janes's *Sentinel Country Risk Assessments: Libya*, updated 23 November 2011. Subscription only, hard copies available on request.

⁷⁶ BBC News, *Libya's interim PM unveils new government line-up*, 22 November 2011 <http://www.bbc.co.uk/news/world-africa-15847309> Accessed 23 November 2011

oil giant ENI”⁷⁷

- 6.10 Reuters, in a news report of 22 November 2011 called *Libya's NTC unveils new government line-up*, considered the reasons behind the appointments and gave details of further posts:

“Libya's National Transitional Council (NTC) named a new government Tuesday [22 November 2011] with a line-up that dropped several seasoned officials in favour of appointees who will soothe rivalries between regional factions...

“All of Libya is represented,’ Prime Minister Abdurrahim El-Keib told a news conference as he unveiled the line-up. ‘It is hard to say that any area is not represented.’

“Western countries, which backed the revolt against Gaddafi and have a big stake in seeing his replacements succeed, welcomed the new government, saying it would guide the oil exporting country toward democracy.

“The NTC's choices to fill ministerial posts appeared to have put regional affiliation ahead of experience or a track record.

“Foreign diplomats had been expecting the foreign minister's job to go to Libya's deputy envoy to the United Nations, Ibrahim Dabbashi. A respected diplomat, he had rallied other Libyan officials to turn against Gaddafi soon after the revolt erupted against his rule. Instead, the job was given to Ashour Bin Hayal, a little-known diplomat from the eastern city of Derna, a long-standing anti-Gaddafi stronghold.

“Until the prime minister made his announcement, every diplomat in Tripoli was expecting Dabbashi as foreign minister. It's a big surprise,’ said one diplomat. ‘We don't know him (Bin Hayal) at all. We are trying to find out where he is.’

“Ali Tarhouni, a U.S. academic who returned from exile to manage the oil and finance portfolios in the rebellion against Gaddafi, had no role in the new government.

“The new cabinet will include as defense minister Osama Al-Juwali, commander of the military council in the town of Zintan.

“Juwali appeared to have staked his claim to the job after his forces captured Saif al-Islam at the weekend and flew him to their hometown, instead of transferring him to the capital...

“In a symbolic step for Libya, a deeply conservative Muslim society, the cabinet included two women, heading the ministries of health and social affairs. El-Keib said those appointments showed women enjoyed more equality than ever before.

“Absent from any strategic jobs in the government were the Islamists who were persecuted under Gaddafi but have been gaining in power since his downfall. Their rise has worried secularist Libyans, and some neighbouring countries.”⁷⁸

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⁷⁷ BBC News, Libya's interim PM unveils new government line-up, 22 November 2011
<http://www.bbc.co.uk/news/world-africa-15847309> Accessed 23 November 2011

⁷⁸ Reuters, Libya's NTC unveils new government line-up, 22 November 2011
<http://www.reuters.com/article/2011/11/22/us-libya-idUSTRE7AL0JM20111122> Accessed 23 November 2011

- 6.11 Jane's *Sentinel Country Risk Assessment* of Libya, in its section on Political Leadership, posted 23 November 2011, listed the members of the cabinet:

Transitional government - November 2011	
Chairman of the Transitional National Council:	Mustafa Abdul Jalil
Prime Minister:	Abdurrahim el-Keib
Minister of Communication:	Anwar el-Fetori
Minister of Defence:	Osama el-Jawali
Minister of Education:	Soliman el-Sahli
Minister of Electricity:	Awad el-Badaasi
Minister of Foreign Affairs:	Ashour Bin Khayal
Minister of Finance:	Hassan Ziglam
Minister of Health:	Eman Bugeiquei
Minister of Human Rights:	Abdel Rahman el-Swihly
Minister of the Interior:	Fawzy Abdel Aal
Minister of Industry:	Mahmoud el-Ghatesy
Minister of Justice:	El-Hadi Shlof
Minister of Military Affairs:	Omar el-Hariri
Minister of Oil:	Abdulrahman Ben Yezza
Governor, Central Bank of Libya:	Farhat Omar Bengdara
Ambassador to the United States:	Ali Aujali

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- 6.12 The Tripoli Post, in an article of 5 January 2012 called *Libya New Leaders Legalise Political Parties*, stated:

"Libya's new interim government, on Wednesday scrapped a 1972 law by the former dictatorial regime of Muammar Gaddafi that made the formation of a political party in the country a criminal act, and legalised political parties.

"The National Transitional Council, NTC, 'repealed the law that considered forming political parties as criminal and which was imposed by the despotic regime of Gaddafi to enforce his views by force in Libya,' WAL reported. The law had been in effect since 1972.

"Since the declaration that Libya has achieved its freedom, after the ousting of Gaddafi from power, several political parties have been formed in Libya. Some of them had even been set up during the conflict itself, particularly in the eastern city of Benghazi, the cradle of the uprising against the former leader that began in February 2011.

"But not everybody will be allowed to stand for elections. The proposed electoral law lays out more than 20 classes of people who will be prohibited to stand as candidates in the vote, which is likely to be held in June.

"Among those prohibited from running for office are officials who worked in Gaddafi-era security apparatus or the political committees known as the Revolutionary Committees, which made up a key part of his inner circle; those convicted of criminal offenses and Libyans who held the rank of ambassador or consul general during the dictator's reign."⁸

⁷⁹ Janes's *Sentinel Country Risk Assessments: Libya*, updated 23 November 2011. Subscription only, hard copies available on request.

- 6.13 Associated Press, in a report of 9 February 2012, called *Libya issues election law for national congress*, noted:

“Libya has finalized a law to govern an election to choose a national assembly to draft a new constitution...The law was issued Wednesday [8 February 2012] after earlier drafts were revised to accommodate criticism.

“The new law determines that the 200-member national congress will include at least 40 women, doubling the number of women in an earlier draft. The body is supposed to be elected before June 23.

“The new elected body will manage the country's affairs for a year and will draft Libya's new constitution.”⁸¹

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Human Rights

7. Introduction

Before the 2011 uprising

- 7.01 The Foreign and Commonwealth Office, in its report on *Human Rights and Democracy: Libya*, published 31 March 2011, stated, “We remain concerned, in particular, by restrictions on freedom of association and expression; continued incidences of arbitrary detention; shortcomings in Libya's respect for the rights of migrants; and mistreatment of detainees.”⁸²

- 7.02 Human Rights Watch, in its *World Report 2011: Libya* (covering events of 2010), published 24 January 2011, noted:

“Government control and repression of civil society remain the norm in Libya, with little progress made on promised human rights reforms. While releases of large numbers of Islamist prisoners continued, 2010 saw stagnation on key issues such as penal code reform, freedom of association, and accountability for the Abu Salim prison massacre in 1996.

“Libya maintains harsh restrictions on freedom of assembly and expression, including penal code provisions that criminalize ‘insulting public officials’ or ‘opposing the ideology of the Revolution,’ although there has been slightly more media debate in recent years, particularly online.”⁸³

⁸ Tripoli Post, Libya's New leaders Legalise Political Parties, 5 January 2012

<http://tripolipost.com/article/detail.asp?c=1&i=7616> Accessed 9 January 2012.

⁸¹ Associated Press, Libya issues election law for national congress, 9 February 2012

<http://www.google.com/hostednews/ap/article/ALeqM5hUgKM4fE3tR9U47M7iEcELpFuzGQ?docId=7fe5138437a841deb0595845df64cc8a> Accessed 14 February 2012

⁸² The Foreign and Commonwealth Office, Human Rights and Democracy, Libya, 31 March 2011

<http://s3-eu-west-1.amazonaws.com/htcdn/Human-Rights-and-Democracy-The-2010-Foreign-Commonwealth-Report.pdf>

Accessed 31 May 2011

⁸³ Human Rights Watch, World Report 2011: Libya, 24 January 2011

<http://www.hrw.org/en/world-report-2011/libya> Accessed 31 May 2011

Since the 2011 uprising

- 7.03 The United Nations News Service, in a news release of 1 June 2011 called *Libyan Government forces and opposition committed war crimes - UN panel*, reported:

"A United Nations-ordered panel investigating human rights abuses in Libya says that both Government forces and the opposition have committed war crimes during the weeks of fighting following the uprising against the regime of Colonel Muammar al-Qadhafi...

"The commission 'has reached the conclusion that crimes against humanity and war crimes have been committed by the Government forces of Libya,' according to a news release issued in Geneva.

"The commission received fewer reports of facts which would amount to the commission of international crimes by opposition forces; however, it did find some acts which would constitute war crimes.'

"The acts falling under crimes against humanity include murder, imprisonment, torture, persecution, enforced disappearance and sexual abuse, which the report stated were committed by Government forces 'as part of a widespread or systematic attack against a civilian population.'

"Serious violations of international humanitarian law committed by Government forces amounting to war crimes include intentionally directing attacks against protected persons and targets such as civilian structures, medical units and transport."⁸⁴

For information on war crimes see Recent Developments: [War crimes](#)

- 7.04 The UN News Service, in a news release of 26 October 2011, *After liberation, elections and security top priorities in Libya - UN official*, stated:

"With Sunday's [23 October] declaration of liberation, the clock has started running on commitments the National Transitional Council (NTC) has made in its constitutional declaration,' Special Representative of the Secretary-General for Libya, Ian Martin, told the Security Council during a briefing this morning.

"Mr. Martin highlighted several aspects which require immediate attention, including preparations for elections, establishing public security and controlling the flow of weapons in the country...

"Mr. Martin stressed much remains to be done and expectations are still high. He emphasized that it was important that during the transitional process the NTC remains committed to building a modern nation-state based on the principles of democracy, human rights, the rule of law and respect for minority rights.

"In particular, he said the NTC must establish guidelines on the handling of its detainees, following alleged violations of their rights, including the mistreatment of former leader Muammar al-Qadhafi and the uncertain circumstances of his death, which

⁸⁴ UN News Service, *Libyan Government forces and opposition committed war crimes - UN panel*, 1 June 2011

<http://www.unhcr.org/refworld/country,,,LBY,,4decc44a2,0.html> Accessed 13 June 2011

Mr. Martin said was within the scope of the International Commission of Inquiry in Libya mandated by the Human Rights Council.

“Mr. Martin said he was encouraged by the NTC's openness to the investigation, and said he believes ‘the leadership of the NTC is indeed committed – as the declaration of liberation re- emphasized – to avoiding revenge, achieving reconciliation, and overcoming the manipulation of tribalism and regionalism which the former dictator promoted to entrench his own power, thereby ensuring that the past will never be repeated.’

“As well as security and elections, he said authorities are concerned with strengthening public financial management, establishing rules to ensure fiscal transparency, and starting a reconciliation process.”⁸⁵

- 7.05 The United Nations Department of Public Information, in a media release of 4 November 2011, called *Activities of the Secretary-General in Libya on 2 November [2011]*, noted:

“The Secretary-General said the path to democracy was not easy. Building a State with effective and accountable institutions would take time. But the Libyan people have shown that they have the skills, resources and strength of character to rise to the challenge.

“At a meeting with representatives of civil society, the Secretary-General emphasized the important role of women, business and various social groups in building the new Libya. He urged them to press forward with their ambitions for building a new society in a spirit of cooperation, give and take, and a sense of inclusiveness, unity and solidarity. He added that working to find consensus would require a great deal of pragmatism and compromise and listening to the views of others, especially during this very important initial phase. A number of representatives outlined their concerns and ideas.”⁸⁶

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8. Security forces

Overview

- 8.01 The United Nations News Service, in a report of 28 November 2011, *Most pressing task for Libya is consolidation of security, UN envoy reports*, stated:

“Libya’s interim Government faces a number of challenges as it seeks to move past the recent conflict and decades of dictatorship, the most immediate of which is consolidating security, the top United Nations envoy to the country [Ian Martin] said today...

“The first and foremost of immediate challenges is in the area of security,’ he added,

⁸⁵ UN News Service, After liberation, elections and security top priorities in Libya - UN official, 26 October 2011

<http://www.un.org/apps/news/story.asp?NewsID=40208&Cr=libya&Cr1=> Accessed 12 December 2011

⁸⁶ UN Dept Public Information, *Activities of the Secretary-General in Libya on 2 November*, 4 November 2011 <http://www.un.org/News/Press/docs/2011/sgt2817.doc.htm> Accessed 14 December 2011

noting that this includes determining the future of the revolutionary fighters. Another major security issue is the presence and proliferation of conventional and non-conventional weapons and related materiel.

"Of particular concern, said Mr. Martin, is the large number of MANPADS [man-portable air defence systems] and ammunition still unaccounted for, which pose both a disarmament problem for Libya and a proliferation risk for the region. Libya has accumulated the largest known stockpile of MANPADS outside those countries that produce such systems.

"The Government will need a little time to work out the different responsibilities of its ministries and other bodies in addressing all these tasks across the security sector - integration and demobilization, training and development of police and a new army, weapons control and border management - but there is no doubt about its sense of urgency,' said the envoy.

"He added that the security situation and the way in which it develops in the near future cannot be separated from Libya's urgent need for liquid funds, noting that 'the stabilization of the country, the success of the Government and the perception of the international community are all at stake.'" ⁸⁷

- 8.02 The Washington Post, in an article of 13 December 2011 called *Libyan leader vows army and police force will be set up in 100 days, promises decentralization*, reported:

"Libya's new leaders said Monday they hope to have a working army and police force up and running in 100 days time, and said ministries would be relocated to cities across the country in a bid to decentralize national authority.

"National Transitional Council chairman Mustafa Abdul-Jalil told reporters in the capital Tripoli that that timeline should suffice to restructure the nation's security apparatus and build confidence in its forces.

"We will announce a system for the security structure of the army and have established police and border guards in no more than 100 days," Abdul-Jalil said.

"Gen. Khalifa Hifter, the commander of the fledgling national army, said he believes the 100-day timetable gives new recruits enough time to train and reorganize after the eight-month civil war that ended with Moammar Gadhafi's death in October.

"But Hifter told The Associated Press it will take at least three to five years before Libya can have a strong enough army that is able to protect the vast desert nation's borders.

"Neither Hifter nor Abdul-Jalil provided any information on the size of either the army or security forces they hoped to put together." ⁸⁸

⁸⁷ UN News Service, Most pressing task for Libya is consolidation of security, UN envoy reports, 28 November 2011
<http://www.un.org/apps/news/story.asp?NewsID=40542&Cr=libya&Cr1=>

Accessed 12 December 2011

⁸⁸ Washington Post Libyan leader vows army and police force will be set up in 100 days, promises decentralization, 13 December 2011 <http://www.washingtonpost.com/world/middle-east/libyan-leader-vows-army-and-police-force-will-be-set-up-in-100-days-promises->

Police

Before the fall of Gaddafi

- 8.03 The Library of Congress, *Country Profile: Libya*, dated April 2005, observed, “The Libyan police force has an estimated 10,000 policemen. Called the ‘People’s Security Force,’ the police perform such usual functions as investigating crime, arresting criminals and maintaining public order, but they also are responsible for the administration of prisons and assisting with passports and identity cards. Special police units are assigned to counterespionage duties.”⁸⁹

Since the Declaration of Liberation

- 8.04 Jane’s Sentinel Security Assessment of Libya, in its section on *Security and Foreign Forces*, updated 23 November 2011, noted, “...the new transitional authorities [are] yet to constitute replacement forces, agencies and organisations.”⁹
- 8.05 Reuter’s, in a report of 15 January 2012, noted, “Twenty-four hours after Libya’s police force opened its doors for the thousands of militia members to join its ranks, only 100 had signed up, signalling the long road the government faces to bring the unruly militias to heel.”⁹¹

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Armed forces

- 8.06 Jane’s Sentinel Security Assessment of Libya, in an assessment of the armed forces, posted 25 January 2012, noted:

“Military reform within the armed forces will initially be driven by the acquisition of new equipment, although this will only be possible after the National Transitional Council (NTC) has decided on the status of both Ghadaffi-era forces and the so-called National Liberation Army of Libya, also known as the Free Libya Army that were ultimately responsible for the military defeat of the old regime. The NTC also have to take into consideration the proliferation of militia groups, large and small, that do not necessarily see themselves as owing loyalty to any central authority, but rather to more local allegiance, whether to a clan or tribe. As a result of these significant, but far from insurmountable challenges, structural and operational changes are both strong possibilities in the process of re-creating a new national army.”⁹²

- 8.07 Jane’s Sentinel Security Assessment of Libya, in its section on the armed forces’ chain of command also noted:

[decentralization/2011/12/12/gIQA3ibOqO_story.html](#) Accessed 13 December 2011

⁸⁹ The Library of Congress, *Country Profile, Libya*, April 2005

<http://memory.loc.gov/frd/cs/profiles/Libya.pdf> Accessed 16 May 2011

⁹ Janes’s Sentinel Country Risk Assessments: Libya, updated 23 November 2011. Subscription only, hard copies available on request.

⁹¹ Reuter’s, Slow start for Libya drive to disband militias, 15 January 2012,

<http://af.reuters.com/article/sudanNews/idAFL6E8CF0AK20120115?pageNumber=2&virtualBrandChannel=0> Accessed 8 February 2012

⁹² Janes’s Sentinel Country Risk Assessments: Libya, Assessment of Armed Forces updated 25 January 2012. Subscription only, hard copies available on request.

"There remains a great deal of uncertainty as to who will hold what positions in the high command of Libya; how the command and control structure may change; and, if the structure of the Armed Forces is reorganised, when this will take place. As things stand, one of the stated aims of the National Transitional Council (NTC) is the, 'Supervision of the Military Council to ensure the achievement of the new doctrine of the Libyan People's Army in the defence of the people and to protect the borders of Libya.'"⁹³

- 8.08 Defense News, in a report of 17 November 2011, called *Libya's Old Army Appoints New Chief*, noted:

"Commanders who defected from Moamar Gadhafi's armed forces in the heat of the civil uprising named a new chief on Nov. 17, confronting the new Libyan authorities with a done-deal.

"Some 150 officers and sub-officers, gathered in the eastern city of Al-Baida, unanimously approved the nomination of Maj. Gen. Khalifa Haftar and announced the re-activation of the army, which has yet to be officially reconstituted.

"Participants agreed to choose Haftar as commander in chief of the national army due to his seniority, experience and capacity to command troops as well as the efforts he made to support the Feb. 17 revolution,' said Gen. Fraj Bunseira, head of Al-Baida's military council.

"The nomination will be presented for approval to the head of the governing National Transitional Council, Mustafa Abdel Jalil, Bunseira told an audience of senior military officers.

"Haftar, who comes from the ranks of Benghazi's military academy and trained in the former Soviet Union, defected from the Kadhafi regime in the 1990s after the Libya-Chad conflict and went to live in the United States. He returned to Libya in March to join the military campaign to unseat Gadhafi.

"The members of the old army were keen to take the lead before a formal meeting scheduled for Nov. 20 to discuss the national army. The officers believe the defense ministry is hostile to them and is ultimately responsible for the delays in reconstituting the armed forces.

"Though many officers broke ranks and joined the NATO-backed fighters during the seven-month campaign to dismantle the Gadhafi regime, they are still viewed with suspicion by scores of civilian brigades who took arms against the former strongman."⁹⁴

- 8.09 Feb 17 info reported on 3 January 2012 that "Yussef al-Mangush who took voluntary retirement from Kadhafi's military and even participated in the rebellion against the former leader, was promoted to the rank of general and appointed as chief of staff, said NTC member Abdelrazzak al-Aradi." The report noted that "In November about 150 officers from the former military gathered in the town of Baida to appoint Major General Khalifa Haftar as the new chief of staff in an attempt to pressure the NTC, but his appointment was never made official."⁹⁵

⁹³ Janes's Sentinel Country Risk Assessments: Libya, Chain of Command - Armed Forces updated 25 January 2012. Subscription only, hard copies available on request.

⁹⁴ Defense News, *Libya's Old Army Appoints New Chief*, 17 November 2011
<http://www.defensenews.com/story.php?i=8286887&&s=TOP> Accessed 22 November 2011

- 8.10 The New York Times, in a report of 21 November 2011, called *Libya Tries to Build Army That Can March Straight and Defang Militias* stated:

“You are not going to see a good, really good military,’ Gen. Abdul Majid Fakh, an instructor at the military academy under Col. Muammar el-Qaddafi who later defected, said as he supervised the training. ‘We are just beginning to build.’

“Libya has never had a truly professional national army - a cornerstone in the building of a modern state - one that was not the personal tool of a king or dictator and purposely kept weak and divided to avert coups. And the effort at building one by the struggling new interim government may be its most difficult and important task.

“Only a respected army will be able to persuade or force the various competing and heavily armed militias around the country to disarm and join together under a unified leadership. The challenge was underscored over the weekend when a militia from the town of Zintan captured Seif al-Islam el-Qaddafi, Colonel Qaddafi’s son and onetime heir apparent, without any help from the army, and then refused to turn him over to the central government.

“The army is trying to build respect by holding parades around the country, complete with parachute jumps and fly-bys by Soviet-era MIG fighter jets and Mi-8 helicopters. But even the officers of the new force say they face challenges in building national veneration around the military, as well as in breaking old habits of officer cronyism and allegiance to one strongman or another.

“The new army, which numbers a few thousand and includes many soldiers who deserted Colonel Qaddafi’s military, needs barracks, uniforms, vehicles, boots, radios, even flashlights, officers say. Rather than having a central unified command, it is being formed by distinct committees in different cities, following the model of the diverse bunch of militias that fought the war against the dictatorship. And perhaps most troubling, the militias across the country are already refusing to take its orders.

“Diederik Vandewalle, an expert on Libya at Dartmouth College, said it would be difficult for the new army to fulfil ‘the first requirement of any modern state — to have a monopoly on violence.’ He added, ‘One of the elements you need to instil in your soldiers is a sense of national identity, and that identity has to be on a national level. But the militias have an identity tied to their group or town.’...

“Army leaders said their force was mostly training now, but also protecting government buildings and hunting down small groups of former Qaddafi supporters who had not yet surrendered.

“They said they planned to build the army methodically. First, committees are being formed in cities around the country to interview militia fighters and decide who should be in the army, who should be in the police, and who is not qualified for either. People with special experience or abilities, like computer skills, will be assigned special tasks.

“Militia members without formal military experience outside the rebellion need to be taught proper tactics, and old members of the military need to be retrained, officers said.

⁹⁵ Feb 17 Info, Former colonel appointed chief of Libya’s new army, 3 January 2012
<http://feb17.info/news/former-colonel-appointed-chief-of-libya-new-army/> Accessed 13 February 2012

“A lot needs to be changed,’ said General Fakihi, the instructor. ‘Before the army trained terrorists. That’s over. We need to change the way soldiers treat people, and how officers treat soldiers.’

“At the same time, officers say they are preparing to persuade the various militias to give up their heavy machine guns, antiaircraft weapons and rocket launchers, which they say are no longer needed at road checkpoints.”⁹⁶

8.11 Reuters, in a report of 5 January 2012 called *Libyan Soldiers Demand Salaries*, stated:

“Hundreds of Libyan soldiers protested on Thursday [5 January 2012] in the eastern city of Benghazi, demanding payment of overdue wages and complaining militia groups had taken over their bases and were not interested in joining a new national army.

“The soldiers, part of a force marginalized by ousted leader Muammar Gaddafi, gathered outside a branch of the central bank in Benghazi in their military uniforms and clutching their arms.

“They said the new government should focus on building a new army rather than giving cash compensation to former rebels who have formed powerful regional militia since ousting Gaddafi.

“‘The revolutionaries don’t want to join an organized military, they want to keep their current situation,’ said Al Mabrouk Abdullah al-Oraibi, who worked in the military’s accounting department but now works in the military police.

“The former dictator distrusted the military and effectively dismantled the armed forces in the 1990’s, leaving them with little personnel and arms.

“‘We haven’t been paid for three months,’ Oraibi, 28, said. ‘The national council is marginalizing the Libyan army, they are in favour of the militias.’

“Earlier this week, Libya appointed a head of the armed forces in the first significant move to build a new military.

“At the same time, Mustafa Abdul Jalil, the chairman of the National Transitional Council (NTC), warned that intermittent turf wars among rival militias could spark a civil war after four militants were killed in a clash in Tripoli.”⁹⁷

For details on military service, conscription and conscientious objection see [Military Service](#).

Army/militia clashes

8.12 CBS News service, in a report of 11 December 2011, *Libyan army, militia clash, leaving 1 dead*, stated:

⁹⁶ New York Times, Libya Tries to Build Army That Can March Straight and Defang Militias, 21 November 2011

<http://www.nytimes.com/2011/11/22/world/africa/libyas-toughest-test-may-be-building-an-army.html?pagewanted=2> Accessed 23 November 2011

⁹⁷ Reuters, Libyan Soldiers Demand Salaries, 5 January 2012

<http://www.reuters.com/article/2012/01/05/us-libya-protest-benghazi-idUSTRE80421H20120105> Accessed 12 January 2012

"Army spokesman Sgt. Abdel-Razik el-Shibahy said fighters from the western mountain town of Zintan, who control Tripoli's international airport, opened fire on two occasions on Saturday on the convoy of Gen. Khalifa Hifter, the commander of the fledgling national army. El-Shibahy accused the Zintan revolutionaries of trying to assassinate Hifter, and said one guard was killed and four others wounded in the second attack...

"The Zintan fighters, who also control a number of checkpoints on the highway leading to the airport, said Hifter's convoy failed to stop at one of the security posts, and instead sped through it, causing the Zintanis to open fire.

"What do you expect fighters to do when a heavily armed military convoy tries to pass checkpoints without previous notification?' Khaled el-Zintani [a spokesman for the Zintan fighters] said.

"The clashes highlight one of the biggest challenges facing Libya's new leaders — establishing functioning security services, including an army and border guards. Currently, semiautonomous militias that fought against Qaddafi still control key locations, including the capital's airport, and have proven reluctant to submit to the authority of the still weak interim national government."⁹⁸

- 8.13 The BBC News, in a report of 7 January 2012, *Libya's ex-rebels reluctant to down arms*, noted:

"Although the commander-in-chief of the army has recently been named - Youssef Mangoush - the force has yet to be established. The Zintan commander in Tripoli, Mukhtar al-Akhdar, tells me his men will join an army once it's formed, but that for now they have the right to remain in place...

"The town of Zawiyah, just west of Tripoli, is leading the way in changing the status quo. A group of ex-rebels there have now formed themselves into a new local military unit, ready to join the national army once it's finally created.

"At an old army base, a ceremony formally inaugurates them as military officers: the troops hand over the guns they wielded as militias, applauded by commanders. They are then given extensive training and taught the discipline that many previously lacked: orderly marching, proper maintenance of their weapons and physical fitness.

"They are the first of tens of thousands of former rebel fighters that the government intends to disarm and integrate within new national structures such as the army and police, with many others encouraged to return to civilian life...

"But that sense of unity is rare, according to Defence Minister Osama Juwali, who believes the lingering resentment between the sides is holding up the formation of a national defence force.

"Two armed groups in eastern Libya have already said they will not accept Mr Mangoush as commander-in-chief since he was a colonel under Gaddafi until 1999, when he retired. He then joined the rebels early on in the uprising.

"The main problem is that most of the former rebels have not accepted to work with

⁹⁸ CBS News, Libyan army, militia clash, leaving 1 dead, 11 December 2011. http://www.cbsnews.com/8301-202_162-57341042/libyan-army-militia-clash-leaving-1-dead/ Accessed 12 December 2011

fighters from the old regime, because they think those people helped Gaddafi during the war,' Mr Juwali says. 'The national army and police need time to be formed. And once they're in place, the rebels will hand in their arms, because they'll feel safe.'" ⁹⁹

See also [Non-government armed forces](#)

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Human rights violations by security forces (under the gaddafi regime)

Arbitrary arrest and detention

- 8.14 The United States Department of State, *Country Report on Human Rights Practices 2010, Libya*, (USSD Report 2010) published 8 April 2011, noted, "The criminal code establishes procedures for pre-trial detention and prohibits arbitrary arrest and detention, but the government did not observe these prohibitions. As in previous years, there were reports that security forces arbitrarily arrested and detained citizens. Security services detained individuals without formal charges and held them indefinitely without court convictions."¹
- 8.15 The same source continued:
- "Security forces committed serious human rights abuses with impunity, including the lengthy extralegal detentions of political prisoners. They intimidated, harassed, and detained individuals without formal charges and held them indefinitely without court convictions, particularly in cases involving the political opposition. They regularly enjoyed impunity from criminal acts committed while performing their duties... Incommunicado detention remained a problem. The government held many political detainees incommunicado for unlimited periods in unofficial detention centres controlled by branches of the security services. There were reports of nationals and foreigners detained without charge by the ISO"¹⁰¹
- 8.16 The Foreign and Commonwealth Office, in its report on *Human Rights and Democracy: Libya*, published 31 March 2011, noted:
- "We continue to have strong concerns about the practice of extra-judicial detention and the ability of the security forces to act outside of the law with impunity... A large number of individuals remain in arbitrary detention in Libya's high-security prisons. Some are reported to have been detained without charge or remain in pre-trial detention. Others have been acquitted or have been convicted through court proceedings that do not meet international standards for a fair trial. At the General People's Congress in January, the secretary of the General People's Committee for Justice highlighted this problem and said that the Committee was not able to resolve it. He claimed that more than 300 individuals remained imprisoned without any legal basis..."

⁹⁹ BBC News, Libya's ex-rebels reluctant to down arms, 7 January 2012

<http://www.bbc.co.uk/news/world-africa-16443441> Accessed 16 January 2012

¹ The United States Department of State, *Country Report on Human Rights Practices 2010, Libya*, published 8 April 2011, Section 1d - Role of the Police and Security Apparatus.

<http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 16 May 2011

¹⁰¹ The United States Department of State, *Country Report on Human Rights Practices 2010, Libya*, published 8 April 2011, Section 1d - Role of the Police and Security Apparatus.

<http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 16 May 2011

"In response to international concern about arbitrary detentions, Libya claimed that it had released all of its arbitrary detainees and political prisoners who had 'abandoned the use of terrorist acts'".¹⁰²

For details of the law on arrest and detention, see [Arrest and detention – legal rights](#).

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Torture

8.17 The USSD Report 2010 noted:

"The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment, but security personnel reportedly tortured and abused detainees and prisoners routinely during interrogations or as punishment. In December 2009 the Qadhafi International Charity and Development Foundation (QDF), an NGO founded and chaired by Muammar al-Qadhafi's son, Saif al-Islam al-Qadhafi, that is registered in Switzerland with executive offices in Tripoli, released a report on human rights practices in the country. In a statement accompanying the release, the QDF said during the year it had recorded 'several flagrant violations' and received a 'large number of complaints' of torture during imprisonment and called for the government to waive immunities from prosecution for officials accused of torture.

"There were reports of torture and abuse during the year. On July 2, HRW reported that guards had beaten members of a group of more than 300 Eritreans detained on charges of illegal immigration.

"In previous years reported methods of torture and abuse included chaining prisoners to a wall for hours; clubbing; applying electric shock; applying corkscrews to the back; pouring lemon juice in open wounds; breaking fingers and allowing the joints to heal without medical care; suffocating with plastic bags; depriving detainees of sleep, food, and water; hanging by the wrists; suspending from a pole inserted between the knees and elbows; burning with cigarettes; threatening with dog attacks; beatings on the soles of feet; being suspended by the arms; and denial of medical treatment.

"The law sanctioned corporal punishments such as amputation and flogging; no official cases were available for citation that such punishments were carried out...

"In July Saif al-Islam al-Qadhafi conceded publicly that acts of torture and excessive violence had taken place in prisons. In a 2009 meeting with HRW, Ministry of Justice officials complained that they were denied permission from the Ministry of Public Security to prosecute members of the Internal Security Organization (ISO) for alleged crimes committed within ISO-run prisons as well as arbitrary detentions outside of official detention centres."¹⁰³

8.18 The Foreign and Commonwealth Office, in its report on *Human Rights and Democracy*:

¹⁰² The Foreign and Commonwealth Office, *Human Rights and Democracy, Libya*, 31 March 2011 <http://s3-eu-west-1.amazonaws.com/htcdn/Human-Rights-and-Democracy-The-2010-Foreign-Commonwealth-Report.pdf> Accessed 12 January 2012

¹⁰³ The United States Department of State, *Country Report on Human Rights Practices 2010, Libya*, published 8 April 2011, Section 1c - Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 25 May 2011

Libya, published 31 March 2011, noted:

"Torture is considered a crime under the Libyan penal code, but prosecutions are rare and elements of the Libyan security services seem able to act with impunity. Both international and domestic human rights organisations have received credible reports of torture and mistreatment in recent years. In response to recommendations at the Universal Periodic Review that it should adopt domestic legislation in line with international standards on the definition of torture, Libya claimed that these had already been, or were in the process of being, implemented."¹⁰⁴

Extra-judicial killings

The 1996 Abu Salim Prison Massacre

- 8.19 Human Rights Watch, in its *2011 World Report: Libya*, published 24 January 2011, stated:

"The authorities have not made public any account of the June 1996 Abu Salim prison massacre in which 1,200 prisoners were killed, nor have they held anyone responsible. On September 6, 2009, the acting secretary of defense established a seven-judge investigation panel, headed by a former military tribunal judge, to conduct an investigation. The panel's final report was due in March 2010, but it remains unpublished at this writing. Libyan authorities offered compensation of 200,000 dinars (US\$162,000) to families who agree to relinquish all legal claims, but most of the victims' families in Benghazi, Libya's second-largest city, refused to accept compensation on those terms and continued to call for criminal accountability. In June families reported that local authorities and security officials were pressuring them to relinquish their compensation claims."¹⁰⁵

- 8.20 The BBC News in a report of 28 September 2011, Libyan 'prison massacre grave' revives painful memories, describes how a mass grave, possibly containing those killed at the prison, had been discovered:

"The discovery of what is believed to be a mass grave for more than 1,200 prisoners killed at Tripoli's Abu Salim jail in 1996 has evoked painful memories for those who have waited years to learn the fate of loved ones, the BBC's Rana Jawad reports from Tripoli.

"The site is a massive, arid plot of land scattered with dry shrubs that stretches out behind the outer concrete walls of Tripoli's Abu Salim prison - a place long associated with the horrors of incarceration. Some recently uncovered bone fragments are strewn in several locations.

"It is here that officials think some 1,270 prisoners were buried after what is known as the Abu Salim massacre, one of the darkest chapters of Col Gaddafi's rule."¹⁰⁶

¹⁰⁴ The Foreign and commonwealth Office, Human Rights and Democracy, Libya, 31 March 2011 <http://s3-eu-west-1.amazonaws.com/htcdn/Human-Rights-and-Democracy-The-2010-Foreign-Commonwealth-Report.pdf>

Accessed 31 May 2011

¹⁰⁵ Human Rights Watch, World Report 2011: Libya, 24 January 2011 <http://www.hrw.org/en/world-report-2011/libya> Accessed 31 May 2011

¹⁰⁶ BBC News, Libyan 'prison massacre grave' revives painful memories, 28 September 2011 <http://www.bbc.co.uk/news/world-africa-15058755> Accessed 12 December 2011

- 8.21 The United Nations Department of Public Information, in a media release of 4 November 2011, called *Activities of the Secretary-General in Libya on 2 November [2011]*, noted, “The Secretary-General then visited a mass-grave site near the capital and met with the survivors and families of victims of a massacre that had been carried out by the Khamis Brigade on the eve of their retreat from Tripoli. The victims were summarily executed in a warehouse adjacent to the brigade’s headquarters by hand grenades and automatic weapons fire. The building was also set on fire.”¹⁰⁷

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Human rights violations by government forces (under the national transitional council)

Arbitrary arrest and detention

- 8.22 Human Rights Watch, in a report of 5 June 2011 *Libya: Opposition Arbitrarily Detaining Suspected Gaddafi Loyalists*, stated:

“Libyan opposition authorities are arbitrarily detaining dozens of civilians suspected of activities in support of Muammar Gaddafi, Human Rights Watch said today. The opposition authorities, which exercise control in eastern Libya and parts of the west, should provide the detainees with full due process rights or release them, Human Rights Watch said.

“The authorities should also bring volunteer security groups that have formed in the east under a recognized civilian authority and investigate their alleged abuses, Human Rights Watch said. One detainee of a volunteer group was apparently tortured to death in custody.

“‘There is no excuse to delay the rule of law in areas under opposition control,’ said Sarah Leah Whitson, Middle East and North Africa director at Human Rights Watch. ‘The authorities should rein in volunteer security groups, establish a clear civilian authority for criminal justice, and make sure detainees get full due process rights.’

“Arrests should be made only by civilian authorities based on concrete criminal charges backed by evidence, rather than on vague accusations of pro-Gaddafi activity, Human Rights Watch said. Civilian detainees should be informed of the grounds for their detention, have access to a lawyer, and be able to challenge the allegations before an independent judicial authority.”¹⁰⁸

- 8.23 The report continued in more detail:

“Over the past two months, Human Rights Watch has visited rebel-held detainees in Benghazi, Misrata, and Zintan, interviewing the detainees and the opposition officials holding them. In all three opposition-held cities, the authorities allowed Human Rights Watch unrestricted access, including private meetings with detainees.

“As of May 28, 2011, opposition forces were detaining about 330 civilians and

¹⁰⁷ UN Dept Public Information, *Activities of the Secretary-General in Libya on 2 November*, 4 November 2011 <http://www.un.org/News/Press/docs/2011/sgt2817.doc.htm> Accessed 14 December 2011

¹⁰⁸ Human Rights Watch, *Libya: Opposition Arbitrarily Detaining Suspected Gaddafi Loyalists*, 5 June 2011 <http://www.unhcr.org/refworld/country,,,LIBY,,4dedbd2e2,0.html> Accessed 8 June 2011

combatants - 118 in Benghazi, 160 in Misrata, and 52 in Zintan. Detainees in some eastern Libyan towns have been released or transferred to Benghazi after interrogation. Additional detainees may be held in other opposition controlled cities and towns.

"The exact number of civilian detainees - non-fighters, most of them accused of association with Gaddafi's internal security apparatus or Revolutionary Committees - remains unclear because the opposition authorities do not always distinguish them from captured fighters. The Revolutionary Committees are an influential ideological organization Gaddafi has used to enforce control.

"In Benghazi, at least 41 of the detainees as of May 28 were civilians. Human Rights Watch interviewed 20 of them privately between March and May. None complained of mistreatment in detention or showed signs of physical abuse, but four alleged they had been physically abused when they were captured. None had seen a lawyer or been able to challenge their detention before an independent judicial authority.

"I have not seen a lawyer or a judge,' said one civilian detainee in Benghazi who was subsequently released. He claimed he was being held 'just because someone hated me.'" ¹⁰⁹

- 8.24 Human Rights Watch, in a further report of 30 December 2011 by their Middle East and North Africa director, stated:

"Meanwhile the [transitional] council shouldn't wait until it has full command over the militias to assert its authority over the more than 5,000 detainees those militias are holding, outside any jurisdiction of Libya's laws or justice system.

"Human Rights Watch found serious abuses when we visited these detention centres, including beatings and torture, as well as wide-scale arbitrary arrests of dark-skinned Libyans and African migrants suspected of having supported Qaddafi's forces. These people should be transferred to official custody, where they should either be charged based on evidence of wrongdoing or released.

"It's critical for the transitional council to demonstrate that in the new Libya justice will not play favourites, and that all Libyans will get equal protection under the law. We urged Abdel-Jalil to support the independent commission for the missing, so that it can work to find missing persons on both sides of the conflict.

"The council also should ensure that independent judges and prosecutors can fully and fairly investigate allegations of the worst abuses during the conflict, even if people who fought to end Qaddafi's reign are implicated, or their victims were the Qaddafi forces. In Sirte, for example, Human Rights Watch documented the apparent execution by anti-Qaddafi forces of 53 people outside the Mahari Hotel, some with their hands and feet bound. The council should not sweep such atrocities under the rug."¹¹

- 8.25 The United Nations Office for the High Commissioner for Human Rights, in a report of 18 October 2011, *Rebuilding Libya*, noted:

"The UN Human Rights office estimates as many as 7,000 people are being held in

¹⁰⁹ Human Rights Watch, Libya: Opposition Arbitrarily Detaining Suspected Gaddafi Loyalists, 5 June 2011 <http://www.unhcr.org/refworld/country,,,LIBY,,4dedbd2e2,0.html> Accessed 8 June 2011

¹¹ Human Rights Watch, In Libya: Building the Rule of Law, 30 December 2011 <http://www.hrw.org/news/2011/12/30/libya-building-rule-law> Accessed 10 June 2011

detention in Libya presenting the interim administration with one of its most pressing and complex challenges. This assessment from Mona Rishmawi, the Chief of Rule of Law Branch at the UN Human Rights office follows a week-long mission to Libya to assess the country's human rights priorities following the fall of the Gaddafi regime.

"Describing existing conditions for the detainees as 'a recipe for abuse', Rishmawi said there is no functioning police force and the prison authorities are operating under a justice system which itself is not back up and running. The thousands of people being held come from many different backgrounds and there is no way of knowing exactly who they are because there is no thorough and rigorous screening system in place, she said.

"At a news briefing in Geneva at the conclusion of the mission, Rishmawi said these people had been picked up by armed irregulars who have been fighting against the Gaddafi loyalists. 'These irregulars,' she said, 'have no training in running detention centres.'" ¹¹¹

For details of the law on arrest and detention, see [Arrest and detention – legal rights](#).

Torture

- 8.26 The BBC News, in a report of 28 January 2012, called 'Libya prisoners make new torture allegations' noted:

"New evidence has emerged that supporters of the former Libyan leader, Col Gaddafi, have been tortured while in detention. The BBC has been told by inmates at a jail in Misrata that they were beaten, whipped and given electric shocks. The head of the city's military council has dismissed the allegations. United Nations human rights chief Navi Pillay has called on Libya's transitional government to take full control of all prisons...

"Earlier this week the medical charity Medecins Sans Frontieres said it was suspending its work in one Misrata detention centre because of an alarming rise in torture cases... Prison officials say they are powerless to stop inmates being taken away for torture 'The torture is being carried out by officially recognised military and security entities as well as by a multitude of armed militias operating outside any legal framework,' a spokesman for London-based Amnesty International said on Friday.

"The people running the Misrata detention centre told the BBC they were aware of inmates being taken away to be tortured, but were powerless to stop it. Many detention centres are controlled by militias unaccountable to the government.

"Navi Pillay expressed concern on Friday about the treatment of prisoners, but especially sub-Saharan Africans who the militias assume to have been fighting for Col Gaddafi. 'There's torture, extrajudicial executions, rape of both men and women,' she told the Associated Press news agency." ¹¹²

- 8.27 Human Rights Watch, in a press release of 3 February 2012, noted, "A Libyan diplomat who served as ambassador to France died less than 24 hours after he was detained by a Tripoli-based militia from the town of Zintan, Human Rights Watch said today. Dr.

¹¹¹ Office for the High Commissioner for Human Rights, Rebuilding Libya, 18 October 2011 <http://www.ohchr.org/EN/NewsEvents/Pages/RebuildingLibya.aspx> Accessed 23 January 2012

¹¹² BBC News, Libya prisoners make new torture allegations, 28 January 2012 <http://www.bbc.co.uk/news/world-africa-16771372> Accessed 8 February 2012

Omar Brebesh, who was detained on January 19, 2012, appears to have died from torture.”¹¹³

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Human rights abuses committed by both sides during the uprising

- 8.28 The United Nations News Service, in a report of 20 December 2011, *Libya: UN panel encouraged by commitment to tackle rights abuses*, noted:

“A three-member panel tasked by the United Nations with probing human rights violations committed during the Libyan conflict said today it is encouraged by the Government’s commitment and initial steps taken to address the abuses that occurred.

“The Commission of Inquiry on Libya was set up by the UN Human Rights Council in February to probe serious violations committed by all parties in the North African nation, where pro-Government forces and rebels had engaged in fighting for months after a pro-democracy movement emerged at the start of the year.

“‘We were pleased to receive assurances of the Government’s continued commitment to human rights, and we are encouraged by the initial steps the Government is taking to address the human rights violations that occurred during the recent conflict,’ said Judge Philippe Kirsch, a former president of the International Criminal Court (ICC), who serves as the commission’s chairperson...

“The commission will return to Libya next month to continue its investigations in Ajdabiya, Benghazi, Bani Walid, Brega, Misratah, Nalut, Sirte, Yefren and Zintan...

“In a report presented in June, the commission said that both Government forces and the opposition have committed war crimes during the weeks of fighting following the uprising.”¹¹⁴

- 8.29 The United Nations General Assembly Security Council report of 13 January 2012 into *Conflict-related sexual violence* looked at the situation in Libya during the recent uprising:

“In their testimonies, men who had been arrested and detained between March and June 2011 at the Abu Salim prison and detention facilities such as the Salah-al-Din Centre for Criminal Interrogation, the Maetiga detention centre, the Bojamil Centre of Interior Security and the Gheryan military battalion, reported being subjected to torture and ill-treatment, as well as to sexual assaults, threats of rape against them and their families, and rape, including anal rape with an automatic weapon, electric shocks to their genitals, and having acid thrown on their private parts by the former Qadhafi security forces, including the prison director of the Abu Salim prison, members of the Subhan battalion in Gheryan and auxiliary security agents belonging to the President of the Popular Guard, Mansour Dowd. They had also been threatened with death for failing to confess. The men noted the presence of female and child detainees, and did not rule out the possibility that they were also being raped and sexually abused.

¹¹³ HRW Press release 3 February 2012, <http://www.hrw.org/news/2012/02/02/libya-diplomat-dies-militia-custody> Accessed 8 February 2012

¹¹⁴ UN News Centre, Libya: UN panel encouraged by commitment to tackle rights abuses, 20 December 2011 <http://www.un.org/apps/news/story.asp?Cr=Libya&NewsID=40791> Accessed 10 January 2012

“Separately, members of the former Qadhafi forces who are currently in detention in the Haffra prison, Tajoura region, also report having been subjected to torture and ill-treatment to elicit confessions for crimes of which they had been accused, including rape and other forms of sexual violence. They deny having received orders to rape from their superiors. In one case, the detainee reported that he had been blindfolded, handcuffed and subjected to electric shocks on his genitals by members of the Abu Hakim Alhalib rebel forces. The head of the centre for the rehabilitation and reform of prisoners in Tajoura confirmed that two members of the former regime were currently in detention on charges of rape committed in the Misrata region during the conflict.”¹¹⁵

See also Recent Developments: [war crimes](#)

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9. Military service

Conscription (under the gaddafi regime)

- 9.01 The Library of Congress, *Country Profile: Libya*, dated April 2005, observed that “Libya has selective conscription for 3–4 years.” The report went on to say, “The Compulsory Military Service Statute of 1978 made all eligible males between the ages of 17 and 35 subject to a draft commitment of three years of active service in the army or four years in the air force or navy. A 1984 statute mandated compulsory military training for all Libyans coming of age, whether male or female, to achieve total mobilization of the population in the event of national emergency.”¹¹⁶
- 9.02 War Resisters’ International, in its report into conscription in Libya, updated 7 August 1998, added:
- “Compulsory military service exists alongside the military training in the People’s Militia, the reserve force.
- “After performing military service, all men between 18 and 35 are subject to a few weeks of compulsory military training every year. Between the ages of 45 to 55 men are supposed to get trained in specific defence tasks. After 55, they become Moudjahidine in the coast guard or in the Jamahiriyan Guard.
- “Not much is known about the actual recruitment into the armed forces. Considering the size of the armed forces and the potential of conscripts, it can be concluded that only a small proportion of conscripts is actually recruited.
- “According to Amnesty International in 1985, recruitment often takes the form of press-ganging youth into the armed forces.”¹¹⁷
- 9.03 The Coalition to Stop the Use of Child Soldiers in its *Global Report 2008 - Libya*, published 20 May 2008, stated, “According to Libya’s Second Periodic Report to the

¹¹⁵ United Nations General Assembly Security Council Conflict-related sexual violence, 13 January 2012 <http://www.un.org/Docs/sc/sgrep12.htm> (when link opened, to access report click on S/2012/33).

Accessed 23 January 2012

¹¹⁶ The Library of Congress, *Country Profile, Libya*, April 2005 <http://memory.loc.gov/frd/cs/profiles/Libya.pdf> Accessed 16 May 2011

¹¹⁷ War Resisters’ International, *Libya – conscription*, 7 August 1998 http://www.wri-irg.org/programmes/world_survey/reports/Libya Accessed 16 May 2011

Committee, national service was compulsory for 'medically fit' men aged between 18 and 35."¹¹⁸

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During the 2011 uprising

- 9.04 The Daily Telegraph, in an article of 15 April 2011, called *Libya crisis: Gaddafi using schoolboy conscripts on front line*, reported on young conscripts being forced to fight against the rebels during the current uprising in Libya:

"Col Muammar Gaddafi is using schoolboy conscripts as young as 15 in his battle to regain the besieged town of Misurata according to young government troops captured by rebels.

"The teenagers are told they are going on training exercises until they reach the front lines, when they are given rifles and told by officers they will be shot if they retreat or desert.

"Two badly-wounded teenage fighters shown to The Daily Telegraph said they were told Misurata had been overrun by drug addicts, Islamic militants and Egyptian invaders. One said his own side had opened fire on his own teenage detachment when they later fled from the rebels.

"In the past week, the conscripts have been thrust into fighting along the strategic 'heavy road' connecting the Benghazi to Tripoli highway with the commercial port ten miles away at Ghasr Ahmad.

"Umran, a 17-year-old from near Tripoli, said he had spent two years at a military school only to leave and work in a shop in November. He was recalled to barracks 'for more training' as soon as the February 17 uprising began and kept for 40 days without access to the radio or television.

"He said: 'I was given a rifle and we were told we were going to shoot targets on an exercise. Then we found ourselves in Misurata. There were 90 of us, aged 15 to 19. We were told we had to cleanse Misurata. There were invaders from Egypt and we had to fight against them. We said we didn't want any part in it and requested to leave. They refused and some tried to run off and officers fired on them.' "¹¹⁹

- 9.05 A Reuters article of 5 May 2011, called *Fear of crackdown, conscription haunts Libyan capital* noted, "One Tripoli resident said families had been warned that the army may call men between 18 and 40 years old to fight. The army has yet to enforce conscription, the resident said, but some families were already thinking of sending their sons abroad."¹²

¹¹⁸ The Coalition to Stop the use of child Soldiers, Global Report 2008-Libya <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=486cb113c&skip=0&coi=LB&querysi=conscription&searchin=fulltext&display=10&sort=date> Accessed 14 June 2011

¹¹⁹ The Daily Telegraph, Libya crisis: Gaddafi using schoolboy conscripts on front line, 15 April 2011 <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8453737/Libya-crisis-Gaddafi-using-schoolboy-conscripts-on-front-line.html> Accessed 7 June 2011

¹² Fear of crackdown, conscription haunts Libyan capital, 7 May 2011 <http://www.trust.org/alertnet/news/feature-fear-of-crackdown-conscription-haunts-libyan-capital/> Date

- 9.06 The International Federation for Human Rights, in a report released on 10 March 2011, *Colonel Qaddhafi forces enrolment of African migrants in his army*, noted:

“Thousands of migrants would have been forced to join the army and are being used as front line fighters or simple human shield for Libyan soldiers in street fights as happened in the city of Zawiya on March 6, 2011. Eyewitness reported a score of Africans seen marching on the front line to protect the advancing Libyan troops loyal to Colonel Qaddhafi and most of the casualties were regrettably in their ranks. ‘The life of African migrants in Libya is under real threat. The Security Council, which has the responsibility of maintaining international peace and security and the protection of civilian population, must urgently interfere with the Government of Libya to immediately stop such practice that is, not only immoral, but also violates the basic migrant’s rights as guaranteed by international law’ declared Sliman Bouchuiguir, secretary General of LLHR (Libyan League for Human Rights).”¹²¹

- 9.07 Al-Jazeera in a report of 9 April 2011, called *Migrants forced to fight for Gaddafi*, noted:

“Among the reports of atrocities occurring in Libya are claims from African migrants that they were abducted and forced to fight with Gaddafi’s forces.

“Nearly all migrants from sub-Saharan Africa, who arrive at the desert refugee camp in Tunisia, have fled in fear of violent reprisals by Libyans who accuse them of being mercenaries. The extent to which Gaddafi’s military has used foreign mercenaries, or press-ganged migrants into fighting, remains unclear.

“A former Nigerian police officer, who had worked in Libya for eight years as a technician, alleges he was abducted in mid-March at a military checkpoint in Tripoli, along with other men from Ghana, Mali and Niger, before being taken to a military centre.”¹²²

See [Section 27](#) for more information about foreign refugees and migrants

Conscientious objection

- 9.08 War Resisters’ International, in its report into conscription in Libya, updated 7 August 1998 noted, “The right to conscientious objection is not legally recognised and there is no provision for a substitute service...Refusing to perform military service is punishable by three years’ imprisonment and deprivation of civil rights for 10 years.” The report went on to say that there was no information available as to how this was managed in practice.¹²³

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accessed 7 June 2011

¹²¹ International Federation for Human Rights, Colonel Qaddhafi forces enrolment of African migrants in his army, 10 March 2011 <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4d7a060b2&skip=0&coi=LB&querysi=migrants&searchin=title&display=10&sort=date> Accessed 7 June 2011

¹²² Al-Jazeera, Migrants forced to fight for Gaddafi, 9 April 2011 <http://english.aljazeera.net/indepth/features/2011/04/20114818291705627.html> Accessed 7 June 2011

¹²³ War Resisters’ International, Libya – conscription, 7 August 1998 http://www.wri-irg.org/programmes/world_survey/reports/Libya Accessed 16 May 2011

10. Non-government armed forces

Overview

- 10.01 The Executive Summary and Recommendations of The International Crisis Group report *Holding Libya Together: Security Challenges After Qadhafi*, published 14 December 2011, noted:

“As the recent upsurge of violence dramatically illustrates, the militias that were decisive in ousting Qadhafi’s regime are becoming a significant problem now that it is gone. Their number is a mystery: 100 according to some; three times that others say. Over 125,000 Libyans are said to be armed. The groups do not see themselves as serving a central authority; they have separate procedures to register members and weapons, arrest and detain suspects; they repeatedly have clashed. Rebuilding Libya requires addressing their fate, yet haste would be as perilous as apathy. The uprising was highly decentralised; although they recognise it, the local military and civilian councils are sceptical of the National Transitional Council (NTC), the largely self-appointed body leading the transition. They feel they need weapons to defend their interests and address their security fears.

“A top-down disarmament and demobilisation effort by an executive lacking legitimacy would backfire. For now the NTC should work with local authorities and militias – and encourage them to work with each other – to agree on operational standards and pave the way for restructured police, military and civilian institutions. Qadhafi centralised power without building a central state. His successors must do the reverse...

“The NTC’s desire to bring the militias under central control is wholly understandable; to build a stable Libya, it also is necessary. But obstacles are great. By now, they have developed vested interests they will be loath to relinquish. They also have become increasingly entrenched. Militias mimic the organisation of a regular military and enjoy parallel chains of command; they have separate weapons and vehicle registration procedures; supply identification cards; conduct investigations; issue warrants; arrest and detain suspects; and conduct security operations, sometimes at substantial cost to communities subject to discrimination and collective punishment.

“They also have advantages that the NTC and the National Army lack, notably superior local knowledge and connections, relatively strong leaderships and revolutionary legitimacy. In contrast, the NTC has had to struggle with internal divisions, a credibility deficit and questions surrounding its effectiveness. It has had to deal with ministries still in the process of reorganisation and whose employees – most of them former regime holdovers – have yet to cast off the ingrained habit of referring any decision to the ministerial level.”¹²⁴

- 10.02 The same report considered that political representation and a legitimate relevant army is crucial to stability:

“But the heart of the matter is political. The security landscape’s fragmentation – and militias’ unwillingness to give up arms – reflects distrust and uncertainty regarding who

¹²⁴ International Crisis Group, *Holding Libya Together: Security Challenges After Qadhafi* (Executive Summary and Recommendations), 14 December 2011
<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/Holding%20Libya%20Together%20-%20Security%20Challenges%20after%20Qadhafi.pdf> Accessed 20 December 2011

has the legitimacy to lead during the transition. While the NTC and reconstituted National Army can point out they were among the first to rebel or defect and were crucial in obtaining international support, others see things differently. Some considered them too eastern-dominated and blamed them for playing a marginal role in liberating the west. Civilians who took up arms and who had been powerless or persecuted under Qadhafi resent ex-senior officials who defected from the army and members of the regime's elite who shifted allegiances and now purport to rule. Although they are represented on the council, many Islamists consider the NTC overly secular and out of touch with ordinary Libyans. Above all else, militias – notably those in Tripoli, Zintan and Misrata – have their own narrative to justify their legitimacy: that they spearheaded the revolution in the west, did the most to free the capital or suffered most from Qadhafi's repression.

"Formation of a new cabinet was supposed to curb militia-on-militia violence as well as defiance of the National Army; it has done nothing of the kind. Instead, violence in the capital if anything has escalated, with armed clashes occurring almost nightly. Regional suspicion of the central authority remains high as does disagreement over which of the many new revolutionary groups and personalities ought to be entrusted with power.

"The problem posed by militias is intimately related to deeper, longer-term structural issues: Qadhafi's neglect of the army along with other institutions; regional friction and societal divisions (between regions, between Islamist-leaning and secularist-leaning camps, as well as between representatives of the old and new orders); the uprising's geographically uneven and uncoordinated development; the surplus of weapons and deficit in trust; the absence of a strong, fully representative and effective executive authority; and widespread feeling among many armed fighters that the existing national army lacks both relevance and legitimacy."¹²⁵

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Militia Groups

Rebels' National Army

10.03 The International Crisis Group report *Holding Libya Together: Security Challenges After Qadhafi*, published 14 December 2011, in its section *Who's Who* noted:

"The rebels' National Army emerged as a result of significant defections of officers from the former Libyan National Army in February 2011. By late February, roughly 8,000 soldiers reportedly had defected. Though dubbed 'national', in reality it never established itself as the rebels' single, country-wide force. Geography was a key constraint...most of the officers were based in the east, and many who defected early on were from the east; the rebel army itself was headquartered in Benghazi until the fall of Tripoli, when it attempted to move staff and operations to the capital. This regional divide had some exceptions. In Zintan, for example, defecting officers were prominent in the March uprising. Still, Tripolitanian and western officers wishing to join the rebellion generally had no obvious place to go; rank-and-file fighters and volunteers in the capital principally were attracted to secretly organised groups such as the Tripoli brigades.

¹²⁵ International Crisis Group, *Holding Libya Together: Security Challenges After Qadhafi* (Executive Summary and Recommendations), 14 December 2011
<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/Holding%20Libya%20Together%20-%20Security%20Challenges%20after%20Qadhafi.pdf> Accessed 20 December 2011

Even in the east, many civilians who participated in the uprising did not join the army but formed independent brigades.

“From the outset, the army’s leadership was dogged by infighting and accusations of cowardice from civilian militias that bore the brunt of casualties. Since relocating to Tripoli immediately after its liberation, the army has sought to assert its authority there, albeit with at best mixed success. It focused much of its efforts on the time-consuming process of vetting western officers for the purpose of rebuilding a truly national force and on seeking – mostly unsuccessfully – to bring the militias under army command. Those endeavours notwithstanding, the perception of the army (which controls the territory from Ras Lanuf to the Egyptian border) as an essentially eastern brigade remains. Tripoli-based observers report that the National Army’s chief of staff, Suleyman Mahmoud al-Obeidi, commands little to no authority over civilian militias and that whereas those militias have tried to coordinate among themselves, they have made scant effort to coordinate with him. An NTC official said, ‘Let’s face it – it’s more like an eastern brigade than an army.’”¹²⁶

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Tripoli Military Council

10.04 The same source continued:

“The Tripoli Military Council, led by Abdul Hakim Belhaj, oversees eleven different brigades. There are eleven corresponding members on the council, which is subdivided geographically into eastern, western and southern divisions, each with a separate headquarters. Most of its fighters are from the capital. One of these brigades is led by Belhaj himself; a Tripoli brigade source reported that it is exclusive, recruiting talent from across a variety of militias and possessing its own warrant system and administrative authority. One of the larger Tripoli brigades, comprising some 3,000 fighters, is headed by Mehdi al-Harati; among its fighters are some expatriates who returned in March. Other brigades roughly correspond to Tripolitanian neighbourhoods...

“The council and Tripoli brigades’ legitimacy and mandate were hotly disputed. They enjoyed few official links to western mountain militias groups or to the rebel National Army, which claimed that they had arisen without their knowledge or consent. With Abdul Jalil’s apparent backing, the council established its headquarters at Mitiga airbase and played a prominent role in arresting or killing loyalist forces as well as securing weapons stores. Yet in doing so, its forces came into increasingly violent confrontation with other militias seeking to carry out similar tasks.

“Belhaj has since been criticised for reportedly receiving Qatari funding after the fall of Tripoli.”¹²⁷

¹²⁶ International Crisis Group, Holding Libya Together: Security Challenges After Qadhafi (Executive Summary and Recommendations), 14 December 2011
<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/Holding%20Libya%20Together%20-%20Security%20Challenges%20after%20Qadhafi.pdf> Accessed 20 December 2011

¹²⁷ International Crisis Group, Holding Libya Together: Security Challenges After Qadhafi (Executive Summary and Recommendations), 14 December 2011
<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/Holding%20Libya%20Together%20-%20Security%20Challenges%20after%20Qadhafi.pdf>

Western Military Council

10.05 The same source continued:

“The Western Military Council, established during the western mountains campaign, aimed to coordinate efforts by the militias that had emerged in the area. It claims to control some military councils and an area of operations stretching from the Tunisian border to Misrata. At its core is the town of Zintan, whose fighters’ role and influence among western rebels rapidly grew because they rose up in the rebellion’s early stages, closely coordinated with Benghazi, and earned a reputation as tough and organised troops. The city also became a key hub for distribution of weapons and money sent by the NTC. The Western Military Council’s leadership is dominated by former National Army officers from Zintani, a fact that partly explains their superior organisation and discipline. But these characteristics are far from being shared by all its components. Several brigades, notably the Qaaqa brigade – approximately 500 heavily-armed fighters and based in Siyahyia – acquired a reputation among Tripoli brigade fighters and residents for unruly behaviour, violence and theft...

“[After entering Tripoli on 21 August 2011] they established a presence at the airport and downtown commercial office towers as well as various other strategic areas. Commanders claimed their continued presence in the capital was necessary due to security concerns... Since that time, they have refused multiple entreaties by the Tripoli Military Council to leave; their presence generated tension as armed clashes between Tripoli and Zintani brigades grew in frequency.”¹²⁸

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Misratan Military Council

10.06 The International Crisis Group report continued:

“The Misratan Military Council grew out of the small cells of Misratan youth formed to resist the regime forces. Whereas the Tripoli brigades benefited from a period of planning and basic military training in the western mountains, and the Zintani Brigade was led by individuals with genuine military experience, the Misratan brigades originated with the civilians who repelled Qadhafi troops during the city’s siege. Their training came entirely on the battlefield, as they sought to push back enemy forces from Misrata to Zlitan in the west and Tuwergha in the south. They acquired what would become their trademark black Chinese-made cars from a shipment abandoned in the city.

“For the most part, they lacked any recognisable military structure or leadership above the brigade level, gaining experience in real time and often relying heavily on sheer bravery.”¹²⁹

[%20Libya%20Together%20-%20Security%20Challenges%20after%20Qadhafi.pdf](#) Accessed 20 December 2011

¹²⁸ International Crisis Group, Holding Libya Together: Security Challenges After Qadhafi (Executive Summary and Recommendations), 14 December 2011

<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/Holding%20Libya%20Together%20-%20Security%20Challenges%20after%20Qadhafi.pdf> Accessed 20 December 2011

Difficulties facing the new government in disarming the militia groups

- 10.07 The Economist, in a report of 26 November 2011 called *Hard to control the cocky gunmen*, stated:

“A pro-Qaddafi insurgency, once feared, now looks a lot less likely. But the new authorities are still struggling to build a coherent government. Many of the militias that helped to fight Colonel Qaddafi feel entitled to a share of power. They continue to hold on to territory and weapons captured in the summer without bowing to a central authority.

“Earlier this month two militias fought each other in a territorial dispute near the town of Zawiya, west of Tripoli. National leaders tried to mediate. Qaddafi-era police, though back on the streets, were too weak to intervene. The fighting died down only after the arrival of special forces led by the man who once headed them under Colonel Qaddafi.”¹³

- 10.08 The Telegraph, in a report of 7 December 2011 called *Libyan authorities give rebel militias two weeks to hand in weapons*, noted:

“Militias have until the December 20 to leave the capital, Abdul Rafiq Buhajar, head of the Tripoli council, said. He threatened to lock down the city, banning all traffic except vehicles from the interior and defence ministries, if they failed to comply.

“He was backed by the new prime minister, Abdulrahman al-Keib, in a move that will be seen in part as a victory for Islamists. Although everyone agrees that the militias must go eventually, the decree would see the powerful, largely secular Zintan and Misurata Brigades depart, leaving the capital in the hands of the Tripoli militia led by Libya's most powerful Islamist, Abdulhakim Belhadj.

“Rebel groups from all parts of Libya stormed the capital in August, in the final assault on Col Muammar Gaddafi. Transforming opulent homes of former regime figures, government buildings and public offices into brigade 'headquarters', and endowed with a sense of victorious entitlement, the militias are proving reluctant to return to civilian roles.

“Scores of Tripoli residents protested against their frequently lawless behaviour on Wednesday [7 December].

“The attorney general, Abdel Azziz Al-Hassady, said that armed men had dragged him from his car in broad daylight and threatened his life if he failed to let one of their friends out of jail. He said he escaped only by snatching a gun from one of the attackers and pointing it at another's head until he was able to get into a car.”¹³¹

¹²⁹ International Crisis Group, *Holding Libya Together: Security Challenges After Qadhafi* (Executive Summary and Recommendations), 14 December 2011
<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/Holding%20Libya%20Together%20-%20Security%20Challenges%20after%20Qadhafi.pdf> Accessed 20 December 2011

¹³ Economist, *Hard to control the cocky gunmen*, 26 November 2011
<http://www.economist.com/node/21540298> Accessed 20 December 2011

10.09 A BBC News report of 7 January 2012, *Libya's ex-rebels reluctant to down arms*, stated:

"More than two months after the death of Col Muammar Gaddafi - and nearly five since he was removed from power - Libya's new government faces problems in securing order.

"Tripoli's international airport is now a bustling little place. It is scruffy and in need of a make-over but it is a vital lifeline for Libya as it reopens for business.

"Roaming the terminal floor and patrolling the runways are soldiers for whom this is their power-base. They are ex-rebels from the town of Zintan, south-west of the capital, who captured the airport a few months ago.

"The uprising that toppled Muammar Gaddafi last year may be over but the Zintanis remain in place: one of the many militias, or 'thwar', that control key areas of the country but are under growing pressure to disband.

"But the 'thwar' see themselves as guardians of the revolution. They hail from across Libya. Many of the towns are tiny - Zintan has only around 50,000 inhabitants - but if they happened to win a key victory in the uprising, they took on significance far beyond their stature in the new Libyan hierarchy.

"It was the Zintanis who captured Saif al-Islam Gaddafi back in November. That, along with their control of Tripoli airport, makes them a powerful force. But as Libya continues its transition from civil war to stable democracy, the government is now trying to rein in the different armed groups, replacing them with a national army and police.

"Although the commander-in-chief of the army has recently been named - Youssef Mangoush - the force has yet to be established. The Zintan commander in Tripoli, Mukhtar al-Akhdar, tells me his men will join an army once it's formed, but that for now they have the right to remain in place. 'The martyrs with me sacrificed their blood and souls to defend the revolution', he says. 'We have a duty to protect the airport. The revolution is still in danger. If we leave, there will be problems here. The people who complain about us are jealous because we're doing a good job.'

"But with sporadic clashes between the groups, the complaints are growing louder. Demonstrations in Tripoli have called for the brigades from elsewhere to leave the city. In the latest confrontation just a few days ago between militias from Tripoli and Misrata, four men were killed in the heart of the capital.

"Mustafa Abdel-Jalil, the chairman of Libya's National Transitional Council, has now warned of the possibility of a 'civil war' if the armed groups are not brought under control." ¹³²

10.10 Integrated Regional Information Networks (IRIN), in a report of 29 December 2011, *Libya's long road to disarmament*, noted:

"On 25 December [2011], the government announced a long-awaited plan to start re-

¹³¹ The Telegraph, Libyan authorities give rebel militias two weeks to hand in weapons, 7 December 2011 <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8941415/Libyan-authorities-give-rebel-militias-two-weeks-to-hand-in-weapons.html> Accessed 20 December 2011

¹³² BBC News, Libya's ex-rebels reluctant to down arms, 7 January 2012 <http://www.bbc.co.uk/news/world-africa-16443441> Accessed 16 January 2012

integrating members of hundreds - if not thousands - of disparate militias which fought to displace Gaddafi, many of whom have retained their weapons since the fighting ended in October.

"According to Ahmed Safar, undersecretary of the interim Labour Ministry, the hope is to integrate 75,000 fighters during 2012 - in a three-phase programme which will see a third joining the army, a third joining the police force and a third joining the regular labour force.

"The government estimates there are 120,000 armed men who need to be demobilized. Almost every Libyan family has a stockpile of weapons in its home...

"Under the new programme, registration of fighters could begin as soon as January, the Labour Ministry's Safar said, followed by the profiling of registrants, including a psycho-social assessment and identification of post-traumatic stress disorder, as well as a determination of skills and capacity.

"The plan calls for those interested in the security services to receive basic training and for others to have their skills matched to needs in the civilian labour market, with the possibility of additional training abroad and job placements upon return to Libya. The relevant ministries have submitted proposed budgets and plans to the Prime Minister's Office for approval...

"Safar said a government survey showed that many of the revolutionaries were leaning towards joining the police, but IRIN interviews with fighters suggested the opposite: many of them had no interest in being integrated into the security services. One Misrata militia which surveyed its members found that only three in 100 wanted to join the army." ¹³³

- 10.11 The same report noted how consolidated and entrenched the various militia have become:

"But if, for the most part, the militias have not been as big a security threat as they could have been, the real problem, analysts say, is longer term. In the three months between the liberation of Tripoli and the creation of a cabinet, militias consolidated power and became entrenched to the point that they now offer services like other regional militant groups Hezbollah and Hamas, including running hospitals.

"Many now see Libya as a country where identity is shaped more than ever by city of residence and wartime allegiance rather than wider national affiliation.

"If you don't take steps to build national institutions, these local militia and councils will be difficult to govern later on because they will develop their own identity and start solving their problems at the local levels,' the UN official in Tripoli said. 'The longer it takes you to deal with the issue of the revolutionaries, the longer they stay in power. You create new centres of power that will not be easy for them to give up.'" ¹³⁴

See also Ethnic groups – [Tribal rivalries since the Declaration of Liberation](#).

¹³³ Integrated Regional Information Networks (IRIN), Libya's long road to disarmament, 29 December 2011 <http://www.unhcr.org/refworld/country,...,LIBY,,4f0ab5ee2,0.html> Accessed 17 January 2012

¹³⁴ Integrated Regional Information Networks (IRIN), Libya's long road to disarmament, 29 December 2011 <http://www.unhcr.org/refworld/country,...,LIBY,,4f0ab5ee2,0.html> Accessed 17 January 2012

Proliferation of arms and related material

10.12 The United Nations Security Council, in a report of 22 November 2011, *Report of the Secretary-General on the United Nations Support Mission in Libya*, stated:

“A major security challenge confronting Libya and the international community is the threat posed by the proliferation of arms and related material, and its potential impact on regional and international peace and security. Of particular concern are existing and newly discovered stockpiles of chemical weapons and man-portable surface-to-air missiles, known as man-portable air defence systems. This concern has been reiterated by the Security Council in its resolution 2017 (2011)...

“Libya has accumulated the largest known stockpile of man-portable defence systems outside those countries that produce such systems. Although thousands were destroyed during the seven-month NATO operations, there are increasing concerns about the looting and likely proliferation of these portable defence systems, as well as munitions and mines, and about the potential risk to local and regional stability. Collaboration between the Ministry of Defence and international partners has led to the dismantling of large numbers of man-portable defence system sites across the country, particularly in the west. However, there are hundreds more suspected sites that remain to be inspected. While the support of the Libyan authorities in this regard has been critical to efforts already under way on this front, the formation of the interim Government should accelerate the process.

“The extensive contamination of areas from landmines and explosive remnants of war across Libya continues to pose a serious threat to the civilian population, including internally displaced persons, and to humanitarian workers...Large quantities of unexploded ordnance and ammunition stockpiles have been identified in residential areas, including in schools and hospitals. Stockpiles appear to have been moved into populated areas by Qadhafi forces to conceal them from potential airstrikes; they mostly remain unsecured and those in Sirte and Bani Walid in particular require immediate attention....

“Unsecured ammunition storage areas damaged by NATO bombings and the internal fighting represent another pressing problem. Over 440 such storage areas were bombed during the NATO campaign, in some cases leading to widespread contamination in the areas surrounding the sites. Although clearance of ammunition storage areas has been prioritized, only one team, currently operating in Tobruk, has so far been deployed, owing to limited resources and funding.”¹³⁵

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11. Judiciary

Before the 2011 uprising

11.01 The United Nations Development Programme on Governance in the Arab Region

¹³⁵ UN Security Council Report of the Secretary-General on the United Nations Support Mission in Libya, 22 November 2011
<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/592/47/PDF/N1159247.pdf?OpenElement> (to open document select s/2011/727 Accessed 17 January 2012)

(POGAR) website, undated, accessed 31 May 2011, stated, "The legal system of Libya is based on a combination of Civil Law and Islamic legal principles. The formal sources of the law, as set down in the first article of the Civil Code; include legislative provisions, Islamic principles, custom, and principles of natural law and rules of equity."¹³⁶

Organisation

11.02 The same source described the system:

"The judicial system is composed of a four-tiered hierarchy. At the base are the summary Courts, located in small towns, which hear cases involving misdemeanours of lesser value. The decisions of this court may be appealed to the Courts of First Instance, located in each of Libya's former governorates. These courts are composed of chambers of three judges and have the authority to adjudicate in all civil, criminal, and commercial cases. In addition, the jurors apply the Sharia'a principles in cases involving personal status. Cases from the Courts of First Instance may be appealed to the Courts of Appeal. There are three such courts, located in Tripoli, Benghazi, and Sabha. The Court sits in panels of three judges to hear cases. A separate body called the Sharia'a Court of Appeals hears cases appealed from the lower court involving Sharia'a."¹³⁷

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Independence and fair trial

11.03 The United States Department of State, *Country Report on Human Rights Practices 2010, Libya* (USSD Report 2010), published 8 April 2011, noted:

"The law provides for an independent judiciary, but the judicial system was not independent in practice. Although the law stipulates that every person has the right to resort to the courts, security forces had the authority to sentence without trial, particularly in cases involving the political opposition. The government used summary judicial proceedings to suppress domestic dissent. At his discretion al-Qadhafi and his close associates may interfere in the administration of justice by altering court judgments, replacing judges, or manipulating the appeal system. The judiciary failed to incorporate international standards for fair trials, detention, and imprisonment."¹³⁸

11.04 Freedom House, in its annual report, *Freedom in the World 2011 – Libya*, published 12 May 2011 noted, "The People's Court, infamous for punishing political dissidents, was abolished in 2005, but the judicial authority has since created the State Security Court, which carries out a similar function. The judiciary as a whole remains subservient to the political leadership and regularly penalizes political dissent."¹³⁹

11.05 The Freedom House report of 10 November 2011, *Countries at the Crossroads 2011: Libya* noted:

¹³⁶ POGAR, Libyan Judiciary, undated
<http://www.undp-pogar.org/countries/theme.aspx?t=9&cid=10> Accessed 31 May 2012

¹³⁷ POGAR, Libyan Judiciary, undated
<http://www.undp-pogar.org/countries/theme.aspx?t=9&cid=10> Accessed 31 May 2012

¹³⁸ The United States Department of State, *Country Report on Human Rights Practices 2010, Libya*, published 8 April 2011, Section 1e – Denial of Fair Public Trial
<http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 31 May 2011

¹³⁹ Freedom House, *Freedom in the World 2011 – Libya*, 12 May 2011
<http://www.unhcr.org/refworld/country,,,LIBY,,4dcbf517c,0.html> Accessed 8 February 2012

“There are four main deficiencies in the judiciary. First, Libya’s system does not incorporate accepted international standards, especially those related to the protection of human rights and the establishment of an equitable judicial system. Second, the revolutionary authority has undue influence on judges and frequently uses that power to shape rulings in their favour. Third, the judicial system lacks standards and procedures for fair and equitable trials and the judiciary is perceived by the population as corrupt. Finally, the judicial system fails to exercise any kind of oversight over the regime, which is not bound to comply with judicial rulings.¹⁴

Penal code

11.06 The Libyan Penal Code (2007 edition) can be accessed via the following link:

[UNDOC Libyan Arab Jamahiriya – Penal Code \(2007\)](#)¹⁴¹

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Since the 2011 uprising

11.07 Human Rights Watch, in a report of 5 June 2011 *Libya: Opposition Arbitrarily Detaining Suspected Gaddafi Loyalists*, gave details of the Transitional Council’s fledgling judicial system:

“Senior members of the National Transitional Council (NTC), the opposition ruling body with de facto control over the east and parts of the west, say they recognize the problems and are working to correct them. Mustafa Abdul Jalil, chairman of the NTC and the justice minister under Gaddafi from 2007 until the February 2011 uprising, told Human Rights Watch that civilian detainees would receive ‘a fair trial and someone to defend them.’

“The main group responsible for detentions in Benghazi is a unit of the Martyrs of the February 17 Revolution, also known as the February 17 Brigade, which makes some arrests and runs the civilian detention facilities. The official in charge of civilian detainees, Mustafa el-Sagizli, told Human Rights Watch that the brigade reports to the rebel military commander, Abdul Fatah Younis.

“The authority for arresting and detaining criminal suspects should be promptly transferred to a purely civilian institution that respects international human rights standards, Human Rights Watch said.

“El-Sagizli told Human Rights Watch that the February 17 Brigade releases civilian detainees within 72 hours when it has no evidence against them. The investigator at the February 17 base in Benghazi estimated that as of May 28 the brigade had released about 200 civilians since detentions began in early March. Those released are required to sign a pledge that they will not ‘say or do anything against the Martyrs of the February 17 Brigade.’ Relatives must promise to take responsibility if the person takes

¹⁴ Freedom House, Countries at the Crossroads 2011: Libya <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4ecba64a32&skip=0&coi=LB&querysi=crossroads&searchin=title&display=10&sort=date> Accessed 11 January 2012

¹⁴¹ UNDOC, Penal Code (2007), Libyan Arab Jamahiriya, <https://www.unodc.org/tldb/showDocument.do?documentUid=8542&node=docs&cmd=add&country=LIB>, Accessed 31 May 2011

actions that 'harm the revolution.'"¹⁴²

- 11.08 Human Rights Watch, in a further report of 30 December 2011 by their Middle East and North Africa director, commented:

"Libya has made admirable headway in drafting a Transitional Justice Law and an Amnesty Law. But to build a free society, it needs to wipe out laws that authorize fines, prison sentences and even death for Libyans who 'insult' or 'offend' state officials, or national unity, or Islam, or who attempt to form independent political associations or media.

"Qaddafi used these laws to jail political activists, lawyers and journalists — whether liberal or religious — who dared to challenge him."¹⁴³

- 11.09 An AFP report of 5 February 2012 called *Libya opens trial of 41 Kadhafi loyalists* noted:

"Libya put 41 loyalists of dead dictator Moamer Kadhafi on trial on Sunday [5 February 2012], in the first legal proceedings launched against members of the former regime ousted last year in a bloody conflict. The accused, mostly civilians, appeared in a military court in the eastern city of Benghazi... Their trial comes as human rights groups have raised concerns over Libya's judicial system and also accused former rebels of 'torturing' Kadhafi loyalists in custody. 'It is the first trial concerning the February 17 revolution,' judge Colonel Ali al-Hamida said at the start of the proceedings...

"The 41 men are accused of 'supporting the Kadhafi regime in its attempts to crush the popular revolt, killing people, breaking of national unity, as well as helping prisoners to escape and setting up criminal gangs.'

"The 15-lawyer defence team for the accused contested the proceedings, saying most of the accused were civilians but that they were being prosecuted in a military court.

"The case was later adjourned to February 15, with the military prosecutor saying the accused would have fair trials...

"But Hussein Gheniwa, a lawyer defending five of the accused, said the military court was 'not competent' to handle the case. 'We hope that in the next session the question of the court's competency will be addressed. We are confident that the court will decide that it is not competent,' he told AFP. But he expressed optimism over Libya's justice system, saying 'the legal proceedings will not be influenced by public opinion' which at the moment is strong given the fact that it is a trial of pro-Kadhafi men."¹⁴⁴

- 11.10 Human Rights Watch, in a news release of 22 January 2012 called *Libya: Lagging Effort to Build Justice System*, noted:

"Libya's interim government and its international supporters should make it an urgent

¹⁴² Human Rights Watch, Libya: Opposition Arbitrarily Detaining Suspected Gaddafi Loyalists, 5 June 2011 <http://www.hrw.org/news/2011/06/05/libya-opposition-arbitrarily-detaining-suspected-gaddafi-loyalists> Accessed 10 June 2012

¹⁴³ Human Rights Watch, In Libya: Building the Rule of Law, 30 December 2011 <http://www.hrw.org/news/2011/12/30/libya-building-rule-law> Accessed 10 June 2011

¹⁴⁴ AFP Libya opens trial of 41 Kadhafi loyalists, 5 February 2012 <http://www.google.com/hostednews/afp/article/ALeqM5gZLw3srw3foJgVW3mu6oYLpVZ9cQ?docId=CNG.bbde0fec807d11a80c3271d8a90d2d0c.2d1> Accessed 7 February 2012

priority to build a functioning justice system and begin legal reform that protects human rights after Muammar Gaddafi, Human Rights Watch said [on 22 January 2012].

"[It is] critically important [to get] the courts running so they can handle cases from before, during, and after the conflict, Human Rights Watch said. This includes investigating violations by anti-Gaddafi forces and prosecuting or releasing the roughly 8,000 detainees currently held without judicial review... Independent courts and the rule of law will help ensure stability in a country emerging from four decades of dictatorship and eight months of war."¹⁴⁵

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12. Arrest and detention – legal rights

- 12.01 The United States Department of State, *Country Report on Human Rights Practices 2010, Libya*, published 8 April 2011, noted,

"The law stipulates that authorities can obtain permission to detain persons for investigation without charge for as long as eight days after arrest. In practice security services at times held detainees indefinitely, arbitrarily, and secretly. Although the law requires that detainees be informed of the charges against them, the requirement was not enforced in practice. The law states that for a detention order to be renewed, detainees must be brought before a judicial authority at regular intervals of 30 days, but in practice security services detained persons for indefinite periods without a court order.

"The law provides for bail, access to counsel for pre-trial detainees, and a public defender for anyone unable to afford a private attorney. However, detainees reportedly did not receive information on their right to legal representation during interrogation."¹⁴⁶

For information about arrest and detention under Transitional National Council see Security Forces, [Arbitrary arrest and detention](#) (under the NTC).

13. Prison conditions

Before the 2011 uprising

- 13.01 The United States Department of State, *Country Report on Human Rights Practices 2010, Libya*, published 8 April 2011, noted,

"According to diplomatic missions and international organizations, prison and detention centre conditions ranged from poor to adequate...International organizations had some

¹⁴⁵ HRW, Libya: Lagging Effort to Build Justice System, 22 January 2012 <http://www.hrw.org/news/2012/01/22/libya-lagging-effort-build-justice-system> Accessed 8 February 2012

¹⁴⁶ The United States Department of State, *Country Report on Human Rights Practices 2010, Libya*, published 8 April 2011, Section 1d – Arrest Procedures and Treatment While in Detention. <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 31 May 2011

access to migrant detention centres throughout the country, but that access was restricted after an increase of at-sea interdiction of migrants, begun in May, led to severe overcrowding in the centres.

“Pre-trial detainees, who reportedly accounted for more than half of the prison population, remained in the same facilities as convicts.”¹⁴⁷

- 13.02 The International Centre for Prison Studies (a UK Based NGO) in a report of 28 February 2011 stated, “The International Centre for Prison Studies (ICPS) has been working in Libya since 2004 on a project to bring prisons in Libya up to international standards. This work has been funded by the UK Foreign and Commonwealth Office through its Programme for Human Rights and Democracy.”¹⁴⁸

- 13.03 The ICPS went on to describe the project:

“At the outset of the project prisons in Libya were under the control of the Ministry of Public Security and Justice. Shortly after the project began responsibility for prisons was transferred to the Ministry of Justice; this was one the first positive outcomes of the project...

“In the course of the last six years experts from ICPS have visited all of the 36 prisons which are under the control of the Ministry of Justice, many of them on several occasions. Senior prison staff from Libya have visited prisons in England on a number of occasions to observe good practice.

“The Ministry of Public Security retains control of two prisons, Abu Salim and Ain Zara. ICPS has not been involved in these prisons. Last year it was announced that the government intended to transfer these two prisons to the Ministry of Justice. This has not yet happened.

“The final activities of the six year project were due to take place in Libya between 14 and 24 February 2011. The work of the first week went ahead as planned and included an evaluation of the project carried out by Dr Silvia Casale, former President of the European Committee for the Prevention of Torture and first Chairperson of the United Nations Sub-Committee for the Prevention of Torture.

“On Friday 18 February Libyan officials in the Ministry of Justice strongly advised the ICPS experts that they should leave the country, which they did the following day. The former Minister of Justice, who was a key supporter of the project, subsequently resigned and went to Benghazi.”¹⁴⁹

- 13.04 Professor Andrew Coyle, Director of ICPS said:

“Throughout this project we have been convinced that the senior prison staff who worked in the Ministry of Justice were determined to improve the conditions in their prisons and we had evidence that they were succeeding in that process, although they

¹⁴⁷ The United States Department of State, Country Report on Human Rights Practices 2010, Libya, published 8 April 2011, Section 1d – Arrest Procedures and Treatment While in Detention. <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 31 May 2011

¹⁴⁸ The International Centre for Prison Studies, report of 28 February 2011 <http://www.prisonstudies.org/news/all/51-icps-and-prison-reform-in-libya1.html> Accessed 31 May 2011

¹⁴⁹ The International Centre for Prison Studies, report of 28 February 2011 <http://www.prisonstudies.org/news/all/51-icps-and-prison-reform-in-libya1.html> Accessed 31 May 2011

still had a distance to go. At the same time, we never lost sight of the fact that prisons cannot be reformed in isolation and that they are affected by other events in the country and the government. The brutal events of recent days are confirmation of that stark reality.”¹⁵

- 13.05 The Foreign and Commonwealth Office, in its report on *Human Rights and Democracy: Libya*, published 31 March 2011, commented on the achievements of the ICPS's project:

“The project is due to conclude in February 2011. It has made considerable progress in bringing those Libyan prisons falling under the control of the General People's Committee for Justice into line with international human rights standards. It has implemented improvements in many areas, including the quality of accommodation; the provision of basic services, such as food, sanitation and medical facilities; and the introduction of education and rehabilitation programmes for prisoners. A dedicated prison improvement team has also been established within the Ministry of Justice. But challenges remain, including serious overcrowding.”¹⁵¹

- 13.06 The Freedom House report of 10 November 2011, *Countries at the Crossroads 2011: Libya* noted: Libyan prisons are notoriously dire, plagued by overcrowding, disrepair, poor sanitation, and a lack of medical services. Detainees often suffer from medical mistreatment.”¹⁵²

- 13.07 The International Centre for Prison Studies, [World Prison Brief – Libya](#) provides information on the numbers of prisoners and institutions in 2010.¹⁵³

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Since the 2011 uprising

- 13.08 Human Rights Watch, in a report of 5 June 2011 *Libya: Opposition Arbitrarily Detaining Suspected Gaddafi Loyalists*, stated, “Conditions for detainees visited by Human Rights Watch, both civilian and military, appeared to meet acceptable standards. All of the detainees in Benghazi, Misrata, and Zintan, interviewed in private, said they had adequate access to medical care, food and water. At the February 17 Brigade's base in Benghazi, the detainees are allowed family visits and have been able to call relatives on a satellite phone.”¹⁵⁴

- 13.09 However, a later report by the same organisation, The Human Rights Watch *World Report 2012 – Libya*, released on 22 January 2012 and covering events of 2011, noted:

“Prison conditions in post-Gaddafi western Libya were sub-standard, with overcrowding,

¹⁵ The International Centre for Prison Studies, report of 28 February 2011

<http://www.prisonstudies.org/news/all/51-icps-and-prison-reform-in-libya1.html> Accessed 31 May 2011

¹⁵¹ The Foreign and Commonwealth Office, Human Rights and Democracy, Libya, 31 March 2011

<http://s3-eu-west-1.amazonaws.com/htcdn/Human-Rights-and-Democracy-The-2010-Foreign-Commonwealth-Report.pdf> Accessed 31 May 2011

¹⁵² Freedom House, *Countries at the Crossroads 2011: Libya*

<http://www.unhcr.org/refworld/country,,,LIBY,,4dcbf517c,0.html> Accessed 8 February 2012

¹⁵³ International Centre for Prison Studies, *World Prison Brief*

<http://www.prisonstudies.org/info/worldbrief/wpbcountry.php?country=28> Accessed 7 February 2012

¹⁵⁴ Human Rights Watch, *Libya: Opposition Arbitrarily Detaining Suspected Gaddafi Loyalists*, 5 June 2011 <http://www.unhcr.org/refworld/country,,,LIBY,,4dedbd2e2,0.html> Accessed 8 June 2011

inadequate food and water, and consistent reports of abuse, including beatings and some use of electric shock. The NTC has failed to provide most detainees with prompt judicial reviews, let alone access to a lawyer.

“A key problem was the large number of local security forces in Tripoli and other cities and towns, many of which maintained their own makeshift detention facilities.”¹⁵⁵

For information about arrest and detention under the National Transitional Council see Security Forces, [Arbitrary arrest and detention](#) (under the NTC) and for information on torture under the National Transitional Council see Security forces, [Torture](#) (under the NTC).

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14. Death penalty

- 14.01 The Foreign and Commonwealth Office, in its report on *Human Rights and Democracy: Libya*, published 31 March 2011, stated:

“The Libyan penal code still provides for the death penalty. In a statement at its Universal Periodic Review, Libya said that it had applied the death penalty in 201 cases since 1990. In May [2010] Libya executed by firing squad 18 prisoners convicted of murder. The Libyan penal code also allows the death penalty for crimes such as the formation or support of illegal organisations or the promotion of principles that undermine the constitution or the social structure.”¹⁵⁶

- 14.02 Amnesty International in its *Annual Report 2010 – Libya*, published 13 May 2011, noted:

“In May, a newspaper close to Saif al-Islam al-Gaddafi reported that over 200 people were on death row.

“In December [2010], Libya was one of the minority of states that voted against the UN General Assembly resolution calling for a moratorium on the death penalty.”¹⁵⁷

- 14.03 Amnesty International in its report, *Death sentences and executions in 2010*, published 28 March 2011, added, “In many countries, drug offences continue to carry the death penalty, with this sentence being mandatory in some cases. A significant proportion of the executions or death sentences recorded in 2010 in ... Libya ... were for drug-related offences.”¹⁵⁸

¹⁵⁵ Human Rights Watch, World Report 2012 – Libya, 22 January 2012

<http://www.hrw.org/sites/default/files/reports/wr2012.pdf> Accessed 23 January 2012

¹⁵⁶ The Foreign and Commonwealth Office, Human Rights and Democracy, Libya, 31 March 2011

<http://s3-eu-west-1.amazonaws.com/htcdn/Human-Rights-and-Democracy-The-2010-Foreign-Commonwealth-Report.pdf> Accessed 31 May 2011

¹⁵⁷ Amnesty International Annual Report 2011 – Libya, 13 May 2011

<http://www.unhcr.org/refworld/country,...,LIBY,4dce155ac,0.html> Accessed 31 May 2011

¹⁵⁸ Amnesty International, Death sentences and executions in 2010, 28 March 2011,

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4d9026932&skip=0&coi=LIBY&querysi=prison%20conditions&searchin=fulltext&display=10&sort=date> Accessed 31

14.04 The same source continued:

“Amnesty International continues to record death sentences imposed after unfair trials and sentences based on confessions allegedly extracted through torture, clearly prohibited in both the ICCPR and the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In 2010, the death penalty was used after trials that did not meet international standards of fairness in several countries including: ...Libya...”¹⁵⁹

14.05 In the same report Amnesty International rated Libya as being the country in the world with the seventh highest number of executions in 2010.¹⁶

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15. Political affiliation

For information about freedom of expression generally, see [Freedom of speech and media](#).

Freedom of political expression, association and assembly

15.01 The Amnesty International report, *Year of Rebellion: State of Human Rights in the Middle East and North Africa*, published 9 January 2012, noted in its chapter on Libya:

“Already, Libyans have enjoyed greater freedom of expression. For the first time in 42 years, they could speak their minds and openly voice their long suppressed criticism of the former regime, without fear of imprisonment, harassment and other persecution. After decades without independent organizations and political parties, Libya witnessed a mushrooming of civil society organizations, political groups and media outlets. Public criticism of some NTC members and decisions appeared to be tolerated. On the other hand, serious abuses by militia opposing al-Gaddafi forces, including extrajudicial executions, torture and arbitrary detention, were rarely condemned by the NTC.”¹⁶¹

15.02 The Guardian, in an article of 1 September 2011, *A guide to Libya's new political landscape*, stated:

“The delicate and vital task of rebuilding civil society in Libya has already begun. Once

May 2011

¹⁵⁹ Amnesty International, Death sentences and executions in 2010, 28 March 2011,

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4d9026932&skip=0&coi=LB&querysi=prison%20conditions&searchin=fulltext&display=10&sort=date> Accessed 31

May 2011

¹⁶ Amnesty International, Death sentences and executions in 2010, 28 March 2011,

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4d9026932&skip=0&coi=LB&querysi=prison%20conditions&searchin=fulltext&display=10&sort=date> Accessed 31

May 2011

¹⁶¹ Amnesty International, *Year of Rebellion*, 9 Jan 2012

<http://www.amnesty.org/en/library/asset/MDE01/001/2012/en/e2985922-558f-486d-8e68-ef54a7d25222/mde010012012en.pdf> Accessed 30 January 2012 Accessed 18 January 2012

civil society institutions have been rebuilt, their input will enrich the society in general and the political scene in particular. As such, Libya's success is in large part dependent upon its ability to build a vibrant civil society from the ashes of Gaddafi's regime.

"While civil society was undermined under Gaddafi, Libya's extensive tribal system was emboldened. He cunningly played tribes off against one another and, predictably, took full advantage of the huge support he received from his own tribe.

"Libyan tribes are non-ideological and generally not aligned to a particular political faction. They are, however, very loyal to their own kin and could be activated as huge voting blocs if political leaders belonging to the right tribes galvanise the tribal vote. They do, therefore, have the potential to play a key part.

"Libya's military, having been strengthened during Gaddafi's 42-year rule, also has the potential to emerge as a power base. As in neighbouring Egypt, senior military officers have large economic interests that they will be seeking to protect. Military interference in politics in the future should not be ruled out, though it seems unlikely right now.

"Ethnicity could also play a role in a post-Gaddafi Libya. Under Gaddafi's rule, Berber language and culture was suppressed while cultural and political mobilisation along sectarian lines was strongly discouraged. Homogeneity was imposed on Libyan society and this meant Berbers were expected to adopt Arab culture while abandoning their own. Therefore, it is highly likely that the Berbers – roughly 10%-15% of the population – will be keen to reassert their identity. While they are unlikely to seek political autonomy, they are likely to throw their support behind those who acknowledge and respect their cultural and ethnic differences." ¹⁶²

15.03 Reuters, in a report of 16 December 2011, *Libyan rapper finds his voice* noted:

"Al-Houni, who goes by the nickname 'Dadee', is among a booming cadre of amateur rappers whose songs capture the anger and frustration Libyans felt under Gaddafi's rule. Just days after demonstrators took to the streets in Benghazi in February, rappers in the eastern city grabbed their microphones to call for freedom and change.

"Their numbers have multiplied over the course of Libya's eight-month war and they say their songs, usually broadcast on local rebel radio stations during the conflict, helped motivate fighters on the front line...

"While Libya's rap scene began in Benghazi, it has now spread to other cities including Tripoli. Street vendors blast the latest offerings to passers-by from makeshift stalls." ¹⁶³

Political parties

15.04 The Guardian, in an article of 1 September 2011 stated, "If free and fair elections are held in Libya next year, it is highly likely that nationalist based parties will dominate. Political Islamist parties also have a good outside chance if they manage to run

¹⁶² The Guardian, A guide to Libya's new political landscape
<http://www.guardian.co.uk/commentisfree/2011/sep/01/libya-political-landscape> Accessed 25 January 2012

¹⁶³ Reuters, Libyan rapper finds his voice, 16 December 2011
<http://in.reuters.com/article/2011/12/16/libya-future-rappers-idINDEE7BF09V20111216> Accessed 25 January 2012

successful election campaigns. However with...a practically nonexistent civil society and jihadists hanging in the shadows, getting to free and fair elections is going to be far from straightforward.”¹⁶⁴

- 15.05 Reuters, in an article of 3 February 2012 called *Libya enjoys political flowering ahead of elections*, noted:

“Dozens of new parties have sprung up after a four-decade ban, offering a vibrant mix of democratic, Islamist, free market and nationalist agendas and providing an alternative to established political movements like the Muslim Brotherhood.

“A mildly Islamist strain run through almost all. Party statements usually have several references to Islam as the state's official religion and the source of its political and social values. And without clear ideologies or well-known figures to distinguish them, they are likely to eventually merge or form coalitions ahead of assembly election scheduled in June.

“But in the meantime the new parties are clarifying their purposes and goals for the assembly, which will write a new constitution, and appealing to regional, tribal and even ethnic allegiances for support.”¹⁶⁵

- 15.06 The report went on to describe how it will take several months before the landscape becomes clear:

“Only individuals, not political parties, would be allowed to contest the election under the draft law published in December, but the law is being updated after an outcry and two leaked copies of the new draft indicate that parties will fill between one and two-thirds of an elected assembly.

“The final draft was supposed to have been issued in late January, but has been pushed back a number of times - a testament to the sensitivity of the issue.

“For now, most parties are still struggling to make themselves known, let alone get into position to win an election.

“So far few if any political posters or billboards are visible on Tripoli's streets and parties say they are spreading the word through the Internet or in personal appearances... The new parties can't really afford advertising anyway. Parties are currently funded by members in the absence of regulations that would allow fundraising campaigns. And regional and tribal parties say speaking to influential tribal elders is more effective than any commercial.”¹⁶⁶

- 15.07 Shabab Libya listed on 18 January 2012 an *Unofficial List of Political Parties in Libya*. This organisation noted, however “List is unofficial, in no particular order, and likely

¹⁶⁴ The Guardian, A guide to Libya's new political landscape

<http://www.guardian.co.uk/commentisfree/2011/sep/01/libya-political-landscape> Accessed 25 January 2012

¹⁶⁵ Reuters, Libya enjoys political flowering ahead of elections, 3 February 2012

<http://af.reuters.com/article/worldNews/idAFTRE81211320120203?pageNumber=5&virtualBrandChannel=0> Accessed 7 February 2012

¹⁶⁶ Reuters, Libya enjoys political flowering ahead of elections, 3 February 2012

<http://af.reuters.com/article/worldNews/idAFTRE81211320120203?pageNumber=5&virtualBrandChannel=0> Accessed 7 February 2012

incomplete”:

- “National Front for the Salvation of Libya
- Libya Homeland Political Party
- Libyan National Congress Party (NCP)
- New Libya Party
- Alhaq and Democracy Party of Benghazi
- National Unity of Libya Party
- Freedom and Development Party of Libya
- The Patriotic Reform Party
- National Solidarity Party
- The Libyan National Party
- Umma Party
- Justice and Democracy Party of Libya
- Libya Future Party
- Libyan Center Party
- National Democratic Assembly for Justice and Progress
- Libya Development Party
- Libyan Universal Party
- Democratic National Alliance
- New National Congress Party
- The Democratic Party of Libya
- Tawasul Party
- Libyan National Democratic Party for Justice and Development
- Libya Our Home and Tribe Party
- Libyan Liberation Party
- Libya for All Party
- Unity Movement

- Democratic Youth Party
- National Democratic Assembly
- Wefaq Party
- Libyan National Democratic Assemblage”¹⁶⁷

Forthcoming elections

15.08 The United Nations Security Council, in a report of 22 November 2011, *Report of the Secretary-General on the United Nations Support Mission in Libya* (UNSMIL), stated:

“Electoral assistance is one of the key priorities of UNSMIL, given that the National Transitional Council is committed to a first election within eight months, a challenging timeline in a country where there has been limited or no electoral experience in over 45 years. To meet this timetable, and in accordance with the Constitutional Declaration, legislation stipulating all elements of the electoral process is to be adopted within three months of the 23 October declaration of liberation, along with the creation of an electoral management body. Libyans are faced with a number of key decisions that will require broad consultations, including with civil society, so that political consensus can emerge around the following: delimitation of electoral boundaries and seat allocation; election of individual candidates or party-based elections; voter and candidate eligibility; women and minority representation; and the establishment of a credible electoral management body. Other critical issues include the creation of a voter register and a robust voter and civic education programme, the importance of which has been repeatedly emphasized by Libyan interlocutors.”¹⁶⁸

See also [Political System](#)

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16. Freedom of speech and media

Before the 2011 uprising

16.01 The United States Department of State, *Country Report on Human Rights Practices 2010, Libya* (USSD Report 2010), published 8 April 2011, stated:

“The law provides for freedom of speech ‘within the limits of public interest and principles of the Revolution,’ but in practice freedom of speech and the press is severely limited, particularly criticism of government officials or policy. There are provisions in the penal code that criminalize ‘insulting public officials.’ The government tolerated some

¹⁶⁷ Shabab Unofficial List of Political Parties in Libya 18 January 2012 <http://www.shabablibya.org/news/list-of-political-parties-in-libya-%D8%A3%D8%AD%D8%B2%D8%A7%D8%A8-%D9%84%D9%8A%D8%A8%D9%8A%D8%A7>

¹⁶⁸ UN Security Council Report of the Secretary-General on the United Nations Support Mission in Libya, 22 November 2011 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/592/47/PDF/N1159247.pdf?OpenElement> (to open document select s/2011/727 Accessed 17 January 2012)

difference of opinion within governmental structures in people's committee meetings and at the General People's Congress. The Publication Act allows the government to silence critics through slander and libel provisions...

"The government owned and controlled virtually all print and broadcast media. The official news agency, the Jamahiriya News Agency, is the designated conduit for official views. Government-controlled media neither published nor broadcast opinions inconsistent with official policy."¹⁶⁹

16.02 Reporters without Borders ranked Libya 154th (out of 179 countries) in its *2011/12 Press Freedom Index*, published 25 January 2012. (1 being the most and 179 being the less free).¹⁷

16.03 Freedom House, in its annual report *Freedom of the Press 2011*, published 23 September 2011, noted:

"Legislation, including the 1972 Publication Act, contains provisions banning libel and slander and broadly restricts critical speech. In July 2010, three journalists were investigated for defamation because of their report on financial and administrative corruption. The government severely limits the rights of the media in practice, and journalists who violate the harsh press codes can be imprisoned or sentenced to death. As with other forms of abuse, Libyan security forces enjoy virtually complete impunity for acts of violence against journalists."¹⁷¹

Since the 2011 uprising

Print media

16.04 A report by Reuters of 23 October 2011, called *Newspapers multiply as Libya enjoys press freedom*, stated:

"Some 200 independent publications have sprung up in Libya since the fall of Muammar Gaddafi, and newsagents say clients leave their shops with armfuls of papers to ensure they do not miss any news. It is a small price to pay for freedom, they say. 'Customers are buying all the newspapers in front of them, and then deciding what to read,' said Rajab Al-Waheishi, a newsagent since 1956. Business is booming, he said, thanks to the wide range of content and the sheer number of publications on offer...

"Idris Al-Musmari, who only recently emerged from a second term in jail after serving 10 years in the 1980s for his political activities, is heading a special committee formed by the National Transitional Council (NTC) to promote and support a free press.

"Under an NTC proposal, the government pays the printing costs of the first three editions of any new publication and offer discounted printing services thereafter. Money from Gaddafi's state-run media body is being used to cover the expense.

¹⁶⁹ The United States Department of State, Country Report on Human Rights Practices 2010, Libya, published 8 April 2011, Section 3 Respect for Political Rights.

<http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 31 May 2011

¹⁷ Reporters without Borders, Press Freedom Index 2011/12. 25 January 2012
<http://en.rsfb.org/press-freedom-index-2011-2012.1043.html> Accessed 13 February 2012

¹⁷¹ Freedom House, Freedom of the Press 2011, 23 September 2011
<http://www.unhcr.org/refworld/country,,FREEHOU,,LB,Y,,4e7c84ed36,0.html> Accessed 11 January 2012

"Musmari made clear the state planned to exercise control over its own publications, which will increase to five from two, chiefly to avoid fuelling tribal rivalries, but independents were free to publish whatever they wanted.

"There have to be lines. These are anything that would jeopardize our national unity and anything that is divisive," said Musmari, providing the example of the divisions between Tripoli in the west, and Benghazi in the east, but added: "We can't ban other newspapers from publishing anything."...

"Most of the newspapers available are tied to Libya's nine or 10 main cities, and the publications linked to Tripoli or Benghazi appear to be most widely distributed. There are small editions issued from villages, but they are poorly circulated.

"The NTC plans to provide training and technical assistance for publishers, but is waiting for the assets belonging to the previous state-run body to be unfrozen." ¹⁷²

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Radio and television

- 16.05 The Huffington Post, in a post called *New Radio Station Brings Voices Of Freedom To Libyan People*, updated on 12 November 2011 stated:

"The changes resulting from recent fall of Libyan dictator Moammar Gadhafi have brought music to Libyans' ears. Libyans previously could only listen to government radio stations, dominated by pro-Gadhafi commentators and including programs advocating jihad. The radio, which had primarily been an instrument of state power, now appears to be an opportunity for exposure to international languages, sounds, and perspectives.

"With everything from newscasters speaking in French to Shakira singing in Spanish, the newly minted Radio Libya hopes to give the people of Libya a chance to be heard. While some of the broadcast is used to express complaints regarding Tripoli's current state, the ability to speak freely on such matters is a profound change from the old way.

"Other broadcast time goes to musicians who before had to write and play in secret. Ahmed Sharif, the assistant manager of Radio Libya was quoted on NPR, saying: 'I'm going to cry, you know. This is first time we feel the free in Libya.'" ¹⁷³

- 16.06 International Media Support (IMS), "a non-profit organisation working to support local media in countries affected by armed conflict, human insecurity and political transition", stated, in a report, *Libya's newfound freedoms explored*, of 3 November 2011:

"After the death of Colonel Gadaffi, Libya's media finds itself without former strict ties, but is met with challenges to make full use of its newfound freedoms. IMS and a number of international organisations visited the country to explore ways of moving forward.

¹⁷² Reuters Newspapers multiply as Libya enjoys press freedom, 23 October 2011 <http://news.yahoo.com/newspapers-multiply-libya-enjoys-press-freedom-084747446.html> Accessed 11 January 2012

¹⁷³ The Huffington Post, *New Radio Station Brings Voices Of Freedom To Libyan People*, 12 November 2011 http://www.huffingtonpost.com/2011/09/12/new-radio-station-brings-_n_959287.html Accessed 11 January 2011

“They were met with an invigorating and hopeful media sector emerging from 43 years of harsh dictatorial rule.

“ ‘Young people, many with only a few months of experience are practicing important principles of freedom of expression, pluralism and diversity.’

“ ‘We experienced interactive radio stations allowing the public to freely express their points of view, newspapers providing valuable information about the needs of injured revolutionaries and civil society activists using a variety of media tools to raise public awareness,’ writes the joint delegation in a press release.

“But although a strong desire to align with international standards on freedom of expression and media professionalism was observed, many of the journalists whom the delegation spoke to, expressed real fear of political interference and abusive use of economic interests.

“Former state employees are left without a clear plan forward, and a large number of volunteers and symbolically paid individuals are working with the post revolutionary media are also left in the dark and are at times let go without any explanation.’

“During their visit, the delegation visited local newspapers, TV and radio stations, held two public meetings and conducted workshops with Libyan media practitioners dealing with issues such as broadcasting, media regulation, newspaper sustainability, training and access to information.

“As part of its mission to work closely with local Libyan stakeholders, and to ensure a sustainable and concerted way forward, the delegation initiated discussions about various future partnerships. The next few months will see the fruition of these partnerships.” ¹⁷⁴

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Internet

16.07 The USSD Report 2010 stated:

“A single government-owned service provider offered Internet access. The number of Internet users was small but growing with improved broadband capability. According to 2009 data of the International Telecommunication Union, there were approximately 82,500 Internet subscribers and 354,000 users. An estimated 5.5 percent of the population had access to the Internet. The government reportedly monitored Internet communications. According to a 2009 report by the OpenNet Initiative, a partnership among several universities to analyze Internet filtering and surveillance, authorities selectively blocked some opposition Web sites and occasionally blocked others.”¹⁷⁵

16.08 Reporters Without Borders, in a report of 11 March 2011, called *Internet Enemies 2011: Countries under surveillance* – Libya described the government’s attempts to limit the population’s use of the internet:

¹⁷⁴ International Media Support, Libya’s newfound freedoms explored, 3 November 2011 <http://www.i-m-s.dk/article/libya%E2%80%99s-newfound-freedoms-explored> Accessed 11 January 2012

¹⁷⁵ The United States Department of State, Country Report on Human Rights Practices 2010, Libya, published 8 April 2011, Section 2a Internet Freedom <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 1 June 2011

"From the start of the uprisings in Tunisia and then Egypt, Col Gaddafi understood the dangers of them spreading to Libya. Calls for demonstrations in Libya were made on Facebook as the overthrow of the Tunisian and Egyptian dictators became known there and access to social network sites has been very erratic since mid-February...

"The regime seriously disrupted the Internet, slowing it down or cutting it off completely, to restrict the posting of compromising photos and videos and prevent protesters organising online. It has been cut off completely several times since 18 February, according to the Internet security firms Arbor Networks and Renesys. Traffic has resumed afterwards but Internet has been disconnected again since the evening of 3 March. The leading Internet Service Provider, whose owner is none other than Mohamed Gaddafi, one of Muammar Gaddafi's sons, cooperated to the regime's demands...

"Libyan Internet-users have tweeted their revolution and tried their best to get out news of the regime's abuses and its use of mercenaries.

"At the beginning, when the flow of refugees was not very big, some 'netizens' crossed into Egypt to post online videos and photos taken with mobile phones. Others tweeted news about the supply convoys arriving in the country.

"The activist hacker group Anonymous provided Libyan netizens with tools to get round the censorship and some of its members reportedly managed to set up illegal parallel networks. The group also helped people to pass on photos and videos."¹⁷⁶

- 16.09 The BBC News in a report of 22 August 2011 noted, "Libya's internet connections appear to be slowly coming back online after a six-month blackout. The state-run internet service provider (ISP) carried a message on its website that said: 'Libya, one tribe'. However, local people have reported patchy reliability with connections coming and going."¹⁷⁷

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17. Human rights institutions, organisations and activists

Before the 2011 uprising

- 17.01 The International Federation for Human Rights (FIDH) Observatory for the Protection of Human Rights Defenders, *Annual Report 2010*, section on North Africa/Middle East, covering events in 2009, dated 13 September 2010, stated, "In some countries where repression is systematic, again, independent and organised human rights movements could not form openly (Libya...), and defenders paid a heavy cost, sometimes lifetime, their commitment towards freedoms, which has a strong dissuasive impact on civil

¹⁷⁶ Reporters Without Borders, Internet Enemies 2011: Countries under surveillance - Libya, 11 March 2011 <http://www.unhcr.org/refworld/country,,,ANNUALREPORT,LBY,,4d82268728.0.html> Accessed 14 June 2011

¹⁷⁷ BBC News Libya starts to reconnect to internet, 22 August 2011 <http://www.bbc.co.uk/news/technology-14622279> Accessed 11 January 2012

society.”¹⁷⁸

- 17.02 Human Rights Watch, in its *2011 World Report: Libya*, published 24 January 2011, stated:

“Libya has no independent NGOs and Libyan laws severely restrict freedom of association. Law 71 bans any group activity opposing the ideology of the 1969 revolution, and the penal code imposes the death penalty on those who join such groups. The government has refused to allow independent journalists' and lawyers' organizations. The only organization able to criticize human rights violations publicly is the Human Rights Society of the Gaddafi Foundation, which is chaired by Saif al-Islam al-Gaddafi.”¹⁷⁹

For information about NGOs working with children see Children: Child care and protection [paragraph 22.15](#)

Since the 2011 uprising

- 17.03 The United Nations News Centre, in a press release of 29 September 2011, reported that the UN Human Rights Council had adopted by consensus a resolution recommending to the General Assembly lifting the suspension of Libya's membership and “welcomed the new government's commitment to protect human rights and democracy in the North African nation.” The report also stated, “Today's resolution noted the new commitments by Libya to protect human rights, democracy and the rule of law, and to cooperate with all UN human rights organizations and mechanisms.”¹⁸

- 17.04 Voice of America, in a report of 22 December 2011, *Libya Sees Growth of Civil Society Groups*, NGO's, stated:

“A Libyan economist Sami Zaptia is expressing satisfaction with the growth of civil society groups, which he says are educating citizens about their rights and responsibilities in a democracy.

“Zaptia says the groups, including non-governmental organizations, have been organizing nationwide forums and seminars to empower Libyans as they prepare for elections for a new government next year...Zaptia says Libyans are breathing a breath of fresh air and are increasingly becoming aware of the need to respect people's rights.”

¹⁸¹

- 17.05 The website of the Libyan Human Rights Commission stated, in 2011, “Libyan Human

¹⁷⁸ The International Federation for Human Rights (FIDH) Observatory for the Protection of Human Rights Defenders, Annual Report 2010 North Africa/Middle East, 13 September 2010 http://www.fidh.org/IMG/pdf/OBSUK2010north_africa_human_rights_defenders.pdf Accessed 1 June 2011

¹⁷⁹ Human Rights Watch, World Report 2011: Libya, 24 January 2011 <http://www.hrw.org/en/world-report-2011/libya> Accessed 31 May 2011

¹⁸ UN News Centre UN Human Rights Council recommends reinstating Libya's membership, 29 September 2011 <http://www.un.org/apps/news/story.asp?NewsID=39890&Cr=libya&Cr1=> Accessed 23 January 2012

¹⁸¹ Voice of America, Growth of Civil Society Groups, NGO's 22 December 2011 <http://www.voanews.com/english/news/africa/Libya-Sees-Growth-of-Civil-Society-Groups-NGOs-135966468.html> Accessed 23 January 2012

Rights Commission was founded in 1985 to promote Democracy & compliance with Human Rights in Libya. The Commission is temporarily based in Washington, DC, USA. The Commission plans to establish its headquarters in Libya as soon as it is able to do so. With the recent political climate, the Commission has started to build its headquarters in Benghazi, Libya.”¹⁸²

17.06 The Commission went on to state:

“This Commission is organized for the restoration of basic Human Rights in Libya, probe into the condition and plight of detainees, conscience and political prisoners. Persuade Human Rights Organizations, Watch Groups, and Governments to support efforts made by the Commission and others for fair hearings and trials, early release, and ceasing of torture, file Legal suits against individuals or government before appropriate courts of law and present complaints to the United Nations Human Rights Commission on behalf of affected persons.”¹⁸³

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18. Freedom of religion

Religious demography

18.01 The United States Department of State *July – December 2010 International Religious Freedom Report 2010, Libya* (USSD July – December IRF Report 2010), covering 1 July 2010 to 21 December 2010, published 13 September 2011, stated, “The population is 97 percent Sunni Muslim. Small Christian communities consist almost exclusively of sub-Saharan African and Egyptian migrants and a small number of American and European workers...While the country historically has no Shia community, there were reports that small numbers of Iraqi Shia fleeing sectarian tensions in Iraq immigrated during the reporting period.”¹⁸⁴

Legal rights

18.02 The USSD July – December IRF Report 2010 noted:

“There is no explicit legal protection for religious freedom. Although the Great Green Charter on Human Rights of the Jamahiriya Era, which is viewed as a declaration of revolutionary principles to guide lawmakers and citizens, provides some degree of religious freedom, other laws and policies restrict religious freedom. In practice the government generally enforced these restrictions, especially with respect to forms of Islam it considers to be a security threat and to proselytizing Muslims. Religious practices that conflict with the government's interpretation of Sharia (Islamic law) are prohibited...“There is no law providing for an individual's right to choose or change his or her religion or to study, discuss, or promulgate one's religious beliefs. Citizens have no apparent recourse if they believe their rights to religious freedom have been

¹⁸² Libyan Human Rights Commission, Our History <http://libyanhumanrightscommission.org/history.php> Accessed 31 January 2012

¹⁸³ Libyan Human Rights Commission, Our History <http://libyanhumanrightscommission.org/history.php> Accessed 31 January 2012

¹⁸⁴ United States Department of State *July – December 2010 International Religious Freedom Report 2010, Libya* (USSD July – December IRF Report 2010), covering 1 July 2010 to 21 December 2010, 13 September 2011. http://www.state.gov/g/drl/rls/irf/2010_5/168270.htm Accessed 23 January 2012

violated.”¹⁸⁵

Religious freedom

18.03 The USSD July – December IRF Report 2010 continued:

“The government generally enforced existing legal and policy restrictions on religious freedom... The government closely monitors and regulates the practice of Islam, asserting it does so to ensure it does not take on a political dimension... The government strongly opposed religious extremism and militant Islam, which it viewed as a threat to the regime. The government monitored mosques, and there was a widespread culture of self-censorship among clerics. Even mosques endowed by prominent families generally must conform to the government-approved interpretation of Islam.”¹⁸⁶

18.04 The Freedom House report, *Countries at the Crossroads 2011: Libya* noted, “The government is generally tolerant of religious practice, but controls the appointment of all imams and religious leaders, as well as religious curricula and sermons. The government closely monitors mosques for Islamist activity and Islamist gatherings are strictly forbidden. The few non-Muslims in Libya are permitted to practice their faiths with relative freedom, if for no other reason than that these communities are very small and relatively innocuous.”¹⁸⁷

Minority religions

18.05 The USSD July – December IRF Report 2010 noted, “Members of minority religious groups, primarily Christians, encountered minimal restrictions conducting worship... The government limited the number of places of worship allowed for each Christian denomination to one per city.”¹⁸⁸

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Proselytising and conversions

18.06 The USSD July – December IRF Report 2010 continued, “There is no law prohibiting conversion from Islam to another religion; however, the government prohibits proselytizing to Muslims and actively prosecutes offenders.”¹⁸⁹

¹⁸⁵ United States Department of State *July – December 2010 International Religious Freedom Report 2010, Libya* (USSD July – December IRF Report 2010), covering 1 July 2010 to 21 December 2010, 13 September 2011. http://www.state.gov/g/drl/rls/irf/2010_5/168270.htm Accessed 23 January 2012

¹⁸⁶ United States Department of State *July – December 2010 International Religious Freedom Report 2010, Libya* (USSD July – December IRF Report 2010), covering 1 July 2010 to 21 December 2010, 13 September 2011. http://www.state.gov/g/drl/rls/irf/2010_5/168270.htm Accessed 23 January 2012

¹⁸⁷ Freedom House, *Countries at the Crossroads 2011: Libya* http://www.unhcr.org/refworld/country,.../LBY_4dcbf517c.0.html Accessed 8 February 2012

¹⁸⁸ United States Department of State *July – December 2010 International Religious Freedom Report 2010, Libya* (USSD July – December IRF Report 2010), covering 1 July 2010 to 21 December 2010, 13 September 2011. http://www.state.gov/g/drl/rls/irf/2010_5/168270.htm Accessed 23 January 2012

¹⁸⁹ United States Department of State *July – December 2010 International Religious Freedom Report 2010, Libya* (USSD July – December IRF Report 2010), covering 1 July 2010 to 21 December 2010, 13 September 2011. http://www.state.gov/g/drl/rls/irf/2010_5/168270.htm Accessed 23 January 2012

Since the 2011 uprising

18.07 The Libya Interim National Council, on its official website in *A vision of a democratic Libya* (undated) stated, “We recognise without reservation our obligation to...A state that draws strength from our strong religious beliefs in peace, truth, justice and equality” and “Political democracy and the values of social justice, which include...A constitutional civil state which respects the sanctity of religious doctrine.”¹⁹

18.08 The International Crisis Group report *Holding Libya Together: Security Challenges After Qadhafi*, published 14 December 2011, noted:

“The issue of the proper role of religion in politics has also created tensions between some rebels and the NTC while stoking fears within society. Generally speaking, Libyan society is relatively conservative. Roughly 90 per cent of Libyans are Sunni Muslims following the Maliki school of thought and many of them felt Qadhafi undermined religion. Although the term ‘Islamist’ can be simplistic, covering as it does a wide variety of perspectives on the appropriate role of Islam – and although it is a term few Libyans would use to describe their views – several such groups have become more public since Qadhafi’s fall.”¹⁹¹

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19. Ethnic groups

19.01 The United States Department of State, *Country Report on Human Rights Practices 2010, Libya* (USSD Report 2010), published 8 April 2011, stated:

“Arabic-speaking Muslims of mixed Arab-Amazigh (Berber) ancestry constituted 97 percent of citizens. The principal minorities were Amazighs and Tuaregs. Both minority groups are predominantly Sunni Muslims but identify with their respective cultural and linguistic heritage rather than with Arab traditions. Several nomadic groups live in areas along the country’s desert borders, including members of Tuareg and Toubou tribes. The country is home to an estimated 1.5 million to two million foreign workers. Of those, nearly one million are thought to be of Sahelian or sub-Saharan African origin and are in the country as undocumented migrants.

“The 1969 Constitutional Declaration defined the country as an Arab nation and acknowledged Arabic as the country’s only official language, and the regime officially denies the existence of non-Arab citizens.

“According to the Society for Threatened Peoples, Berber (Amazigh) people faced contradictory and at times threatening government policies. During the year the government took steps to alleviate discrimination against the Berber minority. Unlike in previous years, limited exhibitions of Amazigh culture were permitted, including a televised history program. The government allowed the written Amazigh language on more signs but reportedly prohibited it in official contexts. In August 2009 the QDF

¹⁹ Tripoli Post, Libya’s New leaders Legalise Political Parties, 5 January 2012
<http://tripolipost.com/articledetail.asp?c=1&i=7616> Accessed 9 January 2012.

¹⁹¹ International Crisis Group, *Holding Libya Together: Security Challenges After Qadhafi*, 14 December 2011
<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/Holding%20Libya%20Together%20-%20Security%20Challenges%20after%20Qadhafi.pdf> Accessed 20 December 2011

invited leading representatives of the World Amazigh Conference to Tripoli to discuss Berber culture and status in the country. Local politicians have also visited Berber towns in recent years. In 2007 the government abolished a law prohibiting the use of Amazigh and Tuareg names.”¹⁹²

19.02 Minority Rights Group International in its *Libya Overview*, updated August 2011, noted:

“Currently, Berbers who live in the south of Libya have not been granted Libyan citizenship and also face serious discrimination: they have no rights to decent housing, access to higher education, open a bank account, or get a passport.

“Tebu live in similar conditions. Amnesty International has reported that since November 2009 they have been targeted by the Libyan authorities and forcibly evicted from their homes in the city of Kufra and in the country’s south-east.”¹⁹³

19.03 Temehu, a Libyan tour operator, gave the following information on their webpage called *Libyan People*, about the ethnic make up of Libya:

“The Arabs are the majority inhabitants of Libya... However, according to recent genetic studies more than 90% of the Arabs in Libya (and in North Africa as a whole) are Arabised Berbers - that is Berbers who adopted the Arab tongue. For example, most of the inhabitants of Benghazi and Musratha (Misrata) are Arabised Berbers. The Arabs of Libya are members of the Sunni sect of Islam... The major Arab cities include Tripoli, Benghazi, Sebha, Sabratha, Musratha, Zawiya, Khums, Albayda, Al-Merj, Darna, Tobruk, Hun and other smaller villages and settlements along the coast and in the interior.”¹⁹⁴

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The main arab tribes of libya

19.04 The same source continued:

“The tribal system in Libya is still a fundamental part of Libyan society, more than anywhere else in the whole region. Most Libyan surnames carry the tribal name and therefore one can easily identify a person's tribe simply by knowing his surname. For example, Col. Gaddafi comes from the Gaddadfa Tribe. There are at least 140 known clans or tribal networks in Libya.

Western Libya:

Warfallah (Warfalla, Werfella) (ورفلة قبيلة): the largest Arab tribal group in west Libya, consisting of 52 sub-tribes and estimated at around one million people, inhabiting the areas of Baniwalid, Zamazam, Bey, Sirte, Sabha, Dernah, Benghazi and most recently the Misurata District.

Az-Zintan: (الزنتان قبيلة): close to the Warfallah tribe: found mainly in the Western

¹⁹² USSD Country Report on Human Rights Practices 2010, Libya, 8 April 2011
<http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 14 December 2011

¹⁹³ Minority Rights Group International: Libya Overview, August 2011
<http://www.minorityrights.org/4171/libya/libya-overview.html> Accessed 18 January 2011

¹⁹⁴ Temehu, Libyan People.
<http://www.temehu.com/Libyan-People.htm> Accessed 1 June 2011

Mountain between the Berber towns of Jado and Yefren and Kabaw.

Awlad Busayf (West Libya).

Maslata: found in the area of Msallata, west Libya.

Masrata: found in west Libya, with a large presence in Tripoli.

Al-Rijban, Ar-Rujban (Western Mountain, Nafousa Mountain).

Al-Majabra, al-Mujabra: south-west of Tripoli, close to the Western Mountain, and in the Jalo area in Cyrenaica in Eastern Libya. The most prominent member of this tribe is the Libyan head of the army Major General Abu-Baker Younis Jaber - one of the original members of the 12 officers of the Revolutionary Command Council led by Gaddafi in 1969.

Central Libya:

The central region refers to the desert area between Cyrenaica (East) and Tripolitania (West), which from ancient times was the border area between the two regions.

Qaddafi, Qadadfah: Gaddadfa, Gadhadhfa, Qathathfa, Gathafi (القذافي قبيلة) - centred around Sert [Sirte]. An influential ruling tribe in today's Libya, originally found around the present-day Sert in central Libya and Sabha in the south, the present capital of Fazzan. The leader of the September revolution, Col. Mua'mmar al-Qaddafi, belongs to the Al-Qaddafi tribe.

Al-Magarha, al-Magariha, al-Megrahi: one of the largest tribe in the central-western region of Libya, and traditionally strong allies of the Gaddadfa tribe. The former Libyan Prime Minister Abdessalam Jalloud belongs to this tribe. Also the release of the alleged Lockerbie bomber Abdelbaset al-Megrahi was secured by Al-Qaddafi family.

Al-Magharba (The Westerners).

Al-Riyyah

Al-Haraba

Al-Zuwaïd

Eastern Libya:

Az-Zuwayya, Zuwayya, Zawiya (الزوية قبيلة): the largest and most influential tribe in Eastern Libya (Cyrenaica), largely found in Benghazi, Ejdaibiyah, Kufra, Tazerbu (Tazirbu) and the surrounding areas.

Bani Salim (Banu Saleem): like their brothers the Bani Hilal of Tripolitania the Bani Saleem tribes were brought from Arabia in the 11th century to assist in the spread of Islam in North Africa by the Fatimid rulers.

Mesratha, Musratha, Misrata (مصراته قبيلة): an Eastern Libyan tribe inhabiting a number of towns and villages including Benghazi and Darna (Darneh). The name is the same as the name of the third largest town in Libya: Misuratha, in west Libya.

Al-Awagir, al-Waqir: found in the Barqa region of Cyrenaica, with history of resistance against the Italians.

Tawajeer: one of the prominent tribes of Cyrenaica.

Ramla: one of the prominent tribes of Cyrenaica.

Kargala: one of the prominent tribes of Cyrenaica.

Kawar: a group of tribes in the region of Kaouar.

Al-Abaydat, Abdiyat: a group of 15 tribes found in the area of Tobruk

Drasa

Masamir, Masameer:

Al-Barasa

Al-Fawakhir

Al-Obeidi

Farjan: found mainly west of Ajdabiya (Ejdabiyah), Sirte, and also in Zliten further west.”
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The berber tribal groups of libya:

19.05 The same source continued:

“The Berbers are the indigenous inhabitants of Libya and the Sahara. There are numerous tribes found in East Libya, West Libya and across the entire Sahara desert... Their number is difficult to ascertain, since by their nomadic nature the Tuareg of the Sahara were not fully included in any census. However it was widely estimated that the Berbers constitute between 10% and 23% of the population of Libya.

The Berbers of Libya can be subdivided into three tribal groups:

The Berber tribes of Libya are made of hundreds of tribes, each of which is made of several clans and sub-tribes. The following summary is only a general description of the main tribal groups, as the divisions and clans of each group require a dedicated study of its own, which is beyond the scope of this summary.

The Western Berbers:

Ait Willoul: those tribes inhabiting the coastal city of Zwara or Zuwarah, comprising a group of 12 sub-tribes. The name Zwara is found in various forms including Zuwarah, Zowara, Zuwara, Zwagha and Zouara... Currently, the Zuwara territories extends from al-Manqoub (about 20 km east of Zuwara) to the Tunisian border (about 60 km west of Zuwara), where the fishing village of Abu-kemmash is still inhabited today by various

¹⁹⁵ Temehu, Libyan People.

<http://www.temehu.com/Libyan-People.htm> Accessed 1 June 2011

tribes from Zuwarah city. Among the main sub tribes and clans of Zuwarah are:

Ind Mensor (Elmansori or Almansouri tribe): among the most politically influential of this tribe is Mohammad Almansouri who was the Libyan Minister of Interior during the previous government (Kingdom of Libya). He was very transparent in his methods that he became almost the only member of the kingdom's cabinet who was not arrested nor charged by the revolutionary council of 1969...

At-Lellou (At-Lalla tribe)

Ind Idris (Al-Edrisi tribe)

Ind Esa (Esa tribe)

Ind Zeffour (Zfafra tribe)

Ind Gezzoul (Legs'sr tribe)

Ind A'ettoush (Al-A'tt'oush tribe)

The above sub-tribes include various clans, distinguished by surnames: Al-A'azzabi, Boushwash, Bousahmeen, Fdis', Dehhan, Etwinee, Yea'la, H'naya, A'ekkari, En-nayel, Shelghem, Bouzriba, Bousennouga, A'eshshini, Jerrafa, Ben A'ribi, Ghriba, Merkous, Baskal, H'elmi, Boukria'at, Debaba, Malt'i, Boudeeb, Gereb, T'bia'a, Nannees, Annejjar; Alma'rouq, etc.

Nafousah: a massive group of tribes inhabiting the Western Mountain, also known as Nafusa Mountain, including the towns of Yefren, Kabaw, Jado and Nalut, as well as other small villages and settlements found across the mountain tops. Al-Yaqubi (9th century) informs us that the territory of the Nafousa extended from southern Tripolitania to the neighbourhood of Kairouan (in Tunisia). Among the most prominent tribes of Yefren is Al-Barouni tribe, among whom Sulaiman Al-Barouni fought the Italian occupation and later established the Tripolitania Republic which never materialised.

The Eastern Berbers:

The Eastern Berbers: those tribes inhabiting the oases of Jalo and Aujila (Jalu, Awjla or Awjilah) in Cyrenaica, Eastern Libya...

The Southern Berbers:

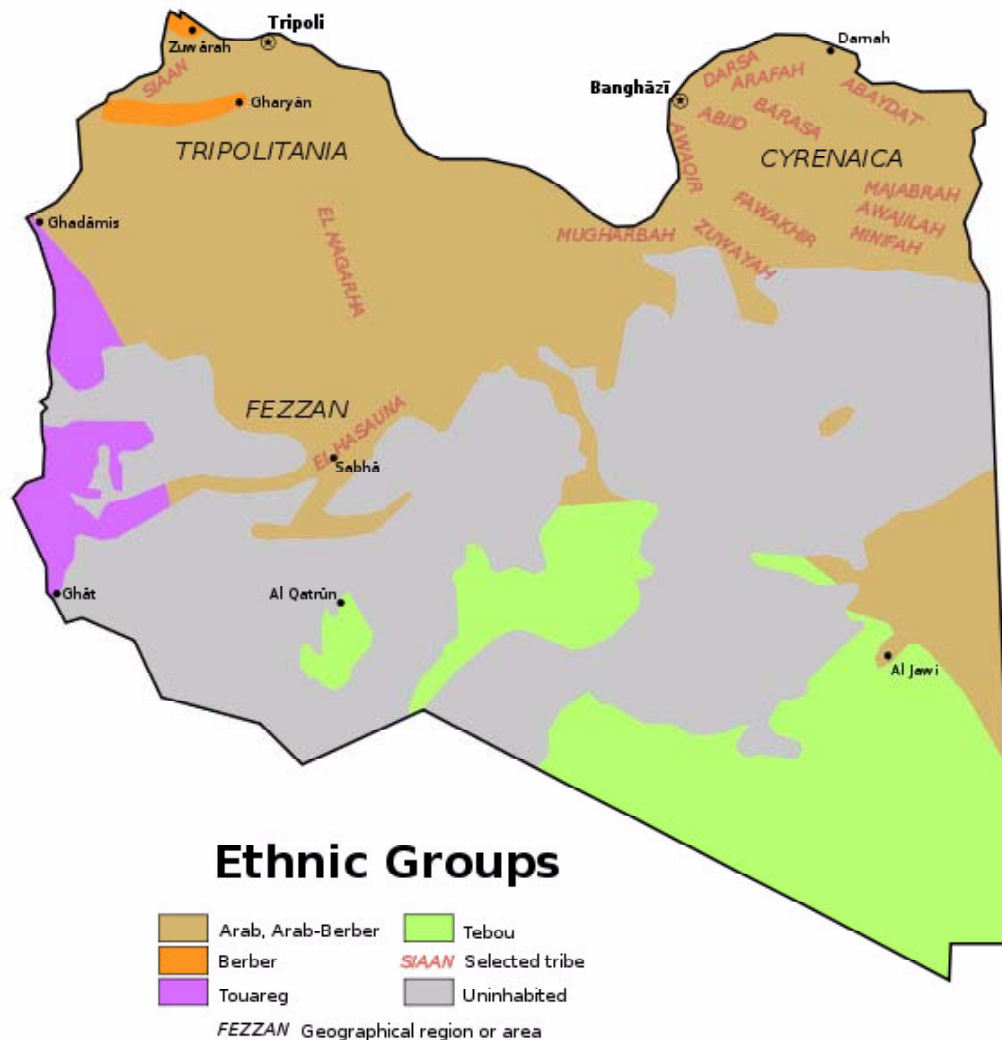
Tuareg: Tuareq (الطوارق), Twareq, Twareg, Imushagh, Imuhaq: the Tuareg tribes comprise a large and complex group of nomadic Berber tribes and clans, native to the Sahara desert and its various oases like Ghadames and Ghat. The Tuareg people speak a Berber language, which they call Tamashegt or Tamaheqt, and hence their name Kel Tamaheqt means 'the Speakers of Tamazight', meaning: 'the Speakers of Berber Language'.

Tebo

The Tebo (or Tebu, Tibu, Tibo, Tibbo, or Tibbos) are a group of tribes found along the southern side of the Harouj mountain and to the east of Fezzan, all the way to the Egyptian border, including the Kofra and Bezzima Oases, as well as south to the Tibesti Massif.¹⁹⁶

Tribal map

19.06 A map, dated 24 February 2011, from Mapsorama.com showed the ethnic group distribution in Libya:



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Tribal allegiances under gaddafi

19.07 The BBC News in a report of 21 February 2011, called *Libya crisis: what role do tribal loyalties play?* analysed the tribal situation at the onset of the uprising:

“During Muammar Gaddafi's 42-year rule, Libya has made great strides socially and

¹⁹⁶ Temehu, Libyan People.

<http://www.temehu.com/Libyan-People.htm> Accessed 1 June 2011

¹⁹⁷ Mapsorama, Ethnic groups in Libya, 24 February 2011, <http://www.mapsorama.com/demographic-map-of-libya/> Accessed 6 July 2011

economically thanks to its vast oil income, but tribes and clans continue to be part of the demographic landscape...

"While many see the continued existence of tribalism as an obstacle to social mobility, equal opportunity and the development of civil society, its significance politically is less clear-cut. Many Libyans continue to identify themselves as belonging to a tribe.

"However, in reality tribal kinship has been on the wane due to the growth in education and urbanisation, which separated people from their traditional tribal areas and contributed to weakening their tribal affinity.

"Col Gaddafi and his colleagues in the Free Unionist Officers had pledged to eliminate tribalism upon seizing power in 1969. For the first ten years or so of his rule, tribal identification was officially frowned upon. During this time, Col Gaddafi could count on the support of most of the population. His political credit was still high and in general, he had the backing of the army. However, as his popularity diminished and as he began to fall out with his colleagues in the Free Unionist Officers corps - all but a handful of whom have now disappeared from public view - he relied increasingly on tribalism and tribal rivalry in order to consolidate his grip on power. This has been most pronounced in the armed forces where each of the main tribes is represented. Fostering rivalries among the various tribes in the army through selective patronage has not only strengthened his control over the military, but has also worked to draw attention away from Col Gaddafi and his regime.

"Nowadays, tribal rivalries are evident within the armed forces, where Mr Gaddafi's own tribe, the Qadhadfa, are pitted against Magariha - the tribe of the Lockerbie bomber, Abdelbaset Ali al-Megrahi - which are close to the Warfalla tribe, said to number one million people.

"In turn, the Warfalla are close to Al-Zintan who hail from the town of Zintan, 75 miles south of Tripoli - one of the first towns in western Libya to join the present revolt against Mr Gaddafi.

"Among the wider population, the importance of tribes and tribal chiefs should not be exaggerated... tribal affiliation can play an important role in securing employment and public services... But in terms of political power, tribes are of limited significance, with many of the pillars of the Gaddafi regime, such as the revolutionary committees and the security services, consisting of people of different tribal affiliations.

"The influence of tribal chiefs also should not be overestimated. In the final analysis, people take notice of what tribal chiefs say only if it suits them. Even in resolving family disputes - an important function of tribal chiefs - the influence of the head of the tribe is limited."¹⁹⁸

19.08 Freedom House, in a report of 10 November 2011, *Countries at the Crossroads 2011 - Libya*, stated:

"Tribes represent a powerful force in Libyan politics. Government leaders deny that the tribes have a role in government power, but they are in fact a central force in Libya's political organization. All of the tribes that have pledged loyalty to al-Qadhafi are represented in the strategic political structures, and the tribes play an essential role in

¹⁹⁸ BBC News, Libya crisis: what role do tribal loyalties play? 21 February 2012
<http://www.bbc.co.uk/news/world-middle-east-12528996> Accessed 4 January 2012

maintaining security and ensuring the stability of the government. Most high-level figures in the state come from two large tribes, the Warfallas (with which the al-Qadhafi's tribe, the Qadhadfa, have blood ties) and the Magharha. Members of the Warfallas confederation, who were historically considered the protectors of the Qadhadfa, constitute a majority in the army. Since the failed 1993 coup attempt, which was led by captains of the Warfallas confederation, the regime has been folded up around the clans that form the Qadhadfa. The latter are present in the revolutionary committees and the revolutionary guard. Each year, al-Qadhafi invites the tribe's chiefs to come to the town of El Bayda to make their act of allegiance...

"There is very strong tribal discrimination in Libya. The tribes living in Cyrenaica (around Benghazi) such as the Kargala, Tawajeer, and Ramla are excluded from the state apparatus. Berbers, who constitute 20 percent of the population, are the country's largest ethnic minority. They have complained about the dominance of the Arabic language over their own."¹⁹⁹

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Tribal influence in the 2011 uprising

- 19.09 The Jamestown Foundation, in a *Special Report from Inside Libya: Assessing Libyan Rebel Forces*, dated 3 March 2011, stated:

"Tribes comprising the anti-Qaddafi forces include the Maghrebi, Zwaiye, Zawawi, Faqri, and Gebayli. They insist their fight in Libya is not a civil war but a revolution with the aim of overthrowing Colonel Qaddafi's nearly 42-year reign and reunifying the country from its current state of bifurcation and fawda (anarchy)...

"Libya's anti-regime forces insist the conflict is not a civil war pitting tribe or clan against one another, but is rather a genuine, society-wide armed revolt that will not halt until it reaches the gates of the capital...

"One of the unknown elements in the scenario remains whether Mu'ammarr Qaddafi's Qaddahfa tribe may eventually turn their guns on the regime if the rebels appear to be winning. The Qaddahfa are considered a small tribe and may have to make a pragmatic decision on their loyalty if they are to survive in a 'New Libya.' Several rebel spokesmen repeated the claim that this conflict in the heart of North Africa was not a civil war between tribes resulting from any sort of festering historical favouritism or clan chauvinism, but a mass movement inspired by the fall of neighbouring dictatorships in Tunisia and Egypt."²

- 19.10 Msnbc.com, a world news site, in a report dated 18 May 2011 called *Gadhafi, rebels vie for loyalty of Libyan tribes* stated:

"Months into the conflict in Libya, another fierce battle is being waged for the loyalties of the country's 140 tribes.

¹⁹⁹ Freedom House, *Countries at the Crossroads 2011 – Libya*, 10 November 2011

http://www.unhcr.org/refworld/country,.../LBY_4dcbf517c.0.html Accessed 8 February 2012

² Jamestown Foundation, *Special Report from Inside Libya: Assessing Libyan Rebel Forces*, 3 March 2011

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4d7094b92&skip=0&coi=LBY&querysi=tribes&searchin=fulltext&display=10&sort=date> Accessed 1 June 2011

“But in the shifting sands of Libyan allegiances, it’s unclear whether many tribes will cast their lot with Col. Moammar Gadhafi’s regime or the opposition forces until the winner becomes apparent. And even if they do side with one side or the other, many experts say that the tribal influence has been eroded by the democratic forces reshaping the country and the region, as well as other factors.

“‘It’s a battle for the ... imagination,’ said Alia Brahimi, a research fellow at the London School of Economics, referring to claims by both sides in the conflict to have substantial support among the tribes. ‘I don’t think that it’s actually representing concrete deals and alliances. ... It’s trying to cultivate legitimacy on both sides.’

“Gadhafi, who empowered the tribes to run local affairs during his decades-long rule, has regularly claimed he has support from what he says are 420 tribes, apparently counting clans within the major groups. Two weeks ago, the regime presented foreign journalists in Tripoli with tribal leaders it said are loyal to Gadhafi, who called on the rebels to return to the fold and instead focus their wrath on NATO.

“The opposition, which is based in the eastern city of Benghazi and enjoys broad support among the eastern tribes, recently held its own gathering, with 60 tribal leaders pledging allegiance.

“Amid the conflicting claims, it’s clear that the tribes are not always acting as one.

“‘Lots of Warfalla, lots of Tarhouna, Warshifanans and others ... coming out and voicing their dissent on behalf of their tribes, even though their tribes — we’ve been told that they are allied (with Gadhafi or the opposition), or at least neutral,’ said Faraj Najem, a Libya expert and author of the book, ‘Tribe, Islam and State in Libya.’

“While experts are divided on how significant support of the major tribes would be for either side, Brahimi said the tribes set the Libyan conflict apart from other recent uprisings in the region.

“‘I think that there is a general sort of underlying dynamic in Libya that didn’t exist in Egypt and Tunisia — which is this tribal element — and which actually explains the surprisingly robust nature of the regime, despite its brutality and despite this unprecedented challenge,’ she said.” ²⁰¹

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Tribal Loyalties

19.11 The report explained the historical aspect and loyalties of the Libyan tribes:

“Libya’s Arab tribes first arrived in the region about 1,500 years ago, living alongside the original inhabitants of northern Africa, the Berbers (there are several Berber tribes, known collectively as the Amazigh). A second wave followed about 500 years later, mostly from Saudi Arabia, said Ronald Bruce St John, a Libya expert and independent scholar who has written several books on the country.

²⁰¹ Msnbc.com, Gadhafi, rebels vie for loyalty of Libyan tribes, 18 May 2011
http://www.msnbc.msn.com/id/43049164/ns/world_news-mideast_n_africa/t/gadhafi-rebels-vie-loyalty-libyan-tribes/

Accessed 1 June 2011

"Gadhafi's math notwithstanding, experts agree there are about 140 tribes in Libya today. The largest one, with an estimated 1 million members out of the country's population of 6 million, is the Warfalla, whose home base is in western Libya.

"The tribes' influence runs deep in Libyan society. A person's last name is often reflective of the tribe they hail from, even if they don't have a sense of affiliation or loyalty to that tribe, Ranj Alaaldin, a senior analyst at Next Century Foundation, a charity dedicated to conflict resolution, wrote to msnbc.com.

"Libya has around 30 significant tribes, which can indeed be broken down according to their geographic locations, political influence over the years and their economic strength,' he said.

"But little recent data exists on the groups, and reading their intentions concerning the current conflict is challenging to say the least, experts say.

"Libyans themselves are keen to stress that they have no role in the politics of the state, still sensitive on the subject of tribes after the famous Saif al-Islam speech that warned Libya will be divided along tribal lines,' Alaaldin wrote, referring to a speech made by one of Gadhafi's sons in late February.

"It's not clear where some of the tribes in the West stand, for example. And even though the Warfalla supposedly issued a statement shortly after the rebellion started allying with the rebels, St John said the situation is far more nuanced: One faction of the tribe backs Gadhafi, one supports the rebels, and most tribal members are sitting on the sidelines.

"...some experts and leaders of the Libyan opposition downplay the power of the tribes.

"I don't personally think that tribes have played any role in this revolution — either for or against,' said Najem, the author and expert on Libya. 'I know there are people who are trying to use them. The latest in my opinion ... is the opposition in Benghazi. They're gathering them and they're trying to send a clear message that here are the tribes that are against you.'"²⁰²

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Tribal Influence

19.12 The report went on to assess tribal influence in the current Libyan society:

"Experts agree that urbanization and intermarriage have diluted tribal bonds and the role the groups play in Libyan society. If the opposition succeeds in ousting Gadhafi, they expect those changes to continue.

"We know that tribalism is much less significant than it was a generation ago,' said Brahimi. 'Tribalism has been a de facto mode of governance in Libya in the absence of anything else and obviously as soon as more accountable, efficient and legal and effective state institutions are erected, then there will be no need for people to identify

²⁰² Msnbc.com, Gadhafi, rebels vie for loyalty of Libyan tribes, 18 May 2011
http://www.msnbc.msn.com/id/43049164/ns/world_news-mideast_n_africa/t/gadhafi-rebels-vie-loyalty-libyan-tribes/

Accessed 1 June 2011

themselves actively in anything other than a symbolic way. ... I think it's almost an expression of modernity to move away from that.'

"Despite such talk, author St John noted that the opposition leadership features figures who are members of some of the bigger and most important tribes, including the Warfalla, the Barasa (Gadhafi's wife is also a member) and the Firjan, who live in the same area as Gadhafi's tribe.

"One must assume that part of what gave them leadership or brought them to prominence in the rebel movement was that they had strong ties with the right kinds of tribes,' St John said. 'Both sides have been quietly soliciting tribal support from the outset of the rebellion.'"²⁰³

- 19.13 Asharq alawsat, an Arabic international daily, in an article of 22 February 2011 called *Libyan Tribal Map: Network of loyalties that will determine Gaddafi's fate* stated:

"Dr. Faraj Abdulaziz Najam, a Libyan specialist in Social Sciences and History, told Asharq Al-Awsat that the Libyan tribes and clans that have genuine and demonstrable influence on the country number no more than 30 [tribes and family clans]...the majority of Libyans depend on their tribal connection in order to obtain their rights, and for protection, and even in order to find a job, particularly in the state apparatus. In a study conducted by Dr. Amal al-Obeidi at the University of Garyounis in Benghazi, it was revealed that the two largest and most influential Arab tribes in Libya originated from the Arab Peninsula, and these are the Beni Salim tribe that settled in Cyrenaica, the eastern coastal region of Libya, and the Beni Hilal that settled in western Libya around Tripoli. However other Libyan researchers and expert also revealed that around 15 percent of the Libyan population have no tribal affiliation whatsoever, being descendents of the Berber, Turkish, and other communities.

"The degree of political allegiance to the ruling regime in Tripoli varies from one tribe to the next, particularly over the forty years that Gaddafi has been in power. The tribe which has the strongest, and longest, ties to the Gaddafi region is the Magariha tribe, who which has yet to announce their position on the bloody demonstrations that have been taking place across the country for the past week. Former Libyan Prime Minister Abdessalam Jalloud, widely regarded as Gaddafi's right-hand man for much of his reign, is a member of the Magariha tribe. Gaddafi's own tribe, the Gaddafi tribe, had historically not been an important tribe in Libya prior to Colonel Gaddafi's ascent to power, and the Gaddafi tribe was not known for playing a major role in Libya's right against colonialism over the last 200 years.

"The leadership of the Magariha tribe acknowledges a debt of gratitude to Gaddafi and his regime for securing the return of one of the tribe's members, Abdel Baset al-Megrahi, from prison in Britain after he was convicted of being behind the Lockerbie bombing. However sources also told Asharq Al-Awsat that this has not prevented a number of youths of the Magariha tribe from participating – with members from other tribes – in the demonstrations and protests against Gaddafi's rule, especially in cities in eastern and southern Libya.

²⁰³ Msnbc.com, Gadhafi, rebels vie for loyalty of Libyan tribes, 18 May 2011
http://www.msnbc.msn.com/id/43049164/ns/world_news-mideast_n_africa/t/gadhafi-rebels-vie-loyalty-libyan-tribes/

Accessed 1 June 2011

"Experts say that the Magariha tribe is in the best position to carry out a coup against the Libyan leader, as many members of this tribe are in sensitive and senior positions of the Libyan government and security services. Whilst the Zawiya tribe is also in a strong position, and has threatened to stop the flow of oil into western Libya unless the authorities stop their deadly crackdown against the Libyan protestors.

"Tribal influence in Libya is extremely important, particularly since the 1970s, with tribal affiliation being important with regards to obtaining employment in Libya's General People's Committees, as well as in the country's security apparatus.

"The largest and most influential tribe in eastern Libya is the Misurata tribe, which takes its name from the Misurata district in northwestern Libya. The tribe has particularly strong influence in the cities of Benghazi and Darneah.

"As for the Cyrenaica region, the most prominent tribe's in this area are the Kargala tribe, the Tawajeer tribe, and the Ramla tribe.

"However the Misurata region has, over the past 50 years, become divided between those who belong to the traditional tribes that follow traditional tribal pursuits, and those who have given up this lifestyle and live in the region's urban centres.

"Some of the more prominent tribes and families that have given up the Bedouin tribal culture in the Misurata region are: the el-Mahjoub clan, the Zamoura family, the Kawafi tribe, the Dababisa tribe, the Zawaiya tribe, the al-Sawalih tribe, and the al-Jarsha tribe.

"As for the Kwar tribe, this is comprised of many sub-tribes of Arab descent, with some analysts saying that this tribe – which takes its name from the Kaouar region – is made up of as many as 15 smaller tribes.

"The al-Awaqir tribe is centred in the Barqah region of Cyrenaica, and this tribe is well known for the prominent role that it played in the war against Ottoman and Italian colonialism. The al-Awaqir tribe has also historically played a prominent role in Libyan politics, including during the previous era of the Libyan monarchy as well as during Gaddafi's reign. Al-Awaqir tribal members have held senior positions within Gaddafi's regime, including ministerial positions.

"As for Tobruk and the surrounding region, there are a number of prominent tribes in this area, including the Abdiyat tribe, that is made up of around 15 sub-tribes, and which is one of the most powerful tribes in the Cyrenaica region. The Masamir tribe is also an important tribe in this region, and although this tribe is known in Libya for its religious inclinations and piety, members of this tribe played a prominent role in fighting against Italian colonialism, particularly during the first half of the twentieth century.

"As for the al-Mujabra tribe, this tribe has a strong presence south-west of Tripoli near the Al Jabal Al Gharbi district. Brigadier General Abu Bark Younis Jaber, Libyan head of the army, is also a prominent member of this tribe.

"The Libyan Farjan tribe is centred west of the city Ajdabiya, and members of this tribe can be found in most of Libya's coastal cities, including Sirte, Zliten, and Tripoli. The Fizan district, and the area around Tripoli, is the home to the Zawiya tribe, the Warfala tribe, the Magariha tribe, and the Maslata tribe. The majority of people in the city of Tripoli are affiliated to the Masrata tribe, such as the Muntasir clan, the Suni family, the Qadi family, the al-Bashti family, and many other prominent families."²⁰⁴

Tribal rivalries since the declaration of liberation

- 19.14 The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in its *Libyan Response, Situation Report 67* of 4 December 2011 noted, "The protection situation for some minority groups, such as the Tawergha, Mushashya and Qawalish remains a concern. Many displaced people from these areas are unable to return at present, due to concerns for their safety."²⁰⁵

Taweghans

- 19.15 All Africa, in an article of 13 December 2011, *Rocky Road ahead of Tawergha Minority* stated:

"A major challenge facing Libya as it emerges from a nine-month civil war will be reconciling and integrating thousands of Tawergha accused of killing and raping residents of Misrata on behalf of deposed leader Muammar Gaddafi... The dark-skinned Tawergha minority - former slaves brought to Libya in the 18th and 19th centuries - resided until recently in a coastal town of the same name 250km east of the capital Tripoli.

"With the rise to power of the rebels, the Tawergha are now on the defensive. Their town sits empty - doors hanging open and homes burned; the sign leading to the city has been changed to New Misrata and its population told not to return.

"Continued harassment and revenge attacks on this minority threaten to re-ignite conflict, say aid workers."²⁰⁶

- 19.16 Human Rights Watch, in a report of 28 October 2011, *The Murder Brigades of Misrata*, noted:

"As the war in Libya comes to an end, the pressing need for accountability and reconciliation is clear. The actions of the Misrata brigades are a gauge of how difficult that will be, and Misrata is not alone in its call for vengeance. In the far west, anti-Gadhafi militias from the Nafusa Mountains have looted and burned homes and schools of tribes that supported the deposed dictator. Anti-Gadhafi militias from Zuwara have looted property as they demanded compensation for damage they suffered during the war...

"Clearly the NTC is up against the passions of a nasty war. Misrata withstood a two-month siege at the hands of Gadhafi's forces with near-daily indiscriminate attacks that killed about 1,000 of its citizens. The town's main boulevard, Tripoli Street, is in ruins. Facades of public buildings and private homes collapsed from tank fire and are charred inside and out. The pockmarks of bullet holes disfigure construction everywhere.

²⁰⁴ Asharq alawsat, Libyan Tribal Map: Network of loyalties that will determine Gaddafi's fate, 22 February 2011 <http://www.asharq-e.com/news.asp?section=3&id=24257> Accessed 7 June 2011

²⁰⁵ UN Office for the Coordination of Humanitarian Affairs, Libyan Response, Situation Report 67, 4 December 2011 http://northafrica.humanitarianresponse.info/sites/default/files/20111204_SituationReport.pdf Accessed 3 January 2012

²⁰⁶ All Africa, Rocky Road ahead of Tawergha Minority, 13 December 2012 <http://allafrica.com/stories/201112141145.html> Accessed 3 January 2012

"The fierce fight for Misrata has left a penetrating bitter aftertaste. Misratans say they detest anyone who backed Gadhafi. They are not welcome in Misrata, even if the city and its environs was their home for generations.

"The Misrata militia is focusing its greatest wrath on Tawergha, a town of about 30,000 people just south of the city. Both Misratans and Tawerghas say residents there were enthusiastic Gadhafi supporters. Hundreds of erstwhile civilians in that town took up arms to fight for him. Misratans say Tawergha volunteers committed rapes and pillaged with gusto, though Misrata officials decline to produce evidence of the alleged rapes, saying family shame inhibits witnesses and victims from coming forward.

"In any event, Misratan militia members are venting their anger on all Tawerghas, who are largely descendants of African slaves. Most fled their town as Misratan fighters advanced there between Aug. 10 and Aug. 12.

"Witnesses and victims we interviewed provided credible accounts of Misratan militias shooting and wounding unarmed Tawerghas and torturing detainees, in a few cases to death. In Hun, about 250 miles south of Misrata, militias from Benghazi have taken it upon themselves to protect about 4,000 refugees. They say Misratans are hunting down Tawerghas."²⁰⁷

- 19.17 Human Rights Watch, in a further report of 30 October 2011, *Libya: Militias Terrorising Residents of 'Loyalist' town*, gave more details about the plight of the people from Tawergha:

"Militias from the city of Misrata are terrorizing the displaced residents of the nearby town of Tawergha, accusing them of having committed atrocities with Gaddafi forces in Misrata, Human Rights Watch said today. The entire town of 30,000 people is abandoned – some of it ransacked and burned – and Misrata brigade commanders say the residents of Tawergha should never return.

"Human Rights Watch interviewed dozens of Tawerghans across the country, including 26 people in detention in and around Misrata and 35 displaced people staying in Tripoli, Heisha, and Hun. They gave credible accounts of some Misrata militias shooting unarmed Tawerghans, and of arbitrary arrests and beatings of Tawerghan detainees, in a few cases leading to death...

"The people of Tawergha mostly fled in August to the Jufra region, south of Misrata, according to the United Nations High Commission for Refugees (UNHCR), which put the number of displaced Tawerghans there at 15,000. Local officials in Hun, a town in Jufra, said 4,000 Tawerghans had sought shelter in three camps there as of early October, and an unknown number are in the town of Sokna and nearby agricultural settlements. Since then, at least 5,000 Tawerghans have moved from Jufra to Benghazi and Tripoli, and other groups are in Tarhuna, Khoms, and the far south."²⁰⁸

See also [paragraph 19.23](#) for information about black Libyans

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²⁰⁷ HRW The Murder Brigades of Misrata, 28 October 2012 <http://www.hrw.org/news/2011/10/28/murder-brigades-misrata> Accessed 4 January 2012

²⁰⁸ Human Rights Watch, *Libya: Militias terrorising Residents of 'Loyalist' town*, 30 October 2011 <http://www.hrw.org/news/2011/10/30/libya-militias-terrorizing-residents-loyalist-town> Accessed 9 November 2011

Tuareg

- 19.18 Reuters, in a report of 9 November 2011 called *Tense reconciliation begins with Libya's Saharan tribes*, reported on a meeting between representatives from the Tuareg nomad tribes and the transitional government:

"Meeting in a compound that used to be Muammar Gaddafi's private retreat outside the desert town of Obari, Zintan fighters and a civil and military delegation from the capital of Tripoli are here to make sure the revolution has fully arrived.

"Tensions are running high. Many Tuareg nomad tribes, who roam the southern Sahara desert spanning the borders of Libya and its neighbours, backed Gaddafi late into the war.

"The Arab fighters of Zintan, on the other hand, pride themselves on the speed at which they turned on Gaddafi. Zintan brigades came here to fight loyalists of the late Libyan leader in June and some have stayed behind, saying they intend to disarm the Tuareg, mediate disputes and reconcile the region with the interim government in the north, the National Transitional Council (NTC).

"Many look upon the nomads with suspicion. 'I've been sent from the Ministry of Defense to sort it out here,' said one commander, accusing the Tuareg of fighting for Gaddafi and raping women in the northern cities of Misrata and Zawiya, where bloody battles raged during the civil war. 'I will fix it. We are from Zintan and we are real revolutionaries. We need to stay in control here,' he added." ²⁰⁹

- 19.19 The report went on to describe the difficulties faced in reconciliation:

"The NTC faces the huge task of reconciling groups all over the country now that Gaddafi is gone after 42 years, and has sent delegations to sensitive areas around the country.

"In towns around Libya, locals say people have been killed in raids by former rebel brigades seeking revenge against men they believed had fought on Gaddafi's side. There are fears of regional violence, especially in the previous Gaddafi stronghold towns of Sirte, Bani Walid and Sabha, only 200 km (125 miles) from Obari.

"This region was one of the last bastions of Gaddafi in Libya and was only fully taken over by forces loyal to the NTC a month after he was toppled.

"Many Tuareg backed Gaddafi because he supported their rebellion against the governments of Mali and Niger -- where there are large populations of Tuareg -- in the 1970s and later allowed more than 100,000 to settle in southern Libya.

"The tribes are important to regional security because the Tuareg have huge influence in the vast, empty desert expanses which are often exploited by drug traffickers and Islamist militants as a safe haven for their operations.

"Porous borders, discontent and availability of arms make this region one of the

²⁰⁹ Reuters, *Tense reconciliation begins with Libya's Saharan tribes*, 9 November 2011 <http://www.reuters.com/article/2011/11/09/us-libya-tuareg-idUSTRE7A82S020111109> Accessed 14 November 2011

potential hot spots to present an armed challenge to the interim government.”²¹

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Mesheshiya

- 19.20 Npr radio in a bulletin of 9 November 2011, *In Post-Gadhafi Libya, Enmities Continue To Smoulder*, reported on the Mushashya in the Nafusa mountains:

“In Libya's Nafusa mountains southwest of Tripoli, the sight of abandoned villages and idle fighters hanging onto their weapons gives bleak testament to the fact that not everyone in the country is ready for the violence that overthrew former dictator Moammar Gadhafi to end...

“The village [outside the city of Zintan] used to be populated by members of a nomadic southern tribe called the Mushashya, whom Gadhafi imported to the area decades ago.

“Now, a sign in the town bears a handwritten scrawl that says, ‘Mushashya: Gadhafi dogs.’ Local residents are hoping the pro-Gadhafi families who were driven out don't come back...

“Matoug Merdassi, an anti-Gadhafi fighter from Zintan, says the Mushashya families can never come back, because when Zintan rose up against the dictator, they joined with the loyalist forces against their neighbours.

“Massoud al-Keesh, 55, says that when the uprising began, Mushashya people gave the village to the army, which used it to rocket and shell Zintan and the surrounding towns.”²¹¹

- 19.21 The Human Rights Watch *World Report 2012 – Libya*, released on 22 January 2012 and covering events of 2011, noted, “Members of the Mesheshiya tribe in the western mountains, accused of past loyalty to Gaddafi, also reported harassment and revenge attacks.”²¹²

Wershifanna

- 19.22 The Washington Post, in an article of 12 November 2011 called *Armed clashes intensify in divided Tripoli*, noted:

“Escalating clashes between militia groups near Tripoli have killed several fighters over three days, amid growing concerns about rivalries between the heavily armed rebels who control overlapping areas in and around the Libyan capital.

“‘There is a big fight now, a new front,’ said a fighter from the western city of Zawiyah,

²¹ Reuters, *Tense reconciliation begins with Libya's Saharan tribes*, 9 November 2011
<http://www.reuters.com/article/2011/11/09/us-libya-tuareg-idUSTRE7A82S020111109> Accessed 14 November 2011

²¹¹ npr radio, *In Post-Gadhafi Libya, Enmities Continue To Smolder*, 9 November 2011
<http://www.npr.org/2011/11/09/142100954/in-post-gadhafi-libya-enmities-continue-to-smolder>
Accessed 14 November 2011

²¹² Human Rights Watch, *World Report 2012 – Libya*, 22 January 2012
<http://www.hrw.org/sites/default/files/reports/wr2012.pdf> Accessed 23 January 2012

who was positioning a rocket on a flatbed truck at the side of the main road 16 miles west of Tripoli. 'We are fighting the Wershifanna tribe. There are remnants of Gaddafi people among them.'

"More than 100 other fighters from Zawiyah were manning checkpoints and loading up trucks with heavy weaponry before heading to the Hashan area, about a mile away, where the Wershifanna tribal fighters are the dominant force. Some said they believed ousted leader Moammar Gaddafi's favoured son Saif al-Islam was hiding in the area...

"The fighting was the most recent in a string of deadly confrontations among those who fought to overthrow Gaddafi's government and still have ready access to weapons. In Tripoli, where the police force is not fully functioning, brigades from a variety of tribes and regions control different parts of the city...

"I am now less confident that everyone is on the same mission,' said one Western official who spoke on the condition of anonymity. 'There are Misuratans, the Tripoli brigades and Zintanis in Tripoli. The leaders in Tripoli are very forgiving of the Misuratans — they see them as heroes. But they perceive the Zintanis as a problem.'

"The fighting continues despite a concerted effort to reconcile the battling factions by Mustafa Abdel Jalil, chair of the Transitional National Council. On Saturday morning, Abdel Jalil brought together senior figures from Zawiyah and from the Wershifanna tribe to discuss reconciliation, according to several people present." ²¹³

Black Libyans

19.23 Minority Rights Group International in its *Libya Overview*, updated August 2011, noted:

"Since the early days of the Libyan uprising there have also been reports of organized racist attacks on so-called 'Black' Libyans and foreign workers, particularly in rebel-held areas. Officials of the UN High Commissioner for Refugees related that refugees arriving from eastern Libya at the Egyptian border reported that armed Libyans had been going from door to door, forcing sub-Saharan Africans to leave. Tens of thousands of refugees arriving at camps in both Tunisia and Egypt have said they were accused of being mercenaries hired by the government, and told of racist killings and beatings.

"In all, some 500,000 people have fled the country, a large proportion of them foreign workers. Libya has a long history of discrimination against its large population of sub-Saharan migrants, including racially-motivated killings, previously earning the censure of the UN Committee on the Elimination of Racial Discrimination." ²¹⁴

See also [Section 1.10 Geographical and Tribal Issues](#)

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Languages spoken in libya

19.24 Ethnologue 2009 *Language map of Libya and Egypt*:

²¹³ The Washington Post, Armed clashes intensify in divided Tripoli, 12 November 2011. http://www.washingtonpost.com/world/middle_east/armed-clashes-intensify-in-divided-tripoli/2011/11/12/gIQAAnRplFN_story.html Accessed 14 November 2011

²¹⁴ Minority Rights Group International: Libya Overview, August 2011 <http://www.minorityrights.org/4171/libya/libya-overview.html> Accessed 18 January 2011



19.25 Ethnologue, *Languages of the world* (updated 2009) listed the nine living languages of Libya as,

Libyan Spoken Arabic
Standard Arabic
Awjilah
Domari
Ghadamès
Libya Sign Language
Nafusi
Sawknah
Tamahaq (Tahaggart)

The source gives more information about the languages and can be accessed via the following link:

http://www.ethnologue.com/show_country.asp?name=libya ²¹⁶

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20. Lesbian, gay, bisexual and transgender persons

²¹⁵ Ethnologue Language map of Libya and Egypt 2009,
http://www.ethnologue.com/show_map.asp?name=LY&seq=10 Accessed 13 June 2011

²¹⁶ Ethnologue, Languages of the world, 2009 http://www.ethnologue.com/show_country.asp?name=libya
Accessed 13 June 2011

In considering the position of lesbian and bisexual women see also section on [Women](#) for information about their position in Libyan society.

Legal rights

- 20.01 The International Lesbian and Gay Association report, *State-Sponsored Homophobia*, released 5 May 2011, stated that same-sex relations for men and women are illegal. The survey also provided the relevant legislation criminalising same-sex relations:

"Penal Code of 1953

"Article 407: Sexual assault/rape

"(1) Any individual who has sexual intercourse with another person using violence, by means of threats or through deception shall be punished with a term of imprisonment of a maximum of ten years.

"(2) This punishment shall also be imposed on any individual who has had sexual intercourse with the consent of a person who was not yet 14 years of age or with a person who did not resist on account of mental or physical disability. If the victim was not yet 14 years of age or was over 14 years of age but had not yet reached the age of 18, the maximum term of imprisonment shall be 15 years.

"(3) If the offender is a relative of the victim, a guardian, a tutor or a custodian, or if the victim is his servant, or if the victim has a special dependant relationship to the offender, a term of imprisonment of between five and 15 years shall be imposed.

"(4) If an individual has sexual intercourse with another person with their consent (outside marriage), the two persons involved shall be punished with a term of imprisonment of five years at most.

"Article 408: Lewd acts

"(1) Any individual who commits lewd acts with a person in accordance with one of the methods specified in the preceding article shall be punished with a period of imprisonment of five years at most.

"(2) This punishment shall also be imposed if the act has been committed in agreement with a person who was not yet 14 years of age or with a person who did not resist on account of a mental or physical disability. If the victim was between the ages of 14 and 18, the term of imprisonment shall be at least one year.

"(3) If the offender belongs to one of the groups of offenders specified in paragraphs (2) and (3) of Article 407, a term of imprisonment of at least seven years shall be imposed.

"(4) If an individual commits a lewd act with another person with their agreement (outside marriage), both parties shall be punished with a term of imprisonment." ²¹⁷

- 20.02 Sodomy Laws, a database of anti-gay legislation around the world (last updated 2007) stated, with regard to Libya, that gay male and female sex was 'illegal' and the

²¹⁷ International Lesbian and Gay Association, *State-Sponsored Homophobia* 5 May 2011 http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2011.pdf, Accessed 3 January 2012

maximum penalty was 'five years'.²¹⁸

- 20.03 Thinkprogress.com on its LGBT page in an undated report *Liberated Libya might not improve life for gay community* noted: "Interim Libyan leader Mustafa Abdul-Jalil has indicated that Islamic Sharia law will be the basic source of the country's new legislation, which could mean that persecution of homosexuality will persist. Abdul-Jalil opposes harsh punishment, but has not indicated whether he thinks Libya should punish people discovered to be gay, as countries like Iran and Saudi Arabia do."²¹⁹

Treatment by, and attitudes of, state authorities

- 20.04 The United States Department of State, *Country Report on Human Rights Practices 2010, Libya* (USSD Report 2010), published 8 April 2011, noted, "There were no reports of legal discrimination based on sexual orientation in employment, housing, or access to education or health care."²²

- 20.05 It was reported on 13 February 2012 by Fox News, in a news release called *New Libyan leadership takes harsh stance at UN against gays*:

"A United Nations delegate from Libya's newly formed government told a human rights panel that gays and other groups threaten 'reproduction of the human race,' drawing a stern rebuke from leaders of the international body.

"The remarks, reported by Geneva-based U.N. Watch, came just months after the North African nation's membership was restored to the U.N. Human Rights Council. The reinstatement came amid assurances that the new government that supplanted the brutal regime of Muammar Qaddafi would not brook human rights violations.

"Yet the unnamed representative told a panel discussing violence based on sexual orientation that lesbian, gay, bisexual and transgender, or LGBT, topics 'affect religion and the continuation and reproduction of the human race.'"²²¹

Societal treatment and attitudes

- 20.06 The USSD Report 2010, published 8 April 2011, noted, "There was societal and official abuse based on sexual orientation and sexual identity. Citizens tended to hold negative views of homosexual activity, and homosexuality is socially stigmatized... No public information was available on societal discrimination on the basis of sexual orientation or identity."²²²

- 20.07 LGBT Asylum News in a report of 20 September 2011, called *In Libya, mistreatment of black migrants includes gays*, related the story of a gay African worker:

²¹⁸ Sodomy Laws, 2007. <http://www.sodomylaws.org/> Accessed 3 January 2012

²¹⁹ Thinkprogress.com *Liberated Libya might not improve life for gay community* (undated) <http://thinkprogress.org/lgbt/2011/10/26/353656/liberated-libya-might-not-improve-life-for-lgbt-community/> 4 January 2012

²² USSD Country Report on Human Rights Practices 2010, Libya, 8 April 2011 <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 14 December 2011

²²¹ Fox News, *New Libyan leadership takes harsh stance at UN against gays*, 13 February 2012 <http://www.foxnews.com/world/2012/02/13/new-libyan-leadership-takes-harsh-stance-against-gays-at-un/> Accessed 113 February 2012

²²² USSD Country Report on Human Rights Practices 2010, Libya, 8 April 2011 <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 14 December 2011

"I have been work in Tripoli, Libya for the last five years, I belong to a group of young gay African men. Life has not be (sic) smooth but we keep to ourselves."

"There has been wide scale abuse and heavy beatings for gays in the middle of the war crisis.'

"Gays are hated here in Libya and that is not likely to stop because of the new government. Here is the example: Just recently, my Ugandan gay friend was badly beaten and left for death here in Tripoli.'

"H's case is not unique, being gay in Africa is treated like a crime, and here in Libya is no different and that will not change with the new government. H's case will not make the news because we are afraid to report it for fear of not only because we are gay but we are also black Africans, a double crime here. H would have died if a few of our friends did not come to his rescue and if the liberators found out that his friends were gay it would have been terrible."²²³

- 20.08 Gay worlds news in an article of 3 September 2011, *Libya : What about the LGBT Rights now ?* noted, "Beyond the criminal laws, cross-dressing and homosexuality are widely seen as immoral activities."²²⁴

Lesbians

- 20.09 The USSD Report 2010 noted, "In November [2010] a girl who announced on the Internet that she was gay sought asylum in France after she was allegedly arrested, raped, and nearly forced into a marriage."²²⁵

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21. Disability

- 21.01 The United States Department of State, *Country Report on Human Rights Practices 2010, Libya*, published 8 April 2011, stated, "The law provides for the rights of persons with physical, sensory, intellectual and mental disabilities and provides for monetary and other types of social assistance. A number of government-approved organizations cared for persons with disabilities and protected access to employment, education, health care, and other state services. Few public facilities had adequate access for persons with physical disabilities, and there was limited access to information or communications."²²⁶
- 21.02 Details of statutory disability benefits in Libya are outlined in the Libya country summary of the [United States Social Security Administration's Social Security Programs throughout the World](#), released August 2011. The summary sets out details of

²²³ LGBT Asylum News, In Libya, mistreatment of black migrants includes gays, 20 September 2011 <http://madikazemi.blogspot.com/2011/09/in-libya-mistreatment-of-black-migrants.html> Accessed 4 January 2012

²²⁴ Gay worlds news, Libya: What about the LGBT Rights now? 3 September 2011 <http://www.gay-worldsnews.com/libya-what-about-the-lgbt-rights-now/> Accessed 4 January 2012

²²⁵ USSD Country Report on Human Rights Practices 2010, Libya, 8 April 2011 <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 14 December 2011

²²⁶ USSD Country Report on Human Rights Practices 2010, Libya, 8 April 2011 <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 14 December 2011

permanent and temporary disability benefits.²²⁷

21.03 The United Nations reported on their website Enable, (accessed 17 January 2012) that Libya signed the Convention on the Rights of Persons with Disabilities (UN) on 1 May 2008.

21.04 Handicap International reports "Since April 2011, Handicap International teams have been on the ground in Libya taking daily action to raise the awareness of the populations at risk from landmines and unexploded weapons." The Libya page of their website can be accessed via the following link:

http://www.handicap-international.org.uk/where_we_work/africa/libya²²⁸

22. Women

Overview

22.01 Libya acceded to the *UN Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW)* on 16 May 1989. (UN Treaty Database, accessed 21 December 2011).²²⁹

22.02 The Freedom House report *Countries at the Crossroads 2011- Libya*, published 10 November 2011, contained information about women's rights in Libya, it should be noted, though, that this report is considering the situation for women during the Gaddafi regime:

"Women's rights in Libya are curtailed by certain laws and social norms that perpetuate discrimination, particularly in areas such as marriage, divorce, and inheritance. In January 2010, the General People's Committee passed a law granting Libyan women the ability to pass citizenship along to their children, but the lack of implementation directions and the inclusion of a number of seemingly contradictory clauses make unclear the extent to which the law will result in enhanced rights for women. Libyan women are sometimes subject to forced participation in social rehabilitation camps, which essentially amount to arbitrary arrest and detention. Women are sent to these camps when they have allegedly compromised their families' reputation, including by being raped."²³

22.03 The United States Department of State *Country Report on Human Rights Practices 2010, Libya*, published 8 April 2011 and covering 2010, (USSD Report 2010) noted: "The 1969 Constitutional Proclamation granted women equality under the law. In practice traditional attitudes and practices continued that discriminated against women.

²²⁷ United States Social Security Administration's Social Security Programs throughout the World, released August 2011. <http://www.ssa.gov/policy/docs/progdesc/ssptw/2010-2011/africa/ssptw11africa.pdf> Accessed 17 January 2012

²²⁸ Handicap International – Libya Page http://www.handicap-international.org.uk/where_we_work/africa/libya Accessed 17 January 2012

²²⁹ UN Treaty Collection, Chapter IV, Convention on the Elimination of All Forms of Discrimination Against Women. http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-8&chapter=4&lang=en Accessed 21 December 2011

²³ Freedom House, *Countries at the Crossroads 2011 – Libya*, 10 November 2011 <http://www.unhcr.org/refworld/country,,,LIBY,,4dcbf517c,0.html> Accessed 8 February 2012

Sharia (Islamic law) governs inheritance, divorce, and the right to own property. The law does not distinguish between genders for crimes of domestic violence, rape, or sexual harassment. Women have societal restrictions on their movement, even to local destinations.”²³¹

- 22.04 The Freedom House report , *Women's Rights in the Middle East and North Africa 2010 – Libya* (Freedom House, Women's Rights 2010 report) rated women's freedom in Libya in 2009 on a scale of one to five (one representing the lowest and five the highest level of freedom women have to exercise their rights – methodology for the ranking is [here](#)).

- “Non-discrimination and Access to Justice: 2.4
- Autonomy, Security, and Freedom of the Person: 2.6
- Economic Rights and Equal Opportunity: 2.8
- Political Rights and Civic Voice: 1.8
- Social and Cultural Rights: 2.5”²³²

- 22.05 USA Today in an article of 1 December 2011, *Women frustrated by lack of representation in Libya*, stated:

“Libya is a deeply conservative, male-dominated country. In a 2009 index on gender equality published by the Organization for Economic Cooperation and Development, it ranked 91st out of 102 countries.

“Outside the capital and major cities, most women wear head scarves and hide their bodies under long layers of loose clothing. Unaccompanied women do not go out after dark, and many do not drive.

“Libya's legal system theoretically allows women an unusual degree of freedom in the region. Gadhafi's Green Book, in which the dictator set out his philosophies, states that a woman's place is in the home, but Gadhafi travelled with a band of female bodyguards.

“During his 42 years in power, women attended universities and made careers as lawyers, doctors and teachers. But politics remained off limits to many women during his time in power.”²³³

- 22.06 A Human Rights Watch report of 24 November 2011, called *The Women's Lib movement in Libya sees a surprising twist*, noted:

“A few hundred Libyan women gathered this month for the first women's rights conference since the fall of Muammar Gaddafi. They argued about how to facilitate participation in a new government, about the role of Sharia law, and about how to

²³¹ USSD Country Report on Human Rights Practices 2010, Libya(introduction), 8 April 2011

<http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 14 December 2011

²³² Freedom House, *Women's Rights in the Middle East and North Africa 2010 – Libya*

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4b99012091&skip=0&coi=LB&querysi=nondiscrimination&searchin=fulltext&display=10&sort=date> Accessed 23 January 2012

²³³ USA Today, *Women frustrated by lack of representation in Libya* 1 December 2011

<http://www.usatoday.com/news/world/story/2011-12-01/libya-women-government/51555266/1?csp=34news> Accessed 14 December 2011

abolish laws discriminating against women in marriage...

“Abdeljalil [chairman of the governing National Transitional Council, Mustafa Abdeljalil who attended the meeting] asserted that Libyan women can expect to have the same rights as men and to play an important role in government, stating, ‘We expect women to be important figures in the future of this country.’ This time, unlike his infamous speech on the day of the Declaration of Liberation—in which he failed to acknowledge the role of women in the revolution and stated that Libya would re-introduce polygamy—Abdeljalil took care to enumerate the many ways that women had supported and led the revolution.

“Then women, old and young, from Tripoli, Benghazi and the western mountains, some with headscarves, some dressed in jeans and sneakers, jostled for position at the microphone to pepper Abdeljalil with questions. For almost an hour, they took the leader of their newly liberated country to task for his comments on polygamy, asked him whether he would include a quota for women in the new constitution and reminded him, repeatedly, that women have a key role to play in the rebuilding of Libya. Abdeljalil listened quietly and patiently, took notes, and answered many of the questions. He explained that he did not particularly support polygamy, and that he wanted to hear women’s views before any decisions were made.

“As he answered questions, a commotion broke out in the back of the hall. The new prime minister, Abdulrahmin el-Keeb, had arrived. He was followed into the hall, in rapid succession, by the minister of justice, the security minister and the information minister, all of whom talked about the vital role women played in the revolution and affirmed the role that they must now play. The Minister of Justice, Mohammed Allagi, went so far as to say that he would support a quota for women in government and that at least one of the top three positions in government should go to a woman. By now, the entire National Transitional Council was sitting at a hastily placed table in the front of the room. Then former prime minister Mahmoud Jibril arrived.

“Singing and chanting broke out as women cheered the significance of what was taking place in an ordinary conference room on this November evening. Libyan women crowded around the table to listen as Jibril affirmed his personal commitment to women’s rights, posing for photographs on mobile phones, and listening as the women called family and friends to share what was taking place.

“At the end of the conference, the women presented a list of recommendations for the National Transitional Council leaders, enumerating key challenges that Libya faces today. They urged leaders to enact new laws to protect women from violence, and guarantee access to justice, health care and psychological support. They asked the NTC to promote women’s equality and back their ability to participate in public life. And they reminded the government about the necessity of investing in women’s economic empowerment. Finally, the participants asked Libya’s new leaders to sign major international human-rights agreements.

“What started out as a modest attempt to bring women together had turned into a moment when a new Libya was briefly visible, where rights for all could be protected and respected. Libya’s women had laid out their vision for a fresh beginning, and their leaders had come to listen. Now they must press those leaders to make their words a reality.”²³⁴

²³⁴ HRW The Women’s Lib movement in Libya sees a surprising twist, 24 November 2011

Legal rights

22.07 The Freedom House, Women's Rights 2010 report observed:

"Although the government claims to have eliminated gender-based discrimination under Libyan legislation, women remain treated unequally in some aspects of the law, notably within provisions of family law that uphold the principles of Shari'a (Islamic law). Moreover, women face discrimination within the judiciary due to social attitudes and prevailing cultural values, and legislation designed to protect women is often not implemented in practice. Women are often treated as minors under the guardianship of their fathers or other male relatives, a cultural and in some cases legal reality that has remained unaltered in recent years...

"Although women and men have an equal right of recourse to the law and an equal right to pursue legal proceedings, and although an adult woman is generally recognized as a full person before the court, women continue to find themselves at a disadvantage due to cultural traditions. They typically consult with a male relative before taking legal action, and it is still accepted practice for a man to take legal action on a woman's behalf. A woman has the right to challenge discriminatory actions by the state and claim compensation should the courts rule in her favour. However, it is difficult to determine whether women actually file such claims, as court records are not easily accessible by the public...

"An adult woman is recognized as a full person before the court and is equal to a man throughout all stages of litigation and legal proceedings. However, in some instances, women are not considered to be as authentic witnesses as men. Common interpretations of Islamic principles assert that one male witness is equivalent to two females. Moreover, the testimony of a woman cannot be used to establish the crime of zina (extramarital sexual relations), illustrating at least one circumstance in which a woman's worth before the court is less than that of a man."²³⁵

22.08 Women Living Under Muslim Laws [WLUML], in a *Statement on Libya* on 25 October 2011, expressed their concerns about the possible introduction of Sharia law:

"WLUML is deeply concerned that the first public act of the Libya's National Transition Committee has been to proclaim on October 23rd, 2011, that a number of laws would be considered annulled and that 'sharia law' was to replace them...when we consider which laws have been de facto annulled and changed for religious ones, we see that these are laws that directly affect the rights of women in marriage, divorce, guardianship, polygamy, inheritance, etc. i.e. family codes or laws of personal status. ...Women are directly targeted by this change in laws and will lose many acquired rights in the process...We denounce the loose use of the term 'sharia' to give a false religious legitimacy to patriarchal interpretations of religion, as well as to patriarchal traditions."²³⁶

<http://www.hrw.org/news/2011/11/24/womens-lib-movement-libya-sees-surprising-twist> Accessed 14 December 2011

²³⁵ Freedom House, Women's Rights in the Middle East and North Africa 2010 – Libya

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4b99012091&skip=0&coi=LBY&querysi=nondiscrimination&searchin=fulltext&display=10&sort=date>

Accessed 23 January 2012

Political rights

22.09 The Freedom House, Women's Rights 2010 report stated:

"In the official discourse of the state, women are encouraged to attend and participate in the Basic People's Congresses, and there are no formal restrictions preventing them from serving in leadership positions. However, Libyan women have made few inroads into what is still essentially a male-dominated political system. Their political rights and civic voice remain extremely limited on account of the nature of the regime and the fact that all political activity must be sanctioned by the authorities. Recent years have brought no real change in this respect, and women continue to play a marginal role in state institutions. For example, just 36 women gained seats in the 468-seat General People's Congress in the March 2009 indirect elections... Only a handful of women have secured positions in the executive structures of government...

"Women are also largely absent from leadership positions in the shabiyat, the country's intermediate administrative divisions...

"At the local level, women are ostensibly free to contribute to debates and discussions in the Basic People's Congresses alongside their male counterparts, but social norms encourage women to remain out of the public eye, and far fewer women than men participate in practice. Women are even less likely to participate in the Basic People's Congresses in rural areas, and in some cases those who do attend choose to do so indirectly on account of conservative social attitudes."²³⁷

22.10 USA Today in an article of 1 December 2011, *Women frustrated by lack of representation in Libya*, stated:

"There's one group that says it remains seriously under-represented in the new government: women. Of the 20-odd new ministers, two are women — and they hold the traditionally female roles of health and social affairs.

"In the scores of government councils created in cities and towns to replace those of the toppled regime of Moammar Gadhafi, hardly any women are present.

"'We're really frustrated there's not more female representation,' said Salha Saddik Soussi from the Libya Women's Alliance. 'It's very important that women have a role in writing the new constitution.'

"Although it was men who took up arms to free Libya from Gadhafi, women say they played an important part in Libya's eight-month-long civil uprising and should have a say in how their liberated society is shaped.

"'Women took on the role of the state,' said Shahrazad Kablan, a Benghazi-born teacher and activist who presented a show on Free Libya television. 'They were feeding

²³⁶ Women Living Under Muslim Laws, Statement on Libya, 25 October 2011
<http://www.wluml.org/action/women-living-under-muslim-laws-statement-libya> Accessed 14 December 2011

²³⁷ Freedom House, Women's Rights in the Middle East and North Africa 2010 – Libya
<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4b99012091&skip=0&coi=LB&querysi=nondiscrimination&searchin=fulltext&display=10&sort=date> Accessed 23 January 2012

people, they were taking people to the hospitals, they were nurses, doctors, they were financiers, they sold their gold, they transported weapons, they made weapons at home, they financed the freedom fighters.”²³⁸

- 22.11 The same article went on to consider the difficulties women have faced in gaining political representation:

“Politics remained off limits to many women during his [Gaddafi] time in power.

“‘You couldn’t get involved in politics. To get involved with government, it was a very tricky thing, it was very risky,’ said Amal Jerrari from the media and communication committee of the National Transitional Council. ‘Women who did get up there would be considered improper, and that would cause them to get a poor reputation for them and their families. It was like a curse.’

“Salwa Bugaighis was one of a handful of women who served in the NTC, Libya’s interim governing body. She resigned in frustration, saying she wasn’t being heard, and she is trying to gain influence with civil rights groups springing up throughout Libya. ‘In the National Transitional Council, they don’t care about the voice of women. There’s no respect,’ she said. ‘The majority of them are men. Most of them, when you talk, they don’t listen to you. It’s the mentality deep inside. You feel you are excluded.’

“Many of the local councils that sprang up during the revolution have few or no female members. When asked why women were not better represented, the head of the all-male city council of Zintan, Omran Eturki, said, ‘It’s very hard work.’”²³⁹

- 22.12 The BBC News in a report of 13 December 2011 called *Libyan women battle for empowerment* stated:

“They helped smuggle weapons and ammunition to fighters during the revolution. Now, Libyan women have their own battle to fight - for empowerment. ‘We have a lot of work ahead of us,’ says Sara Mazik, from Women for Libya, a new group of women who have recently returned from exile.

“Now that the country has been liberated from 42 years of dictatorship, an assertive new generation of women’s rights activists is emerging. They gather every day in homes, offices and Tripoli’s smarter hotels to discuss and set out their demands. And they are pushing for a 40% quota for women in the parliamentary committee that will write Libya’s new constitution following elections next year.

“‘We’re mostly moderate Muslims, not extremists. But I’m worried that some people will try to make strict Sharia law a basis for the constitution,’ says Nisreen Adham, one of the activists.

“Concerns deepened after the head of the National Transitional Council (NTC), Mustafa Abdul Jalil, announced in October that restrictions on polygamy would be removed - and the legal system based on Sharia.

²³⁸ USA Today, Women frustrated by lack of representation in Libya 1 December 2011

<http://www.usatoday.com/news/world/story/2011-12-01/libya-women-government/51555266/1?csp=34news> Accessed 14 December 2011

²³⁹ USA Today, Women frustrated by lack of representation in Libya 1 December 2011

<http://www.usatoday.com/news/world/story/2011-12-01/libya-women-government/51555266/1?csp=34news> Accessed 14 December 2011

"If we've got a committee full of Mustafa Abdul Jalils, then we may as well pack up and leave,' says Ms Soussi.

"But for many young Libyan women, this is a moment of huge opportunity - and of hope. For the first time in their lives, they can go out onto the streets and voice their opinions.

"As women, we are finally launching ourselves into society,' 16-year-old Noor Torshani said at a recent demonstration in Tripoli. 'We are actually practising democracy.'"²⁴

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Social and economic rights

Overview

22.13 The Amnesty International Annual Report 2011- Libya, released 11 May 2011, noted:

"The law continued to discriminate against women, notably in relation to marriage, divorce and inheritance, and polygamy remained allowed for men.

"In January [2010], a new nationality law was adopted to permit Libyan women married to foreign spouses the right to pass on Libyan nationality to their children on a similar basis as permitted for Libyan men married to foreign spouses."²⁴¹

Income and assets

22.14 The Freedom House, Women's Rights 2010 report stated:

"Women in Libya have the same rights to own land and property as men, and they are free to buy and sell both...women have the right to retain their private wealth upon marriage. However, given that men are usually responsible for land and property in accordance with dominant social traditions, only women of a higher social class tend to have control over their own financial affairs. Women are free to obtain bank loans and financial credit, and banks do not require the consent of the husband to issue a loan to a woman. In 2007 the Rural Bank granted 19,558 loans, of which 4,502 went to women.

"Women also have the right to full and independent use of their income and assets, but it is not uncommon for women to give their income to their husbands or other family members. According to one survey, out of 200 women questioned, only half kept their salaries. The other half either handed over all their income to a male family member or gave up most of it after taking a cut for themselves."²⁴²

Inheritance

²⁴ BBC News, Libyan women battle for empowerment, 13 December 2011
<http://www.bbc.co.uk/news/world-africa-16160671> Accessed 14 December 2011

²⁴¹ Amnesty International, Annual Report 2011, 11 May 2011, Libya
<http://www.amnesty.org/en/region/libya/report-2011#section-81-7> Accessed 21 December 2011

²⁴² Freedom House, Women's Rights in the Middle East and North Africa 2010 – Libya
<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4b99012091&skip=0&coi=LB&querysi=nondiscrimination&searchin=fulltext&display=10&sort=date> Accessed 23 January 2012

- 22.15 The Freedom House, Women's Rights 2010 report noted, "The inheritance rights of women are not equal to those of men. Libya's inheritance laws are based on Islamic principles whereby a woman inherits only half of what is due to her brothers. In addition, it is not unusual for a woman to give her share of inheritance to her brothers, in part to ensure that the brothers will financially support her should she remain unmarried or find herself divorced or widowed."²⁴³

Marriage

- 22.16 *Women's rights in the Middle East and North Africa: citizenship and justice*, by Sameena Nazir and Leigh Tomppert and published in 2005, stated, "Although not particularly widespread, polygamy is still permitted although Qadhafi has tried to dissuade from engaging in the practice by speaking out against it. In order to take a second wife, the man must secure prior judicial permission based on grounds of financial and physical capacity. He must also obtain the written permission of his first wife although authorization may be given by a court in exceptional circumstances."²⁴⁴
- 22.17 The book went on to describe how marriages are negotiated:
- "By law, women are able to negotiate their marriage rights. The Promotion of Freedom Act No. 20(1991) stipulates, 'Every male and female citizen has the right to form a family based on a contract of marriage concluded with the consent of both parties.' Officially a guardian may not force a ward of either sex into marriage or prevent a ward from marrying. However, according to tradition, women cannot marry without the consent of their father or male guardian. Marriage is generally a family affair, especially in rural areas, and partners are often designated from birth and are dependant on family and tribal ties."²⁴⁵

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Divorce

- 22.18 World for Libya [which according to its website is a not for profit organisation which was established following the Libyan civil protests and the uprising of February 2011, with a goal to provide aid and assist the poorest and neediest Libyans and Libyan refugees] in

²⁴³ Freedom House, Women's Rights in the Middle East and North Africa 2010 – Libya

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4b99012091&skip=0&coi=LB&querysi=nondiscrimination&searchin=fulltext&display=10&sort=date> Accessed 23 January 2012

²⁴⁴ *Women's rights in the Middle East and North Africa: citizenship and justice*, 2005 by Sameena Nazir and Leigh Tomppert

http://books.google.co.uk/books?id=5spje12_is4C&pg=PA170&lpg=PA170&dq=divorce+libya+women&source=bl&ots=t4oJINYcew&sig=VtA_YB0ihTLs7mNqXO7Z2UkyyMw&hl=en&ei=JMTToTjKOsSN4gTYksyICQ&sa=X&oi=book_result&ct=result&resnum=2&ved=0CE4Q6AEwATgK#v=onepage&q=divorce%20libya%20women&f=false Accessed 14 December 2011

²⁴⁵ *Women's rights in the Middle East and North Africa: citizenship and justice*, 2005 by Sameena Nazir and Leigh Tomppert

http://books.google.co.uk/books?id=5spje12_is4C&pg=PA170&lpg=PA170&dq=divorce+libya+women&source=bl&ots=t4oJINYcew&sig=VtA_YB0ihTLs7mNqXO7Z2UkyyMw&hl=en&ei=JMTToTjKOsSN4gTYksyICQ&sa=X&oi=book_result&ct=result&resnum=2&ved=0CE4Q6AEwATgK#v=onepage&q=divorce%20libya%20women&f=false Accessed 14 December 2011

a report of 7 October 2011, called Women's Rights in Libya, stated, "Divorce, especially within the mountainous regions of Libya, has an enormous stigma attached to it, with female divorcees being ostracised from society."²⁴⁶

- 22.19 *Women's rights in the Middle East and North Africa: citizenship and justice*, by Sameena Nazir and Leigh Tomppert and published in 2005, stated:

"A man has the right to divorce his wife by law, although he must petition the court in order for it to be valid and the divorce has to be agreed by a legislator. Judicial divorce is also available to women if the husband is deemed unable to support his wife, is absent without justification or is impotent.

"The court will decide if both parties do not mutually agree to the divorce and cannot be reconciled. If the woman is deemed to be the cause of the divorce, then not only is she denied any outstanding mahar (dower payment), but in addition the custody of her children is given to her husband. In some cases she is also ordered to pay compensation. If the court decides the divorce is the fault of the husband, he is ordered to pay compensations as well as any outstanding mahar. After a divorce has been granted the law imposes on the husband the duty to maintain his wife for a period regardless of how wealthy she may be. However, in practice it seems this is not enforced and divorced women may face difficulties if they do not have family to fall back on.

"Custody is the right of both parents with a married status. If a couple separates based on mutual agreement, the mother has the right of custody, followed by her mother, then the child's father and his mother. However a child who is in the custody of its mother must be supported financially by its father unless it has its own private assets."²⁴⁷

- 22.20 The Freedom House, Women's Rights 2010 report added:

"Although women are permitted to represent themselves before the court during divorce proceedings, in practice they are usually represented by a male family member. Divorce is still considered to be a family affair, meaning a woman's ability to secure a divorce is often dependent on the extent to which her family supports her decision. Moreover, it is generally easier for men to secure a divorce than women, and society is more accepting of divorced men than divorced women. However, as women have become more financially independent in recent years, they have grown more capable of pushing for divorce than they were in the past...

"Women who are divorced face particularly acute challenges. Although Libyan law calls for the man to leave the marital home to his wife and children upon divorce, tradition dictates otherwise. In reality, divorced women are expected to return to live with their families, as society does not tolerate the idea of a woman living alone and supporting herself."²⁴⁸

²⁴⁶ World for Libya, Women's Rights in Libya, 7 October 2011 <http://worldforlibya.org/news/posts/2011/10/women's-rights-in-libya/> Accessed 14 December 2011

²⁴⁷ Women's rights in the Middle East and North Africa: citizenship and justice, 2005 by Sameena Nazir and Leigh Tomppert http://books.google.co.uk/books?id=5spje12_is4C&pg=PA170&lpg=PA170&dq=divorce+libya+women&source=bl&ots=t4oJlNYcew&sig=VtA_YB0ihTLs7mNqXO7Z2UkyvMw&hl=en&ei=JMTToTojkOsSN4gTYksyICQ&sa=X&oi=book_result&ct=result&resnum=2&ved=0CE4Q6AEwATgK#v=onepage&q=divorce%20libya%20women&f=false Accessed 14 December 2011

²⁴⁸ Freedom House, Women's Rights in the Middle East and North Africa 2010 – Libya <http://www.unhcr.org/cgi->

Women living alone

22.21 The Freedom House, Women's Rights 2010 report noted:

"Women are adversely affected by poverty due to their gender because the job types to which they are limited by tradition often fail to provide enough income for financial independence. Divorced and widowed women are particularly vulnerable to poverty as a result. Under the social security law, widows are entitled to welfare payments in the form of a percentage of their deceased husband's pension. However, in practice, due to bureaucratic inefficiencies, these payments appear to be difficult for women to collect."

²⁴⁹

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Freedom of movement

22.22 *Women's rights in the Middle East and North Africa: citizenship and justice*, by Sameena Nazir and Leigh Tomppert and published in 2005, stated:

"Officially women have freedom of movement and do not need to request permission to travel abroad. However, due to the overtly patriarchal nature of Libyan society, most women do not travel unless accompanied by a husband or male relative. Those who choose to travel alone or with other women are generally members of the elite and are still expected to secure the permission of their families in order to do so. Travelling inside Libya also presents difficulties for Libyan women if they wish to stay in hotels, as rooms are generally not rented to unaccompanied women due to cultural traditions.

"Libyan women are also restricted in their local environment. Due to social pressures, women rarely walk in the street in the evenings unless accompanied by a male family member or another female." ²⁵

Freedom of dress

22.23 The Social Institutes and Gender Index website on its Libya page (accessed 17 January 2011) noted, "Women in Libya enjoy freedom of dress, but the majority wear a veil in public (this is not necessarily the case in bigger cities). Many women choose to wear a veil for religious beliefs; others do so in response to social pressure. The niqab, a veil

[bin/texis/vtx/refworld/rwmain?page=country&docid=4b99012091&skip=0&coi=LB&querysi=nondiscrimination&searchin=fulltext&display=10&sort=date](#) Accessed 23 January 2012

²⁴⁹ Freedom House, Women's Rights in the Middle East and North Africa 2010 – Libya

[http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4b99012091&skip=0&coi=LB&querysi=nondiscrimination&searchin=fulltext&display=10&sort=date](#) Accessed 23 January 2012

²⁵ Women's rights in the Middle East and North Africa: citizenship and justice, 2005 by Sameena Nazir and Leigh Tomppert

[http://books.google.co.uk/books?id=5spje12_is4C&pg=PA170&lpg=PA170&dq=divorce+libya+women&source=bl&ots=t4oJINYcew&sig=VtA_YB0ihTLs7mNqXO7Z2UkyyMw&hl=en&ei=JMTToTojkOsSN4gTYksyICQ&sa=X&oi=book_result&ct=result&resnum=2&ved=0CE4Q6AEwATgK#v=onepage&q=divorce%20libya%20women&f=false](#) Accessed 14 December 2011

that covers the whole face except for the eyes, is less common.”²⁵¹

Women and work

22.24 The USSD report 2010 noted:

“The General Union of Women's Associations, which the government established as a network of quasi-NGOs, addresses women's employment needs. According to 2008 data from the International Labor Organization, 26 percent of women older than 15 were economically active, compared with 77 percent of men. Traditional restrictions continued to discourage some women from playing an active role in the workplace.

“The government is the country's largest employer [where] women and men with similar qualifications are paid at the same grade for positions that are substantially similar. The emerging private sector does not formally discriminate on the basis of gender for access to employment or credit, although women tend to earn less than men for similar work.”²⁵²

22.25 The Freedom House, Women's Rights 2010 report noted:

“Despite the government's official stance on women's employment, which welcomes diversity in their choice of profession, women continue to work predominantly in fields that are traditionally associated with females, such as education, health services, and secretarial or cleaning work. Furthermore, Libyan men often prefer that their female family members work in jobs that do not entail mixing with the opposite sex. They also prefer that women not work too far from the home, further limiting the options available to female professionals.”²⁵³

22.26 The same report also noted, “No legislation exists to protect women from sexual harassment in the workplace.”²⁵⁴

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Reproductive rights

22.27 The USSD report 2010 noted, “Couples and individuals have the right to decide freely and responsibly the number, spacing and timing of their children and have the information and means to do so free from discrimination, coercion, and violence. Virtually all births took place in hospitals, and more than 90 percent of mothers received

²⁵¹ The Social Institutes and Gender Index, Libya <http://genderindex.org/country/libya> Accessed 17 January 2012

²⁵² USSD Country Report on Human Rights Practices 2010, Libya (employment), 8 April 2011 <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 14 December 2011

²⁵³ Freedom House, Women's Rights in the Middle East and North Africa 2010 – Libya <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4b99012091&skip=0&coi=LBY∓querysi=nondiscrimination&searchin=fulltext&display=10&sort=date> Accessed 23 January 2012

²⁵⁴

pre- and postnatal care.”²⁵⁵

Sexual relations outside marriage

22.28 The Freedom House, Women's Rights 2010 report noted:

“Law No. 70 of 1973 criminalizes fornication, and both men and women may be prosecuted for engaging in sexual relations outside of marriage, the punishment for which is flogging. In October 2007, a Libyan government representative told the UN Human Rights Committee, which oversees the International Covenant on Civil and Political Rights, that Law No. 70 is based on the Koran and that the right to freedom of belief does not mean fornication should be practiced in society. Although few people are punished for fornication, women who are discovered to have engaged in illicit sexual relations often find themselves shunned by society and their families, and are deemed to have violated the family's honour.”²⁵⁶

Abortion

22.29 Women on the Web's *Abortion laws worldwide* (undated) stated that in Libya “Abortion [is] illegal in all circumstances or permitted only to save a woman's life.”²⁵⁷

22.30 The Freedom House, Women's Rights 2010 report added:

“Under Article 390 of the penal code, whoever procures an abortion without the woman's consent faces up to three years in prison. Under Articles 391 and 392, a woman who consents to or procures her own abortion, and anyone who procures an abortion with the woman's consent, is punished with a minimum sentence of six months in prison. Article 394 stipulates that if an abortion is carried out for the preservation of the honour of the offender, for instance in cases of pregnancy out of wedlock, the penalty is reduced by half. Some illegal abortions are carried out in Libya, although if they can afford it, women sometimes travel to Tunisia, where the service is more readily available.”²⁵⁸

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Violence against women

²⁵⁵ Freedom House, Women's Rights in the Middle East and North Africa 2010 – Libya

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4b99012091&skip=0&coi=LB&querysi=nondiscrimination&searchin=fulltext&display=10&sort=date> Accessed 23 January 2012

²⁵⁶ Freedom House, Women's Rights in the Middle East and North Africa 2010 – Libya

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4b99012091&skip=0&coi=LB&querysi=nondiscrimination&searchin=fulltext&display=10&sort=date> Accessed 23 January 2012

²⁵⁷ Women on the web, Abortion laws worldwide, <http://www.womenonweb.org/set-298-en.html> Accessed 14 December 2011

²⁵⁸ Freedom House, Women's Rights in the Middle East and North Africa 2010 – Libya

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4b99012091&skip=0&coi=LB&querysi=nondiscrimination&searchin=fulltext&display=10&sort=date> Accessed 23 January 2012

Domestic violence

22.31 The USSD report 2010 noted:

“The law allows women and girls, some of whom were victims of gender-based or domestic violence and who were suspected of violating moral codes, to be detained in ‘social rehabilitation’ facilities. They could be detained indefinitely without access to legal representation or the opportunity to contest their detention in court. Women at these sites could be released only to their families, often the source of the threat to their safety. Women sometimes were subjected to forced marriage to strangers. HRW, which initially highlighted this phenomenon in a 2006 report, said the practice continued.”²⁵⁹

22.32 The same report continued:

“The law prohibits domestic violence, but there was scant information on the penalties or the extent of violence against women. There were 563 cases of rape reported in 2007; statistics were not disaggregated by gender. In 2008 courts heard more than 900 cases involving sex crimes. In January 2009 members of the Committee on the Elimination of Discrimination against Women criticized the government for not presenting data on violence against women. Courts handed down prison terms of varying length to convicted rapists, according to a 2009 government response to the UN Human Rights Committee. Domestic abuse rarely was discussed publicly; HRW reported that students conducting a study on sexual violence in April 2009 found that victims were reticent to discuss their experiences due to fears of social stigmatization. The quasigovernmental Waatasemu Charity Foundation, headed by Muammar al-Qadhafi's daughter, Aisha al-Qadhafi, partnered with the UN to promote awareness of domestic abuse and sponsored a hotline for domestic abuse victims.”²⁶

22.33 The Freedom House, Women's Rights 2010 report added:

“Domestic violence is a problem in Libya. Article 17 of Law No. 10 of 1984 states that husbands should not cause physical or mental harm to their wives, but Article 63 of the penal code stipulates that evidence of injury is needed to prove assault. As in most conservative societies, domestic violence remains a taboo issue, and its public airing is deemed to be something shameful that brings dishonour upon the victim as well as her entire family. At the official level, certain elements have been unwilling to acknowledge that violence against women exists. As the deputy of the Social Affairs Secretariat has stated, ‘We don't have violence against women ... if there was violence, we would know.’ Similarly, another Libyan official once explained to the UN Committee on the Rights of the Child that no organizations in Libya specifically defend the rights of women because ‘women did not suffer from discrimination and that kind of organization therefore served no purpose.’ However, awareness regarding this issue has grown in recent years, and the state has made some efforts to educate the population. In March 2007, the charity Al-Wattasimu launched a cultural project in Tripoli on women's equality that included a number of forums and publications related to violence against women.

“Despite these efforts, many women do not raise complaints about domestic violence due to the social stigma attached to the issue. Women generally fear that they will be

²⁵⁹ USSD Country Report on Human Rights Practices 2010, Libya(women), 8 April 2011 <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 14 December 2011

²⁶ USSD Country Report on Human Rights Practices 2010, Libya(women), 8 April 2011 <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 14 December 2011

rejected by their husbands and extended families should they come forward with accusations. One senior Libyan judicial official said that 99 percent of victims who filed domestic violence complaints eventually withdrew their cases.”²⁶¹

- 22.34 World for Libya [which according to its website is a not for profit organisation which was established following the Libyan civil protests and the uprising of February 2011, with a goal to provide aid and assist the poorest and neediest Libyans and Libyan refugees] in a report of 7 October 2011, called Women's Rights in Libya, stated:

“The lack of rights for women is prevalent in Libya with sexual gender violence against women a commonplace event. However this abuse which is so frequently experienced by Libyan women is blatantly overlooked. The clandestine nature of the abuse means that there are no set statistics concerning how widespread this violence is for women in Libya however cases of abuse are continually discovered.

“One such instance was discovered first hand by World For Libya volunteer Hana Elgadi at a refugee camp in Tunisia. Hana described meeting a woman arriving at the camp who had reached a state of desperation. She was overtly telling people about her physically abusive husband and family, and the physical effects of the violence she had had inflicted upon by her husband, and from before her marriage at the hand of her brother and father, were evident.

“The woman was reportedly from a region of Libya which is highly conservative in nature and almost tribal in its approach to social conduct. The woman's situation was an incredibly difficult one: whilst it was perhaps possible to extract her from her situation, there was no way to also get her children out without harming her even more. This is because in such cases the legal system that it is the father that has dominant custody of any children in a marriage. Had the woman been isolated from the family unit she would have risked the wrath of her brother and father who she was adamant would track her down and kill her.

“Divorce, especially within the mountainous regions of Libya, has an enormous stigma attached to it, with female divorcees being ostracised from society.

“Apparently this particular woman had been verbally divorced by her husband and as a result went to live with her father and brother, who locked her in a room and starved her until her husband took her back.

“Whilst this story is a very extreme case it seems that in many cases women's rights are neglected in Libya.”²⁶²

- 22.35 The report went on to consider what steps can be taken to address the issue of violence against women:

“A non government organisation called ‘Voices of Libyan Women’ has been set up by two women with the intention of educating women in Libya as to their rights and basic

²⁶¹ Freedom House, Women's Rights in the Middle East and North Africa 2010 – Libya
<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4b99012091&skip=0&coi=LB&querysi=nondiscrimination&searchin=fulltext&display=10&sort=date> Accessed 23 January 2012

²⁶² World for Libya, Women's Rights in Libya, 7 October 2011
<http://worldforlibya.org/news/posts/2011/10/women-s-rights-in-libya/> Accessed 14 December 2011

entitlements. However campaigning for this issue is an uphill struggle. Not only is it difficult to convince people of your cause when by its nature the issue of abuse is one for which there are no set statistics and facts, at the moment there is only one female representative in the government, compared to 29 men [as at the time of writing of this report – now 2 women – see paragraph 22.10]...

“Another obstacle to tackling this issue is finding the right people to undertake this mammoth task. Investigation of such a social taboo needs to be undertaken by those who have the ability and can be trusted to elicit accurate information. Finding Libyans who are sufficiently articulate to communicate about the subject and indeed who are willing to do so, is difficult, as many such people are often living abroad. However there are men in Libya who are willing to talk about and address this issue, many of whom Hana herself was able to make contact with.

“There have also been significant steps made towards bringing this issue to the attention of the public forum. The Libyan Youth Forum supports ‘Voices of Libyan Women’ and this is also fully supported by the NTC. Hana has in fact been invited by Voices of Libyan Women to represent World for Libya and speak about Women's rights issues at their first conference, which is set to be attended by delegates of the EU, UN, various NGO's and some NTC members.

“The attitude towards women in Libya is a deep set mentality. Raising awareness of and communicating the need for this to change is a lengthy process that involves an aspect of total re-education. Many obstacles exist which inhibit this cause however they are in no way insurmountable; the movement for change may be underground and at present a whisper, however more importantly it is moving, evolving and getting louder.” ²⁶³

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Sexual violence

22.36 The USSD report 2010 noted, “The law criminalizes rape. A convicted rapist must marry the victim, with her agreement, or serve a prison term of as long as 25 years. Rape victims who failed to meet high evidentiary standards reportedly could face charges of adultery, according to HRW [Human Rights Watch].” ²⁶⁴

22.37 The Freedom House, Women's Rights 2010 report noted, “Spousal rape is not a crime, and like other forms of domestic abuse, such cases are considered private matters that carry a great deal of shame if publicly reported.” ²⁶⁵

22.38 The same report added:

“Gender-based violence that occurs outside the home is also deemed to be a matter of disgrace, and the female victim is often held responsible for the actions of the

²⁶³ World for Libya, Women's Rights in Libya, 7 October 2011

<http://worldforlibya.org/news/posts/2011/10/women's-rights-in-libya/> Accessed 14 December 2011

²⁶⁴ USSD Country Report on Human Rights Practices 2010, Libya(women), 8 April 2011

<http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 14 December 2011

²⁶⁵ Freedom House, Women's Rights in the Middle East and North Africa 2010 – Libya

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4b99012091&skip=0&coi=LBY&querysi=nondiscrimination&searchin=fulltext&display=10&sort=date> Accessed 23 January 2012

perpetrator. Only the most heinous of rapists are prosecuted, and rape victims themselves risk prosecution for extramarital sexual relations if they attempt to press charges. A rapist is expected to marry his victim to 'save her honour' as a 'social remedy.' The woman's consent is needed for such a marriage, but given the reality of social pressures, she effectively has no option but to marry the perpetrator. Most families prefer to conceal any violation of the woman's honour, and such matters are rarely discussed outside of the home. Moreover, the regime's denials regarding the existence of violence against women extend to crimes like rape. The deputy director of social affairs in the General People's Congress, Amal Safar, declared in 2005 that 'violence and rape is very rare. You might find two cases [in Libya] from people belonging to non-Libyan cultures.'²⁶⁶

- 22.39 The BBC News, in a report of 13 December 2011 called *Libyan women battle for empowerment*, stated:

"[At a recent demonstration in Tripoli] Dozens of women covered their mouths with tape, to symbolise the silence with which rape victims were greeted by the interim authorities.

"And they refused to leave until the new Prime Minister, Abdurrahim al-Keib, came out to meet them. After a couple of hours, he did - promising to look into their demands.

"'Injured men are being looked after properly and sent abroad for treatment,' said Amira Nayed, from another new women's group, Phoenix. 'The women who also suffered during the conflict should be cared for too. They need psychological help. And we need awareness programmes so people know that it's not their fault that they are victims of a crime.'

"In Libyan society, rape is seen as the ultimate shame and, because victims do not come forward, no-one knows how many women might have been raped by pro-Gaddafi forces.

"The International Criminal Court is currently investigating the rape allegations. 'I've heard that 36 women committed suicide last month alone because of the shame of it,' says activist Sara Shukri. "²⁶⁷

- 22.40 The United Nations General Assembly Security Council report of 13 January 2012 into *Conflict-related sexual violence* looked at the situation in Libya during the recent uprising:

"During the conflict in Libya between February and October 2011, allegations of sexual violence committed by parties to the conflict were reported. In its report of June 2011, the Commission of Inquiry mandated by the Human Rights Council to investigate alleged violations of international human rights law in Libya concluded that sufficient information had been received to justify further investigation to ascertain the extent of sexual violence. With a view to ascertaining the actual scope and scale of conflict-related sexual violence in Libya, the United Nations has begun to investigate, gather

²⁶⁶ Freedom House, Women's Rights in the Middle East and North Africa 2010 – Libya
<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4b99012091&skip=0&coi=LB&querysi=nondiscrimination&searchin=fulltext&display=10&sort=date> Accessed 23 January 2012

²⁶⁷ BBC News, Libyan women battle for empowerment, 13 December 2011
<http://www.bbc.co.uk/news/world-africa-16160671> Accessed 14 December 2011

and analyse information on such violations.

“The preliminary findings from the initial phase of monitoring confirm that both women and men were subjected to rape and other forms of sexual violence. Women were reportedly abducted from their homes, from cars or from the streets and raped in places unknown to the victim, while men were raped in prisons and places of detention. Rape was reportedly used as a form of punishment against those who rebelled against the former Qadhafi regime. It has been alleged that rape was prevalent in Zawiyah, Zuwara, Ajdabiya, Misrata and Legzaya (Nafusa Mountains), which were besieged by the former Qadhafi forces. It is, however, too early to determine whether security forces of the former Qadhafi regime and its followers had received orders to carry out rape against women, men and children during the conflict. For example, in one case, a 23-year-old woman was raped on two occasions in the town of Beni Walid by armed men who were wearing military uniforms; she is currently five months pregnant. In another case, a 34-year-old woman reported that she had been taken into an interrogation room, thrown on the floor, beaten and raped by three men. She identified them as members of Qadhafi’s forces. She also claimed that there were many women who were raped but feared to report it because of stigma. The absence of State structures to address sexual violence exacerbates the situation and strengthens the silence of victims and witnesses.” ²⁶⁸

Shelters and assistance for women

22.41 The Freedom House, Women’s Rights 2010 report stated,

“There are no genuinely independent women’s organizations working on the issues of women’s autonomy and security, and no women’s shelters exist aside from the social rehabilitation centers described [by the USSD report in paragraph 22.31]. Aisha al-Qadhafi’s Al-Watassimu charity, which maintains close ties to the government, has worked to raise awareness of violence against women with limited success. The project it launched in March 2007 included promoting the issue in mosques, schools, and other public places.” ²⁶⁹

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23. Children

This section should also be read in conjunction with [Women](#), particularly with regard to the treatment of girls.

Overview

23.01 Libya acceded to the UN Convention on the Rights of the Child on 15 April 1993. (UN Treaty Collection, accessed 21 December 2011).²⁷ However the country was not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction

²⁶⁸ United Nations General Assembly Security Council Conflict-related sexual violence, 13 January 2012 <http://www.un.org/Docs/sc/sgrep12.htm> (when link open - to access report click on S/2012/33). Accessed 23 January 2012

²⁶⁹ Freedom House, Women’s Rights in the Middle East and North Africa 2010 – Libya <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4b99012091&skip=0&coi=LBY&querysi=nondiscrimination&searchin=fulltext&display=10&sort=date> Accessed 23 January 2012

²⁷ UN Treaty Collection, Convention on the Rights of the Child.

(The United States Department of State *Country Report on Human Rights Practices 2010, Libya*, published 8 April 2011 and covering 2010, (USSD Report 2010)).²⁷¹

23.02 The USSD Report 2010 noted:

“Citizenship is derived from either the mother or the father and registered in a government-issued family book. In July the government made public a law allowing women married to foreign spouses to pass their own nationality to their children.

“There were no data on the number of unregistered births.”²⁷²

23.03 The World Health Organisation *Health System Profile – Libya*, published 2007, noted:

“According to the Human Development Report 2002, the mortality rate for children aged under 5 years fell from 160 per 1000 live births in 1970 to 20 in 2000. In Egypt, the equivalent figure is 43 and in Tunisia, 28. Immunization records are also good: in 1999, 97% of one-year old children were vaccinated against tuberculosis and 92% against measles. However, concern has been raised that over the past three years the rate of coverage has slowed down. Births universally takes place in health facilities and are attended by skilled health personnel.”²⁷³

23.04 The report also noted, “Poor quality of drinking water may contribute to gastro-enteritis being the most common complaint of children being treated in primary care centres in Libya.”²⁷⁴

23.05 A report commissioned by Save the Children Sweden, published August 2011 and called *Children’s Rights Situation Analysis Middle East and North Africa – Libya* (Save the Children report 2011) stated:

“Traditional attitudes towards children in society may limit the respect for their views, especially within the family and in schools. The United Nations Human Rights Committee has also reported widespread discrimination against vulnerable groups of children, including children of migrant workers, children born out of wedlock, and children whose mothers are married to non-Libyan nationals. Other groups of children that may be discriminated against include 13,000 children living with disabilities, registered with government social funds, 400 orphaned or abandoned children who live in social institutions, and nearly 700 girls and boys in juvenile institutions (for custody, pending investigations, or in detention).”²⁷⁵

http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en

Accessed 21 December 2011

²⁷¹ USSD Country Report on Human Rights Practices 2010, Libya(women), 8 April 2011

<http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 14 December 2011

²⁷² USSD Country Report on Human Rights Practices 2010, Libya(women), 8 April 2011

<http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 14 December 2011

²⁷³ WHO, Health System Profile – Libya 2007

<http://gis.emro.who.int/HealthSystemObservatory/PDF/Libya/Full%20Profile.pdf> Accessed 24 January 2012

²⁷⁴ WHO, Health System Profile – Libya 2007

<http://gis.emro.who.int/HealthSystemObservatory/PDF/Libya/Full%20Profile.pdf> Accessed 24 January 2012

²⁷⁵ Save the Children Sweden Children’s Rights Situation Analysis Middle East and North Africa – Libya, August 2011 <http://mena.savethechildren.se/PageFiles/2867/Regional%20MENA%20CRSA.pdf>

Basic legal information

23.06 The basic facts on children included:

- Education: Education is free for all children and compulsory starting at 6 years of age until 15 years of age (Save the Children report 2011)²⁷⁶
- Minimum age of employment: 15 – part time and apprentice positions; 18 full time and hazardous occupations. (Right to education project - National law and policies on minimum ages – Libyan Arab Jamahiriya from second period report 19 September 2002).²⁷⁷
- Minimum age for marriage: 20 for both sexes (judicial discretion below that age, but in no circumstances under 15). (Right to education project - National law and policies on minimum ages – Libyan Arab Jamahiriya from second period report 19 September 2002).²⁷⁸
- Minimum age for criminal responsibility: 14 (Right to education project - National law and policies on minimum ages – Libyan Arab Jamahiriya from second period report 19 September 2002).²⁷⁹
- Age of consensual sex: Sex is criminalised outside of marriage (International Lesbian and Gay Association, State-Sponsored Homophobia 5 May 2011).²⁸
- Universal suffrage – 18 (Medea Institute, Libya elections and parliament).²⁸¹

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Violence against children

23.07 The USSD Report 2010 noted, “The law prohibits child abuse, and that prohibition was respected in practice.”²⁸²

Physical and psychological stress caused by the fighting

Accessed 23 January 2012

²⁷⁶ Save the Children Sweden Children’s Rights Situation Analysis Middle East and North Africa – Libya, August 2011 <http://mena.savethechildren.se/PageFiles/2867/Regional%20MENA%20CRSA.pdf>

Accessed 23 January 2012

²⁷⁷ Right to education project - National law and policies on minimum ages – Libyan Arab Jamahiriya <http://www.right-to-education.org/country-node/1082/country-minimum>

²⁷⁸ Right to education project - National law and policies on minimum ages – Libyan Arab Jamahiriya <http://www.right-to-education.org/country-node/1082/country-minimum>

²⁷⁹ Right to education project - National law and policies on minimum ages – Libyan Arab Jamahiriya <http://www.right-to-education.org/country-node/1082/country-minimum>

²⁸ International Lesbian and Gay Association, State-Sponsored Homophobia 5 May 2011 http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2011.pdf, Accessed 3 January 2012

²⁸¹ Medea Institute, Libya, elections and parliament <http://www.medeainstitute.be/en/countries/libya/libya-elections-and-parliament/> Accessed 23 January 2012

²⁸² USSD Country Report on Human Rights Practices 2010, Libya(women), 8 April 2011 <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 14 December 2011

- 23.08 A report of 12 July 2011 by UNICEF called *Libya's other crisis: 2 million children at physical and emotional risk as conflict drags on*, identified the problems caused to children by the effects of the recent conflict:

"With most of Libya's major cities and towns either now or previously embroiled in violent conflict, children have been greatly affected since the uprising began on 17 February.

"The most obvious threats to children are the weapons around them. Landmines and explosive remnants of war contaminate areas around Misrata, Ajdabiya and the Nafusa Mountains. Cities and towns are now awash in small arms from weapons caches that were opened following the start of the conflict.

"These dangers cannot be overstated. When children come across these weapons, they sometimes collect them as trophies or for scrap metal, putting their lives at grave risk...

"In some cases, the damage done to children by the conflict is not physical, but psychological. Many Libyan children who have been through traumatic experiences are now in urgent need of psycho-social support...

"Experts agree that in addition to psycho-social support, a sense of normalcy should be restored to children's lives as quickly as possible in such situations. One way to achieve normalcy is through the daily routine of school, but the formal education system in Libya has ground to a halt. Schools from Tripoli to Benghazi have been closed since the onset of the crisis."²⁸³

- 23.09 In a further report of 10 November 2011, UNICEF reported on how they are supporting the Libyan youth as they return to 'normality':

"Throughout Libya, boys... who have fought in Libya's uprising, are struggling to adapt to a normal life. They've become militarized in their fight for freedom. Some have been traumatized by what they did and what they saw. When asked, on camera, whether he has nightmares, Abdul [a 17 year old recruited into a militia] is dismissive, but later, walking across the base, he recounts in detail the horrors he saw. He may not have nightmares, but he relives the worst moments every day. 'I often think about what I did and I ask myself whether it was right or wrong, but I feel it was right and I feel I was doing my duty.' he said.

"UNICEF and partners are working with Libya's interim government to demilitarize the country's youth. As part of that process, leaders of 14 youth clubs under the Scouts in the East and Misrata have been trained and 20 adolescents are being trained in child protection and psychosocial support in their areas. They're also working to ensure that all children are able to return to school as soon as possible, the return to regular routines is a key part of the demilitarization and normalization process."²⁸⁴

- 23.10 The Save the Children report 2011 considered the status of child rights under emergencies, with particular regard to the February 2011 uprising:

²⁸³ UNICEF At a glance: Libya, Libya's other crisis: 2 million children at physical and emotional risk as conflict drags on 12 July 2011 http://www.unicef.org/infobycountry/laj_59204.html Accessed 21 December 2011

²⁸⁴ UNICEF At a glance: Libya UNICEF provides support to Libyan youth as they return to normal life, 10 November 2011. http://www.unicef.org/infobycountry/laj_60482.html Accessed 21 December 2011

“The conflict, which started in February 2011, illustrates that the protection of civilians under emergencies is a major concern in Libya: reported use of cluster bombs, sea and land mines, aerial bombing raise concerns about apparent disregard for protection of children. Children are also at risk of being recruited or coerced into participating in armed forces. Children as young as eight may have suffered sexual assaults, including rape, amid the worsening conflict across the country, according to accounts given to Save the Children UK. The conflict has also resulted in breaches of rights of children to education and health. According to UNICEF, with schooling being compulsory from age 6 to 15, there are likely to be over a million children currently suffering from the prolonged disruption to their education. In the medium to longer term a significant impact on the general health status of children in conflict affected can also be expected as a result of being unable to access to basic health services. The mental health of children may also have been severely affected with reports of children witnessing extreme violence, with no recourse to psycho-social services and treatment.”²⁸⁵

Child labour

- 23.11 The USSD Report 2010 stated, “The law forbids children younger than 18 from being employed, except when it is a form of apprenticeship. There was no information available on the prevalence of child labour, although there were no reports of child slavery, prostitution, or recruitment into armed conflict during the year.”²⁸⁶
- 23.12 The Save the Children report 2011, noted “The actual number of under-age working children is not known, and there have been no comprehensive assessments on whether labour laws are effectively enforced.”²⁸⁷

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Child care and protection

- 23.13 The Save the Children report 2011 stated:

“Legislative measures to protect children against violence and abuse include the Child Protection Act No. 5 of 1997 and Articles 407 and 408 of the Penal Code, which protect children from sexual violence. In its third and forth periodic report on the implementation of the Convention, Libya reported that it had set up a helpline number (1515) to receive complaints about violence against women and children, under the supervision of a charitable organisation (Waataseemu Charity Association). Libya acknowledges that studies on the prevalence of violence and abuse are inadequate. The country has made no progress in the collection of sex-disaggregated data on the prevalence and forms of violence, including in the domestic sphere.

“Child protection provisions are not well enforced, and programmes as well as referral and rehabilitation services for victims of abuse are lacking. In addition, in its 2009 Concluding Observations, the Committee on the Elimination of All Forms of

²⁸⁵ Save the Children Sweden Children’s Rights Situation Analysis Middle East and North Africa – Libya, August 2011 <http://mena.savethechildren.se/PageFiles/2867/Regional%20MENA%20CRSA.pdf> Accessed 23 January 2012

²⁸⁶ USSD Country Report on Human Rights Practices 2010, Libya(employment), 8 April 2011 <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 14 December 2011

²⁸⁷ Save the Children Sweden Children’s Rights Situation Analysis Middle East and North Africa – Libya, August 2011 <http://mena.savethechildren.se/PageFiles/2867/Regional%20MENA%20CRSA.pdf> Accessed 23 January 2012

Discrimination against Women expressed its concerns that many women and girls are confined in social rehabilitation centres only because they were victims of sexual or domestic violence, without the provision of a possibility to challenge this confinement in a court. Libya has not addressed this issue...

"Libya furthermore has made no progress in ensuring a comprehensive ban on corporal punishment in the home and in alternative settings. Corporal punishment at school is a criminal offence under the School Discipline Ordinance for schools as well as the Child Protection Act. However, provisions against violence and abuse in Act No. 17 (1992), the Penal Code (1953), the Child Protection Act (1997), the Great Green Document on Human Rights (1988), the Constitutional Proclamation and the Promotion of Freedom Act No. 20 (1991) are not interpreted as prohibiting corporal punishment in childrearing. Furthermore, although capital punishment and life imprisonment are unlawful as judicial sentences for child offenders, corporal punishment is lawful. A draft new Penal Code has been under discussion since 2007, which may repeal corporal punishment as a sentence."²⁸⁸

23.14 The report also assessed children's health provision:

"Article 3 of the Health Act also provides that: 'The Ministry of Health shall provide full preventive health services and treatment for young people such as to ensure that the new generation is sound in body, mind and soul'. Article 4 of the Child Protection Act No. 5 furthermore stipulates that 'Health facilities of all levels shall be responsible for providing children with the necessary vaccinations and inoculations, free of charge'. The government allocates approximately 7.5 per cent of its general budget to health care."²⁸⁹

23.15 The report commented on charitable institutions in Libya working with children, "There are a few charitable associations operating within Libya, and presumably enjoying government support, and offering services to children, including Waatasemu Charity Association, which operates a government-sponsored hotline for victims of violence. The UN reports that there are more than 30 NGOs providing services to children or engaged in child issues."²⁹

Education

23.16 The USSD Report 2010 noted:

"The government subsidized primary, secondary, and university education. Secondary education was compulsory through grade nine for both boys and girls, and 100 percent of children between the ages of six and 14 were enrolled in basic educational institutions, according to the government's Universal Periodic Review submission to the UN Human Rights Council. The law imposes high fees on noncitizens enrolled in primary and secondary schools. The UN Human Rights Council noted that schools

²⁸⁸ Save the Children Sweden Children's Rights Situation Analysis Middle East and North Africa – Libya, August 2011 <http://mena.savethechildren.se/PageFiles/2867/Regional%20MENA%20CRSA.pdf> Accessed 23 January 2012

²⁸⁹ Save the Children Sweden Children's Rights Situation Analysis Middle East and North Africa – Libya, August 2011 <http://mena.savethechildren.se/PageFiles/2867/Regional%20MENA%20CRSA.pdf> Accessed 23 January 2012

²⁹ Save the Children Sweden Children's Rights Situation Analysis Middle East and North Africa – Libya, August 2011 <http://mena.savethechildren.se/PageFiles/2867/Regional%20MENA%20CRSA.pdf> Accessed 23 January 2012

discriminated against children born out of wedlock.”²⁹¹

- 23.17 The UN Office for the Coordination of Humanitarian Affairs (OCHA) in its *Libyan Response, Situation Report 67* of 4 December 2011 stated, with regard to education:

“The new school year is due to start 7 January 2012. UNICEF has compiled data on all school-aged IDP children in Benghazi and the surrounding areas, disaggregated by age, gender and the grades at which students will be starting the new school year. A data summary, including the names of children, was provided to Ministry of Education officials, to ensure that IDP children are able to attend school in their areas of displacement, should return not be possible by the new school year.

“The number of school-aged IDP children from Sirte is unknown. As a result, the Ministry of Education and the Education Working Group have developed an outreach plan to identify these children and enrol them in the local schools.”²⁹²

- 23.18 A press release of 6 January 2012 from UNICEF noted:

“More than 1.2 million children return to school in Libya on Saturday, 10 months after evacuating classrooms because of the fighting during the country’s popular uprising.

“The conflict took a heavy toll on Libya’s education system, with schools closed, damaged and used for military and humanitarian purposes...

“With support from UNICEF and other partners, the Government worked round the clock to rehabilitate infrastructure and clear rubble, landmines and unexploded ordnance from schools.

“A total of 27 million revised textbooks are being printed, 10 million of which are already being distributed by the Ministry of Education throughout the country. Severely distressed children and their families are receiving psycho-social support and work is underway to track internally-displaced and other vulnerable children to ensure that they are enrolled.

“Many challenges remain, including the plight of the displaced, a shortage of desks and books and transport for children to and from schools.

“With assistance from the European Union and other donors, UNICEF will support Libyan authorities in broad-based reforms. Libya has good levels of education indicators, though better quality and more relevant teaching are required to ensure that the system is more responsive to gender disparities, minorities and children with disabilities.”²⁹³

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²⁹¹ USSD Country Report on Human Rights Practices 2010, Libya(women), 8 April 2011

<http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 14 December 2011

²⁹² UN Office for the Coordination of Humanitarian Affairs, *Libyan Response, Situation Report 67*, 4 December 2011

http://northafrica.humanitarianresponse.info/sites/default/files/20111204_SituationReport.pdf Accessed 3 January 2012

²⁹³ UNICEF Conflict over, 1.2 million children to return to school in Libya, 6 January 2012

http://www.unicef.org/media/media_61244.html Accessed 10 January 2012

24. Trafficking

24.01 The United States Department of State *Trafficking in Persons Report 2011: Libya*, published 27 June 2011 gave Libya “a Tier ranking of 3” where “Tier 3 are countries who governments do not fully comply with the minimum standards and are not making significant efforts to do so.” ²⁹⁴

24.02 Jane’s, in its *Sentinel Country Risk Assessment for Libya*, security section, posted 23 November 2011, noted that:

“Human trafficking is a major problem in Libya, primarily as a result of its proximity to Europe. It is a transit and a destination country for men, women, and children trafficked from Africa and Asia for the purposes of sexual and labour exploitation...

“Those who have been trafficked that are caught are punished, generally through imprisonment or deportation. However, Libya has begun working with foreign governments to tackle the problem. In 2003, Italy and Libya signed a bilateral agreement to patrol their waters jointly to try to prevent human trafficking...

“In May 2010, the regime took a more robust approach and tried over 450 defendants on human trafficking charges. The defendants, who were reportedly tried in groups of 30 in special security courts, are alleged by the local media to have included members of the armed forces and navy as well as members of the public security services.” ²⁹⁵

24.03 The United States Department of State *Trafficking in Persons Report 2011: Libya*, published 27 June 2011 stated:

“Libya is a destination and transit country for men and women from sub-Saharan Africa and Asia subjected to forced labour and forced prostitution. Migrants typically seek employment in Libya as labourers and domestic workers or transit Libya en route to Europe. Although precise figures are unavailable, there were an estimated 1.5 to 2 million foreigners in Libya at the end of 2010. Increasingly, an unknown number of migrant workers in the construction sector – particularly Filipinos, Nepalis, Indians, Bangladeshis, and sub-Saharan Africans – faced fraudulent recruitment practices, confiscation of identity and travel documents, withholding or non-payment of wages, or debt bondage... As of March 2011, international relief organizations were unable to operate in some parts of Libya, exacerbating relief efforts. Some migrant workers were robbed by pro-regime Libyan soldiers, and a Red Crescent official said that soldiers have blocked about 30,000 migrant workers from fleeing into Tunisia and forced many to return to work in Tripoli. A media report asserted that some sub-Saharan African migrants were forced to fight with pro-government groups.

“The number of migrants, including trafficking victims, who were smuggled to or through Malta and Italy, were considerably smaller than in previous years due to Libyan and Italian joint naval patrols; however, migrants complained of very poor treatment and no efforts to identify trafficking victims among them... As in previous years, there were isolated reports that women from sub-Saharan Africa were forced into prostitution in Libya...

²⁹⁴ United States Department of State *Trafficking in Persons Report 2011: Libya*, published 27 June 2011 <http://www.state.gov/documents/organization/164455.pdf> Accessed 18 January 2012

²⁹⁵ Jane’s *Sentinel Country Risk Assessment – Security* 23 November 2011. Subscription only – hard copies available on request. (Current copies kept at British Library)

"In the first 11 months of the reporting period, the Libyan government failed to demonstrate significant efforts to investigate and prosecute trafficking offenses or to protect trafficking victims. Moreover, the government's policies and practices with respect to undocumented migrant workers resulted in Libyan authorities also punishing trafficking victims for unlawful acts that were committed as a result of their being trafficked. Following the outbreak of civil unrest in February 2011, accurate information regarding the situation in Libya has become very limited."²⁹⁶

24.04 With regard to prosecution, the report continued, "The Government of Libya demonstrated negligible law enforcement efforts over the past year. Libyan law does not prohibit all forms of trafficking. In November 2010, the General People's Committee for Justice drafted amendments to Articles 336-339 of the Libyan Criminal Code, which would criminalize trafficking in persons, although some of the definitions, as drafted, appear overly broad."²⁹⁷

24.05 Commenting on protection, the report noted, "The Libyan government took minimal steps to improve the protection of trafficking victims during the reporting period. The government did not develop or implement procedures for authorities' proactive identification of trafficking victims, nor did it demonstrate efforts to refer victims detained by authorities to protective facilities."²⁹⁸

24.06 The Freedom House report, *Countries at the Crossroads 2011 - Libya*, published 10 November 2011, noted:

"Migration and human trafficking are another serious area of human rights abuse in Libya, which is a common transit point for migrants and refugees fleeing Sub-Saharan Africa for Europe. Libya's 2009 Treaty of Friendship with Italy was in part designed to stem the flow of these migrants into Europe, and Italy has provided Libya with significant funding, patrol boats, and weapons to target these groups. Libyan security forces have been criticized for using live fire against boats they suspect of carrying migrants to Europe, and they routinely repatriate refugees to hostile countries, particularly Eritrea."²⁹⁹

See also [Foreign Refugees and Migrants](#)

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25. Medical issues

Before the 2011 uprising

Overview

25.01 A report commissioned by Save the Children, Sweden, published August 2011 and called *Children's Rights Situation Analysis Middle East and North Africa – Libya* (Save

²⁹⁶ United States Department of State Trafficking in Persons Report 2011: Libya, published 27 June 2011 <http://www.state.gov/documents/organization/164455.pdf> Accessed 18 January 2012

²⁹⁷ United States Department of State Trafficking in Persons Report 2011: Libya, published 27 June 2011 <http://www.state.gov/documents/organization/164455.pdf> Accessed 18 January 2012

²⁹⁸ United States Department of State Trafficking in Persons Report 2011: Libya, published 27 June 2011 <http://www.state.gov/documents/organization/164455.pdf> Accessed 18 January 2012

²⁹⁹ Freedom House, *Countries at the Crossroads 2011: Libya* <http://www.unhcr.org/refworld/country,,,LIBY,,4dcbf517c,0.html> Accessed 8 February 2012

the Children report 2011) stated, "The right to free health care as a human right is enshrined in the Health Act No. 106 of 1973. Article 50 of the Act provides that: 'Access to medical treatment and related services in State-run hospitals, clinics and therapy units of all types and designations is the established right of each and every citizen on a basis of equality'".³

25.02 Jane's *Sentinel Country Risk Assessment, Libya*, section on *Demography*, posted on 10 August 2010, stated:

"All Libyans are entitled to free universal and comprehensive health care through a network of hospitals and clinics. The country's two major hospitals are in Tripoli and Benghazi - both of which are attached to medical schools and other training establishments - while smaller towns and villages have clinics or small hospitals. Primary care to isolated villages and towns is provided by mobile medical facilities. The General People's Committee is the ultimate overseer of health care in the country, but since the re-establishment of links to the outside world, there is increasing privatisation of the system, although this is unlikely to undermine the government's commitment to universality.

"However, the health system continues to be beset with problems and those Libyans who can afford it tend to travel abroad for treatment, either to Tunisia or to Europe. The system suffers from under-funding, poor training of personnel, administrative inefficiency, a lack of information due to low levels of computerisation and insufficient numbers of qualified medical staff. In addition, given the low levels of public sector wages many doctors work in state-run facilities in the mornings and have their own private clinics in the afternoons and evenings.

"One of the major challenges for Libya is reducing the levels of communicable diseases, especially HIV/AIDS and tuberculosis. National plans are in place to tackle and arrest the surging rise in HIV infection rates, due mainly to an explosion of drug use in the country since 2000."³⁰¹

25.03 The World Health Organisation (WHO) *Country Cooperation Strategy for WHO and the Libyan Arab Jamahiriya 2005–2009*, published 2006, described how the health system was structured:

- "Primary health care facilities: first level through which basic health care is offered at health care units and centres, polyclinics and workplaces.
- District and general hospitals: care is provided to those referred from the first level.
- Specialized and teaching hospitals: care is provided to those referred from the second level.
- The referral system is disorganized and many centres operate on an open access basis.

³ Save the Children Sweden Children's Rights Situation Analysis Middle East and North Africa – Libya, August 2011 <http://mena.savethechildren.se/PageFiles/2867/Regional%20MENA%20CRSA.pdf>
Accessed 23 January 2012

³⁰¹ Jane's *Sentinel Demography- Health and Medical*. August 2010 Accessed 18 July 2011 Subscription only – hard copies available on request. (Current copies kept at British Library).

- Almost all levels of health services are decentralized. All hospitals are managed by secretariats of health at shabiat (district) level except Tripoli Medical Centre and Tajoura Cardiac Hospital, which are centrally run.
- Until recently, the National Pharmaceutical and Medical Equipment Company provided pharmaceutical supplies centrally to both the public and private sector.
- The Secretariat of Health in all shabiat provides comprehensive health care including promotive, preventive, curative and rehabilitative services to all citizens free of charge through primary health care units, health centres and district hospitals.
- The public health sector is the main health services provider.
- All services are financed through public funds.
- A private health sector is available and currently has a limited role but is growing. All charges for the private sector are out-of-pocket due to the absence of health insurance.³⁰²

25.04 The same report gave details of the number of facilities and health professionals:

“Specialized hospitals: 22
 Central hospitals: 19
 General hospitals: 18
 Rural hospitals: 23
 Total no. of public hospitals: 82
 Total no. of beds in public hospitals: 18 859
 Total no. of beds in welfare clinics: 1 060
 Total no. of beds in private clinics: 620
 Total no. of beds all hospitals: 20 539
 Beds per 10 000 population: 39
 Primary health care facilities: 1 177
 PHC facilities per 10 000: 2.3
 Physicians per 10 000: 1.4
 Dentists per 10 000: 1.4
 Pharmacists per 10 000: 2.2
 Nurses and midwives per 10 000: 36”³⁰³

25.05 For a more detailed account of the health system, including details of specific hospitals, the World Health Organisation [Health System Profile – Libya](#), published 2007 can be accessed.³⁰⁴

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³⁰² The World Health Organisation (WHO), Country Cooperation Strategy for WHO and the Libyan Arab Jamahiriya 2005–2009, 2006 http://www.who.int/countryfocus/cooperation_strategy/ccs_lby_en.pdf Accessed 18 July 2011

³⁰³ The World Health Organisation (WHO), Country Cooperation Strategy for WHO and the Libyan Arab Jamahiriya 2005–2009, 2006 http://www.who.int/countryfocus/cooperation_strategy/ccs_lby_en.pdf Accessed 18 July 2011

³⁰⁴ WHO, Health System Profile – Libya 2007 <http://gis.emro.who.int/HealthSystemObservatory/PDF/Libya/Full%20Profile.pdf> Accessed 24 January 2012

Since the february 2011 uprising

For information about medical issues during the uprising see the [COIS Country Report on Libya: Background and Security Situation](#), published 25 July 2011

Overview

- 25.06 The World Health Organisation (WHO), in a short report of 10 October 2011 on their website page relating to Libya, noted:

“Health is gradually improving in areas where fighting has ceased. Conflict-related injuries are the main health priority, followed by non-communicable diseases – due to lack of health staff, medicines and medical supplies – and mental health. At least 50 000 people are thought to have been wounded during the conflict, of which an estimated 20 000 seriously. In addition, it is estimated that one third of the population was directly or indirectly exposed to the conflict, making the provision of psychosocial support essential.”³⁰⁵

- 25.07 The UN Office for the Coordination of Humanitarian Affairs (OCHA) in its *Libyan Response, Situation Report 67* of 4 December 2011 stated, with regard to health:

“WHO, in partnership with the Ministry of Health, conducted a health needs assessment on all IDP camps in Benghazi. As the influx of IDPs to Benghazi has continued over the past weeks, the health needs have also increased. To address these issues, the Ministry of Health has established a Committee of Health Care Management for IDPs and refugees, with the support of WHO.

“The Mental Health Working Group conducted a preliminary assessment on the psychosocial status of IDPs in the camps in Benghazi. Throughout Libya there are gaps in the provision of mental health and psychosocial support for wounded patients, health staff, soldiers and civilians.

“In addition there are gaps in reproductive health and for the treatment of non-communicable diseases, such as in kidney dialysis.”³⁰⁶

- 25.08 *Libya Response External SitRep 86* of 17 December 2011 by the International Medical Corps stated:

“In response to critical shortages of skilled nurses, International Medical Corps is providing nursing staff and training support to hospitals in Sirte, Misurata, Zintan, Jadu, Gharyan, Tripoli and Sabha. Assistance is also being provided to re-establish central warehouse supply routes to ensure that needed medical supplies reach these facilities. As people return to Bani Walid, teams have continuously assessed needs at the central hospital and have also provided essential medical supplies and medications...

³⁰⁵ World Health Organisation, Partners supporting the provision of essential health care in Libya, 10 October 2011

<http://www.who.int/hac/crises/lby/en/> Accessed 3 January 2012

³⁰⁶ UN Office for the Coordination of Humanitarian Affairs, *Libyan Response, Situation Report 67*, 4 December 2011

http://northafrica.humanitarianresponse.info/sites/default/files/20111204_SituationReport.pdf Accessed 3 January 2012

"Gaps in health services have also been highlighted in the recent OCHA report, including mental health and psychosocial support, reproductive health and prevention and treatment of non-communicable diseases. In addition to these, International Medical Corps teams have assessed that there are needs to also address shortages in skilled nursing staff, provide support for primary health care services, strengthen rehabilitation services to meet the needs of those affected by the conflict and build capacity in preventing and responding to gender-based violence."³⁰⁷

- 25.09 The report gave detailed information about the situation in towns across Libya and can be accessed via the following link:

[International Medical Corps Libya Response External SitRep 86](#)

- 25.10 The International Committee of the Red Cross (ICRC), in a news release of 12 December 2011, noted:

"More than 100 surgeons will enhance their skills treating gunshot- and blast-wounded patients in a seminar that will be held at the Abu Salim Hospital in Tripoli from 12 to 14 December. The training is being co-organized by the International Committee of the Red Cross (ICRC) and the Ministry of Health.

"After having treated so many patients with weapon-related injuries, often with limited means, Libyan doctors appreciate this opportunity to interact with experienced trauma surgeons from the ICRC,' said Aziz El Bakush, the director for international relations at the Ministry of Health. 'The knowledge and advice acquired at this seminar will be useful in treating all trauma patients, not just those who suffered injury in connection with the recent conflict.'

"This seminar is important for the doctors who, very recently, faced so many difficulties treating patients wounded by bullets or shrapnel, and who had to deal with a lack of drugs and a shortage of medical staff,' said ICRC chief surgeon Marco Baldan. 'The aim is to enhance their capacity to meet medical needs specifically resulting from armed violence, such as treating complex injuries and weapon wounds and controlling infections.'

"The ICRC conducted similar workshops in Benghazi, Tripoli and the Nefusa Mountains earlier in 2011. It has long-standing expertise in treating war-wounded patients."³⁰⁸

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Hiv/aids – anti-retroviral treatment

- 25.11 The Save the Children report 2011 noted, "The country has a low HIV/AIDS prevalence rate. Treatment and medicine are provided to patients free of charge."³⁰⁹

³⁰⁷ International Medical Corps, *Libya Response External SitRep 86*, 17 December 2011

http://foodsecuritycluster.org/c/document_library/get_file?p_l_id=223390&groupId=120482&folderId=24000&name=DLFE-12602.pdf Accessed 3 January 2012

³⁰⁸ IRCC Libya: over a hundred surgeons to hone skills, 12 December 2011,

<http://www.icrc.org/eng/resources/documents/news-release/2011/libya-news-2011-11-12.htm> Accessed 3 January 2012

³⁰⁹ Save the Children Sweden Children's Rights Situation Analysis Middle East and North Africa – Libya, August 2011 <http://mena.savethechildren.se/PageFiles/2867/Regional%20MENA%20CRSA.pdf>

25.12 WHO in a *Situation Report no. 19*, 26 May 2011, noted that during the conflict, “Essential medicines and antiretroviral treatment for Libya were shipped through the Salloum border for Benghazi for distribution in health facilities.”³¹

25.13 The Libyan-European Partnership for Infectious Disease Control in a 2008 document (Annex 1) noted:

“In each region there are hospitals, which function as reference centres with infectious diseases units where patients who are HIV/AIDS positive can obtain treatment. The Tripoli Medical Centre is the reference for half of the country. The Tripoli Central Hospital is also considered a regional hospital. The Jamahiriya hospital is the reference for the Benghazi region. Three regional laboratories fall under the NCIDC [National Centre for Infectious Diseases and Control] and are responsible for the investigations related to infectious diseases. The one in Tripoli is the national reference laboratory for infectious diseases. There is a regional NCIDC laboratory in Benghazi and NCIDC is planning one in Sabha. The hospitals infectious diseases units also have laboratories.

“The NMPECO (National Pharmaceutical and Medical Supplies Company) is a semiprivate company. A Ministry’s decree states that NMPECO is the only company allowed to import antiretroviral treatment in Libya. Antiretroviral and Tuberculosis treatments for all infectious diseases units are distributed by the NCIDC’s pharmacy in Tripoli, which obtains the antiretroviral medicines from the NMPECO.”³¹¹

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26. Freedom of movement

26.01 The United States Department of State *Country Report on Human Rights Practices 2010, Libya*, published 8 April 2011 and covering 2010 stated:

“The law stipulates that ‘each citizen, during times of peace, may move freely, choose the place where he or she wishes to live, and may return to the country and leave whenever he or she chooses.’ The government generally did not restrict freedom of movement within the country, but freedom to travel outside the country was at times restricted by the arbitrary seizure or non-issuance of passports. Authorities routinely held the passports of foreign spouses of citizens when they entered the country.”³¹²

For information about women – see Women: [Freedom of Movement](#).

26.02 The Foreign and Commonwealth Office, on the Travel and Living abroad – Libya page of its website, updated 6 January 2012, noted, “Land border crossing points may close with little or no notice. The road to the Egyptian land border is open but is controlled by

Accessed 23 January 2012

³¹ WHO, sit report 19, 36 May 2011

http://northafrica.humanitarianresponse.info/sites/default/files/110526_WHO_SituationReport_%2019.pdf Accessed 4 January 2012

³¹¹ The Libyan-European Partnership for Infectious Disease Control, 2008 Document

http://ec.europa.eu/europeaid/documents/aap/2008/af_aap-spe_2008_lby.pdf Accessed 4 January 2011

³¹² The United States Department of State, *Country Report on Human Rights Practices 2010, Libya*, published 8 April 2011, Freedom of Movement,

<http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 18 January 2012

numerous checkpoints. We have had reports of violent incidents along this road. Access to the Tunisian land border may be temporarily restricted without notice. Tunisian security in the border area has been increased. There have also been reports of large queues at the border.”³¹³

- 26.03 Integrated Regional Information Networks (IRIN), in a report of 29 December 2011, *Libya's long road to disarmament* noted, “At the western entrance to Misrata from the main coastal highway, cars line up before an archway made from stacked shipping containers. Armed men wave through some drivers and check the IDs of others. This is one of a series of militia-controlled and coordinated checkpoints that have earned the city nickname ‘Republic of Misrata’ - for its order and some say autocratic nature.”³¹⁴

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27. Foreign refugees and migrants

Before the 2011 uprising

- 27.01 The Foreign and Commonwealth Office, in its report on *Human Rights and Democracy: Libya*, published 31 March 2011, stated:

“The rights of migrants, particularly those who have entered and remain in Libya illegally, are a cause for concern. The total number of migrants in Libya is estimated to be between 1.5 and 3 million.

“Libya has no asylum system and is not a party to the 1951 Convention Relating to the Status of Refugees. Migrants are often detained in poorly equipped detention centres. International human rights organisations, such as Amnesty International, have highlighted reports of human rights abuses, including beatings and other forms of mistreatment. For example there were allegations of mistreatment of Eritrean refugees at the Misurata and Sabha detention centres in June. Our Embassy raised the reports with the Libyan government and in response to international criticism, the Libyan Foreign Ministry issued a statement rejecting the allegations, but agreeing to provide residence permits for the detained Eritrean migrants. It remains unclear, however, what long-term rights of residence these migrants will have.”³¹⁵

- 27.02 Amnesty International, in a report of 14 December 2010, called *Seeking safety, finding fear. Refugees, asylum seekers and migrants in Libya and Malta* stated:

“More than three million ‘irregular migrants’ are in Libya, according to the Libyan authorities. They include people who have fled conflict and persecution and need international protection. Despite this, the Libyan authorities insist that there are no refugees in Libya and resist calls to ratify the 1951 Convention relating to the Status of

³¹³ Foreign and Commonwealth Office, Travel and Living Abroad – Libya, 6 January 2012 <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/middle-east-north-africa/libya> Accessed 117 January 2012

³¹⁴ Integrated Regional Information Networks (IRIN), Libya’s long road to disarmament, 29 December 2011 <http://www.unhcr.org/refworld/country,,,LIBY,,4f0ab5ee2.0.html> Accessed 17 January 2012

³¹⁵ The Foreign and Commonwealth Office, Human Rights and Democracy, Libya, 31 March 2011 <http://s3-eu-west-1.amazonaws.com/htcdn/Human-Rights-and-Democracy-The-2010-Foreign-Commonwealth-Report.pdf> Accessed 31 May 2011

Refugees and its 1967 Protocol. They also refuse to sign a memorandum of understanding with the UN High Commissioner for Refugees (UNHCR).

“UNHCR’s ability to assist people in need of international protection in Libya is extremely limited, particularly after the authorities shut down its operations in June 2010. The authorities have since allowed a limited resumption of UNHCR’s operations, but its staff is denied access to detention centres and cannot consider new asylum claims.

“Libya ratified the African Union Convention Governing the Specific Aspects of Refugee Problems in Africa in 1981, but has yet to introduce asylum procedures despite repeated promises over the years. Since there is no asylum system, nobody can apply for asylum. This leaves thousands of asylum-seekers and refugees in Libya, including Somalis, in a legal limbo.”³¹⁶

27.03 The report described its findings:

“Torture and other ill-treatment of refugees, asylum-seekers and migrants is systematic in Libya. Most commonly, detainees are punched or hit with metal wires or batons. Sometimes, guards hit detainees to punish them for requesting medical treatment or complaining about their conditions; at other times, the beatings appear to be done for no reason at all.

“The conditions in some detention centres could in themselves amount to torture or other ill-treatment. Detainees are never allowed outside. They are made to sleep on the floor with barely room to move. They are not provided with safe drinking water. They are routinely denied medical treatment.

“Women are particularly vulnerable. Some women previously detained in Libya told Amnesty International that women in labour were not always taken to hospital. In one case, a woman reportedly had to cut her umbilical cord with a piece of dirty metal. Her baby was stillborn and she received no medical treatment.”³¹⁷

27.04 The report continued:

“Foreign nationals, particularly Sub-Saharan Africans, rarely if ever feel secure in Libya. Racist insults such as ‘blacks’, ‘animals’ and ‘slaves’ are frequently shouted at them. They are attacked or robbed in the street with impunity, as their assailants know their victims dare not complain to the police. In those rare instances when foreign nationals have approached the police, investigations are not known to have taken place.

“Their sense of insecurity is deepened by frequent police raids on their houses to make arrests or simply to pillage belongings. Sub-Saharan Africans are also at risk of exploitation by Libyan employers; many have told Amnesty International that they are often not paid and have no means to claim their rights.”³¹⁸

³¹⁶ Amnesty International Seeking safety, finding fear. Refugees, asylum seekers and migrants in Libya and Malta, 14 December 2010 <http://www.amnesty.org/en/library/asset/REG01/004/2010/en/d0e71b60-71ec-4c4b-8b2f-d03a881b90f6/reg010042010en.pdf> Accessed 8 June 2011

³¹⁷ Amnesty International Seeking safety, finding fear. Refugees, asylum seekers and migrants in Libya and Malta, 14 December 2010 <http://www.amnesty.org/en/library/asset/REG01/004/2010/en/d0e71b60-71ec-4c4b-8b2f-d03a881b90f6/reg010042010en.pdf> Accessed 8 June 2011

³¹⁸ Amnesty International Seeking safety, finding fear. Refugees, asylum seekers and migrants in Libya

- 27.05 The Freedom House report, *Countries at the Crossroads 2011 - Libya*, published 10 November 2011, noted, "Libya does not recognize the existence of refugees in the country and in 2010 expelled the local office of the UN High Commissioner for Refugees (UNHCR), although it later allowed the UNHCR to continue to process some cases. Libya has recently agreed to place some refugees in camps, but conditions in these camps are very poor."³¹⁹

Since the 2011 uprising

- 27.06 Al-Jazeera, in a report of 28 February 2011, called *African migrants targeted in Libya*, noted:

"Hundreds of black immigrants from poor African countries, who mainly work in Libya's oil industry as cheap labourers, have also been injured in the violence. Some were unable to seek medical treatment for fear of being killed.

"Saad Jabbar, deputy director of the North Africa Centre at Cambridge University, confirms Africans have become targets.

"I tell you, these people, because of their scheme, they will be slaughtered in Libya. There is so much anger there against those mercenaries, which suddenly sprung up,' Jabbar said.

"About 1.5m Sub-Saharan African migrants work in Libya as low-paid labourers in the oil industry, construction, agriculture and service sectors.

"Rights organisations say some anti-Gaddafi protesters wrongly associate African workers with state-sponsored violence."³²

- 27.08 The International Federation for Human Rights, in a news release of 10 March 2011 commented, "Colonel Qaddhafi has embarked since the beginning of the hostilities, on February 17, 2011, on an active policy of rounding up African migrants (estimated nearly at 1.1 Million) to force them to fight in the ranks of Libyan troops loyal to him."³²¹

- 27.09 The United Nations Security Council, in a report of 22 November 2011, *Report of the Secretary-General on the United Nations Support Mission in Libya*, stated:

"There are also serious concerns about the plight of many third country nationals, notably migrants from sub-Saharan Africa, refugees and asylum-seekers, who have become more vulnerable to human rights violations and abuses. Their plight has been exacerbated by the lack of a legal framework for managing migration. To address their needs, a number of initiatives are being put in place by the National Transitional Council, supported by UNHCR and the International Organization for Migration (IOM), including the establishment and refurbishment of the Towisha transit centre. In consultation with relevant authorities, IOM has resumed voluntary repatriation of these

and Malta, 14 December 2010 <http://www.amnesty.org/en/library/asset/REG01/004/2010/en/d0e71b60-71ec-4c4b-8b2f-d03a881b90f6/reg010042010en.pdf> Accessed 8 June 2011

³¹⁹ Freedom House, *Countries at the Crossroads 2011 – Libya*, 10 November 2011 <http://www.unhcr.org/refworld/country,,,LIBY,,4dcbf517c.0.html> Accessed 8 February 2012

³² Al-Jazeera *African migrants targeted in Libya*, 28 February 2011 <http://english.aljazeera.net/news/africa/2011/02/201122865814378541.html> Accessed 7 June 2011

³²¹ FIDH *Colonel Qaddhafi forces enrolment of African migrants in his army*, 10 March 2011, <http://www.fidh.org/Colonel-Qaddhafi-forces-enrollment-of-African> Accessed 13 June 2011

nationals to their countries of origin. However, the principal challenge remains verification of citizenship and the issuance of travel documents, since many third country nationals have no means of identification.”³²²

- 27.10 Medecins San Frontières (MSF), in a report released on 1 July 2011, called *Trapped in Conflict - The Neglected Victims of the War in Libya*, stated:

“Over 600,000 migrants have crossed Libyan borders since the beginning of the war. If many have already been repatriated to their country of origin, thousands are still stranded and continue to arrive in transit facilities in Tunisia, Egypt, Italy or Niger.

“In a briefing paper released today, entitled [From a Rock to a Hard Place: The Neglected Victims of the Conflict in Libya](#),³²³ MSF highlights the consequences of insufficient protection and poor reception conditions in the countries where they have sought safety.

“In Shousha camp in Tunisia, some 4,000 people – mainly Sub-Saharan Africans – cannot be repatriated, primarily due to dangerous situations in their countries of origin. Meanwhile 18,000 people have landed on Italian shores since the beginning of the conflict, risking their lives in overcrowded, unseaworthy boats in a bid to flee the war.”³²⁴

See also [Trafficking](#) and Military service: [Conscription during 2011 uprising](#).

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28. Citizenship and nationality

- 28.01 The March 2001 United States Office of Personnel Management’s comprehensive record of *Citizenship Laws of the World* reported the following information on Libyan citizenship:

“**Citizenship:** Information is based upon the Nationality Law #17, dated 1954, and Law #3, dated 1979. Persons born before October 7, 1951 (date of Libyan Constitution), who did not have a previous citizenship and had been residing in Libya, obtained citizenship under the following conditions:

Person was born in Libya.

Person was born abroad of a mother or father born in Libya.

Person had been living in Libya for at least 10 years before October 7, 1951.

- **By Birth:** Birth within the territory of Libya, on or after October 7, 1951, does not automatically confer citizenship.

³²² UN Security Council Report of the Secretary-General on the United Nations Support Mission in Libya, 22 November 2011

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/592/47/PDF/N1159247.pdf?OpenElement> Accessed 17 January 2012

³²³ Medecins San Frontiers (MSF) *Between a rock and a Hard Place: The neglected victims of the conflict in Libya* 1 July 2011

http://www.msf.ie/sites/www.msf.ie/files/from_a_rock_to_a_hard_place_-_the_neglected_victims_of_the_conflict_in_libya.pdf Accessed 17 January 2012

³²⁴ Medecins San Frontières (MSF), *Trapped in Conflict - The Neglected Victims of the War in Libya*, 1 July 2011 <http://www.msf.ie/news/trapped-conflict-neglected-victims-war-libya> Accessed 6 July 2011

- **By Descent:** Child born on or after October 7, 1951, of a Libyan mother, father, grandmother, or grandfather, regardless of the child's country of birth.
- **Marriage:** A foreign woman who marries a citizen of Libya may obtain Libyan citizenship if she renounces former citizenship, resides with her husband in marriage for at least two years, and notifies the Minister of Foreign Affairs of her desire to obtain Libyan citizenship. If the marriage ends in divorce, the woman's citizenship will only be removed if she remarries a non-Libyan and leaves the country.
- **By Naturalisation:** Libyan citizenship may be acquired upon fulfilment of the following conditions:

Person has renounced previous nationality, is a legal adult, has good morality and mental health, and desires to remain in Libya. Residency requirements vary:

Arab man married to a Libyan woman - four years.

Person of Arab descent - five years.

Children (of father's nationality) of Libyan mother and foreign father – three years.

Dual Citizenship: Not recognised.

Loss of citizenship:

- **Voluntary:** No information was provided.
- **Involuntary:** The following are grounds for involuntary loss of Libyan citizenship:

Person obtains new citizenship without government permission.
Person enlists in foreign military or attempts to avoid Libyan conscription.
Person seeks asylum in another country.
Person attempts to smuggle money out of the country.
Person converts to a religion other than Islam.
Person deserted country after 1969 revolution.
Person refuses to return home within 6 months of state request.
Person commits treasonous acts against the state.

Additional grounds for a naturalized citizen:

Person commits crimes against the security of the state.
Person remains outside the country more than two years.
Person obtained citizenship through fraud or false statement.”³²⁵

28.02 The Africa Governance Monitoring and Advocacy Project in its *Citizenship Law in Africa: A comparative study Updates and corrections*, October 2010 noted with regard to Libya:

“In 2010, Libya adopted a new nationality law (Law No. 24 of 2010) that brought in important reforms, in particular to remove ethno-religious discrimination in favour of the

³²⁵ United States Office of Personnel Management, *Citizenship Laws of the World*, 2001 (p. 120) <http://www.opm.gov/extra/investigate/is-01.pdf> Accessed 18 January 2011

grant of nationality to Arabs and Muslims, and to limit the draconian powers of the state to take away Libyan nationality. However, Libyan nationality law still discriminates on gender grounds. Libyan women cannot pass their nationality to their foreign husbands, while only the child of a Libyan father has the right to nationality, whether born in country or abroad. Although the 2010 law allows for the grant of nationality to the child of a Libyan mother and foreign father, this is at the discretion of the state, and regulations are required to implement it. Until 2010, Libyan law allowed for deprivation of nationality, however acquired, on an extraordinarily wide range of grounds. The 2010 amendments allow revocation of citizenship from birth only if based on fraud or false information, and of naturalised citizenship only within ten years of obtaining it and on the basis of fraud or 'actions affecting Libya's security or interests', or residence outside the country for more than two years without permission. Unusually and problematically, the law provides for children to be deprived of nationality if the father's is revoked."³²⁶

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29. Exit and return

29.01 The United States Department of State *Country Report on Human Rights Practices 2010, Libya*, published 8 April 2011 and covering 2010, stated, "The law stipulates that 'each citizen, during times of peace...may return to the country and leave whenever he or she chooses.' The government generally did not restrict freedom of movement within the country, but freedom to travel outside the country was at times restricted by the arbitrary seizure or non-issuance of passports. Authorities routinely held the passports of foreign spouses of citizens when they entered the country."³²⁷

29.02 Research published 12 November 2009 by the Immigration and Refugee Board of Canada, *Libya: Process and procedures to follow for a Libyan citizen wanting to exit the international airport in Tripoli*, stated:

"In 26 October 2009 correspondence, an official with the Canadian Embassy in Tunis (responsible for Libya) stated that, [with regard to] exit procedures and requirements: There are no restrictions on travel, in fact, Libyan citizens have not needed exit visas for almost fifteen years... However the Official reported that travel letters are sometimes requested 'randomly' from the following people:

"- If the person is a civil servant - they could be asked for a letter of permission for them to take their annual leave.

"- If the person is a young male - they may be asked for proof of their military service.

"- If it is a woman - she could be asked for a letter for permission to travel from her father to her husband.

³²⁶ The Africa Governance Monitoring and Advocacy Project in its *Citizenship Law in Africa: A comparative study* Updates and corrections, October 2010 http://www.soros.org/initiatives/justice/articles_publications/publications/citizenship_20091009/citizenship-updates-20101221.pdf Accessed 18 January 2012

³²⁷ The United States Department of State, *Country Report on Human Rights Practices 2010, Libya*, published 8 April 2011, Freedom of Movement <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 18 January 2012

"[With regard to] citizens facing judicial proceedings, the Official stated that ...if the crime was not serious they would have been able to leave. If the crime was serious the name goes on a security list and the passport is seized." ³²⁸

- 29.03 Minority Rights Group International, in their *World Directory of Minorities and Indigenous Peoples - Libya: Overview*, updated August 2011, noted, "Currently, Berbers who live in the south of Libya have not been granted Libyan citizenship and also face serious discrimination: they have no rights to...get a passport." ³²⁹

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30. Employment rights

- 30.01 The United States Department of State *Country Report on Human Rights Practices 2010, Libya*, published 8 April 2011 and covering 2010, stated:

"The labour law defines the rights and duties of workers except for migrant workers and includes matters of compensation, pension rights, minimum rest periods, and working hours. Although some public sector categories, such as professors, have received pay increases in recent years, a freeze imposed more than a decade ago continued to depress earnings. The minimum wage was 250 dinars (\$208) per month...

"The legal workweek is 40 hours. The law stipulates the minimum wage, standard working hours, night shift regulations, dismissal procedures, and training requirements. The law does not specifically prohibit excessive compulsory overtime."

"Labor inspectors were assigned by municipal governments to inspect places of work for compliance with government-defined health and safety standards, and the law grants workers the right to court hearings regarding these standards. Certain industries, such as the petroleum sector, attempted to maintain standards that foreign companies set. There was no information about whether workers could remove themselves from an unhealthy or unsafe work situation without jeopardizing their employment.

"The law does not give workers the right to strike. Although trade unions have existed officially for more than 25 years, workers historically have seen them as idle organizations under government control." ³³

- 30.02 The Freedom House report, *Countries at the Crossroads 2011 - Libya*, published 10

³²⁸ Immigration and Refugee Board of Canada, Libya: Process and procedures to follow for a Libyan citizen wanting to exit the international airport in Tripoli, 12 November 2009

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4e4270ba2&skip=0&coi=LBY&querysi=exit&searchin=title&display=10&sort=date> Accessed 18 January 2012

³²⁹ Minority Rights Group International, *World Directory of Minorities and Indigenous Peoples – Libya: Overview*, August 2011 <http://www.minorityrights.org/4171/libya/libya-overview.html> Accessed 18 January 2012

³³ The United States Department of State, *Country Report on Human Rights Practices 2010, Libya*, published 8 April 2011, Workers' Rights <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154467.htm> Accessed 18 January 2012

November 2011, noted,

“There are no independent labour unions in Libya. Independent trade unions are banned, and all workers are required to be members of the government-run General Trade Union Federation of Workers. The right to strike exists in theory, under chapter 150 of the Labor Code, but workers cannot legally protest without union consent, which is never granted because of government control. Migrant workers cannot unionize, and a significant proportion of workers suffer harsh working conditions.”³³¹

See also [Economy](#).

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³³¹ Freedom House, Countries at the Crossroads 2011 – Libya, 10 November 2011
<http://www.unhcr.org/refworld/country,,,LBY,,4dcbf517c,0.html> Accessed 8 February 2012 Accessed 23 January 2012

Chronology of major events

As reported in the BBC News *Timeline: Libya*, updated 26 January 2012: ³³²

- 1969** King Idris deposed in military coup led by Col Muammar Gaddafi, who pursues a pan-Arab agenda by attempting to form mergers with several Arab countries, and introduces state socialism by nationalising most economic activity, including the oil industry.
- 1969** Bloodless coup in Libya
- 1970** Libya orders the closure of a British airbase in Tobruk and the giant US Wheelus air force base in Tripoli; property belonging to Italian settlers nationalised.
- 1971** National referendum approves proposed Federation of Arab Republics (FAR) comprising Libya, Egypt and Syria. However, the FAR never takes off.
- 1972** Libya and Egypt agree on a merger, but this fails to materialise.
- 1973** Col Gaddafi declares a 'cultural revolution', which includes the formation of 'people's committees' in schools, hospitals, universities, workplaces and administrative districts; Libyan forces occupy Aozou Strip in northern Chad.
- 1974** Libya and Tunisia agree on a union state - the "Islamic Arab Republic" - but this proves to be stillborn.
- 1977** Col Gaddafi declares a 'people's revolution', changing the country's official name from the Libyan Arab Republic to the Great Socialist People's Libyan Arab Jamahiriya and setting up 'revolutionary committees' - heralding the start of institutionalised chaos, economic decline and general arbitrariness.
- 1980** Libya and Syria agree on a merger, but this too fails to materialise; Libyan troops start intervening on a large scale in civil war in northern Chad.
- 1981** US shoots down two Libyan aircraft which challenged its warplanes over the Gulf of Sirte, claimed by Libya as its territorial water.
- 1984** UK breaks off diplomatic relations with Libya after a British policewoman is shot dead outside the Libyan People's Bureau, or embassy, in London, while anti-Gaddafi protests were taking place.
- 1986** US bombs Libyan military facilities, residential areas of Tripoli and Benghazi, killing 101 people, and Gaddafi's house, killing his adopted daughter. US says raids were in response to alleged Libyan involvement in bombing of Berlin disco frequented by US military personnel.
- 1988** Gaddafi orders the release of some political prisoners and embarks on limited economic liberalisation.
- 1989** Libya, Algeria, Morocco, Mauritania and Tunisia form the Arab Maghreb Union.
- 1992** UN imposes sanctions on Libya in an effort to force it to hand over for trial two of its

³³² BBC News, *Timeline: Libya* <http://www.bbc.co.uk/news/world-africa-13755445> Accessed 14 February 2012

citizens suspected of involvement in the blowing up of a Pan Am airliner over the Scottish town of Lockerbie in December 1988.

- 1994** Libya returns the Aozou Strip to Chad.
- 1995** Gaddafi expels some 30,000 Palestinians in protest at the Oslo accords between the Palestine Liberation Organisation and Israel.
- 1999** Lockerbie suspects handed over for trial in the Netherlands under Scottish law; UN sanctions suspended; diplomatic relations with UK restored.
- 2000** Dozens of African immigrants are killed by Libyan mobs in the west of Libya who were said to be angry at the large number of African labourers coming into the country.
- 2001** Special Scottish court in the Netherlands finds one of the two Libyans accused of the Lockerbie bombing, Abdelbaset Ali Mohamed al-Megrahi, guilty and sentences him to life imprisonment. Megrahi's co-accused, Al-Amin Khalifa Fahimah, is found not guilty and freed.
- 2001** Libyan troops help to quell a coup attempt against President Ange-Felix Patasse of the Central African Republic.
- 2002** Libya and the US say they have held talks to mend relations after years of hostility over what the Americans termed Libya's sponsorship of terrorism.
- 2002** The Libyan man found guilty of the Lockerbie bombing, Abdelbaset Ali Mohamed al-Megrahi, loses his appeal against the conviction and begins a life sentence of at least 20 years.
- 2003** Libya is elected chairman of the UN Human Rights Commission despite opposition from the US and human rights groups.
- 2003** Libya signs a deal worth \$2.7bn to compensate families of the Lockerbie bombing victims. Libya takes responsibility for the bombing in a letter to the UN Security Council.
- 2003** UN Security Council votes to lift sanctions.
- 2003** Libya says will abandon programmes to develop weapons of mass destruction.
- 2004** Libya agrees to compensate families of victims of 1989 bombing of French passenger aircraft over Sahara.
- 2004** British Prime Minister Tony Blair visits, the first such visit since 1943.
- 2004** Five Bulgarian nurses and a Palestinian doctor are sentenced to death having been accused of deliberately infecting some 400 children with HIV. Their case goes to appeal.
- 2008** Libya takes over one-month rotating presidency of the UN Security Council in a step back to respectability after decades as a pariah of the West.
- 2008** Libya and US sign agreement committing each side to compensate all victims of

bombing attacks on the other's citizens.

Italian Prime Minister Silvio Berlusconi apologises to Libya for damage inflicted by Italy during the colonial era and signs a five billion dollar investment deal by way of compensation.

2008 US Secretary of State Condoleezza Rice makes historic visit - the highest-level US visit to Libya since 1953. Ms Rice says relations between the US and Libya have entered a 'new phase'.

2008 US Lockerbie victims' group says Libya has paid them full compensation. Possibility of restoration of diplomatic relations with United States.

2009 Gaddafi elected chairman of the African Union by leaders meeting in Ethiopia. Sets out ambition of 'United States of Africa' even embracing the Caribbean.

2009 Gaddafi pays first state visit to Italy, Libya's former colonial ruler and now its main trading partner.

2009 Lockerbie bomber Abdelbaset Ali al-Megrahi is freed from gaol in Scotland on compassionate grounds and returned to Libya. His release and return to a hero's welcome causes a storm of controversy.

2009 Diplomatic row with Switzerland and European Union after one of Gaddafi's sons is held in Switzerland on charges of mistreating domestic workers.

2010 Russia agrees to sell Libya weapons in a deal worth \$1.8bn. The deal is thought to include fighter jets, tanks and air defence systems.

2010 UN refugee agency UNHCR expelled.

2010 US senators push for inquiry into claims that oil giant BP lobbied for Lockerbie bomber's release.

BP confirms it is about to begin drilling off Libyan coast.

2010 European Union and Libya sign agreement designed to slow illegal migration.

2010 US diplomatic cables published by WikiLeaks indicate that Gaddafi threatened to cut trade with Britain if Lockerbie bomber died in prison.

The rest of the time line (February 2011 to date) can be viewed in [Recent Developments](#).

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Annex B

List of abbreviations

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
RSF	Reporters sans Frontières
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme

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