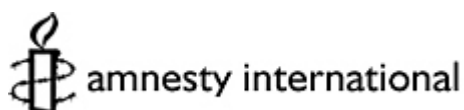


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Amnesty International Annual Report 2012 - Libya

Head of state: Mostafa Abdeljalil (effectively replaced Mu'ammar al-Gaddafi in August)

Head of government: Abdurrahim al-Keib (replaced Mahmoud Jibril in October, who replaced al-Baghdadi Ali al-Mahmoudi in August)

Death penalty: retentionist

Population: 6.4 million

Life expectancy: 74.8 years

Under-5 mortality: 18.5 per 1,000

Adult literacy: 88.9 per cent

Forces loyal to Libyan leader Colonel Mu'ammar al-Gaddafi unlawfully killed and injured several thousand people, including peaceful protesters and bystanders, after anti-government protests broke out in mid-February and then developed into an armed conflict that lasted around eight months. During the conflict, international forces, acting under a UN Security Council mandate to protect civilians, attacked al-Gaddafi forces from the air, helping to tip the balance in favour of opposition forces. Al-Gaddafi forces fired mortars, artillery and rockets into residential areas and used anti-personnel mines, cluster munitions and other inherently indiscriminate weapons; these indiscriminate attacks caused numerous civilian casualties, particularly in Misratah, Libya's third largest city. Al-Gaddafi forces also abducted thousands of individuals and tortured or ill-treated them, and extrajudicially executed captured fighters and other detainees. Opposition forces used rockets and other indiscriminate weapons in residential areas. Even after the National Transitional Council (NTC) – the loosely structured leadership of the opposition to Colonel al-Gaddafi established in late February – took control of most of the country in late August, it failed to get a grip on the militias formed during the conflict. War crimes and other violations of human rights and international humanitarian law committed during the conflict by both parties added to the dismal legacy of human rights violations of previous years. The conflict exacerbated pre-existing xenophobia and racial tensions against foreign nationals. Opposition militias took captive thousands of suspected al-Gaddafi loyalists, soldiers and alleged "African mercenaries", many of whom were beaten and abused in custody and remained held without trial, or any means to challenge the legality of their detention at the end of the year, months after the conflict ended. Scores of other suspected al-Gaddafi loyalists were killed upon or following capture by opposition fighters; among the

victims were the ousted Libyan leader himself and one of his sons. Opposition forces also looted and burned homes and carried out revenge attacks and other reprisals against alleged al-Gaddafi supporters. The conflict saw hundreds of thousands of people fleeing, resulting in mass displacement inside and outside Libya, and prompting major evacuation efforts. Impunity for gross human rights violations of the past and ongoing abuses by militias remained entrenched. Discrimination against women continued in law and practice.

Background

Anti-government demonstrations planned for 17 February erupted two days early in Benghazi, Libya's second largest city, after security forces detained two prominent activists. The authorities quickly released them but the protests mushroomed and spread across Libya as government forces resorted to lethal and other excessive force to try and contain them. Within two weeks, the protests developed into an internal armed conflict as people overpowered and took up arms against government forces in eastern Libya, the Nafusa Mountain area and the coastal city of Misratah. When armed confrontations intensified as al-Gaddafi forces sought to regain territory lost to the opposition and the latter tried to gain new ground, the UN Security Council adopted Resolution 1973 on 17 March, authorizing the establishment of a no-fly zone over Libya and the implementation of all necessary measures, short of foreign occupation, to protect civilians. Two days later, an international alliance began aerial attacks on al-Gaddafi forces, poised on the outskirts of Benghazi, and began assisting opposition forces to drive them back. In late March, NATO took over military operations, carrying out thousands of air strikes on al-Gaddafi forces and infrastructure until 31 October. The forces opposing Colonel al-Gaddafi gained control of most of Libya, including Tripoli, by late August but fighting continued, notably in Beni Walid and in Sirte. On 23 October, NTC Chairman Mostafa Abdeljalil formally declared the "liberation of Libya".

The NTC committed to establishing a democratic, multi-party state based on respect for fundamental human rights. Its Constitutional Declaration issued on 3 August enshrines human rights principles, including respect for fundamental freedoms, non-discrimination and the right to fair trial.

Excessive use of force

Colonel al-Gaddafi's security and armed forces used lethal and disproportionate force to try and quell the demonstrations that broke out in February, firing live rounds from automatic assault rifles at unarmed demonstrators. Some 170 people were killed and more than 1,500 injured in Benghazi and al-Bayda between 16 and 21 February. Protests in Tripoli on 20 February and its suburbs were also met with live fire by security forces, leading to scores of deaths and injuries. Those killed included peaceful protesters and bystanders.

- Naji Jerdano, who joined anti-government demonstrations in Benghazi, was struck with a baton and shot dead on 17 February by al-Gaddafi security forces. He and two other men were killed near al-Nasr Mosque during sunset prayers by security forces snipers firing from the Jalyana bridge.
- On 18 February, Roqaya Fawzi Mabrouk, a girl aged eight, was shot dead through her bedroom window. The bullet was fired from the Hussein al-Jawefi military base in Shahat, near al-Bayda, where al-Gaddafi forces were then reportedly based.

Abuses during armed conflict

Al-Gaddafi forces committed serious violations of international humanitarian law, including war crimes, in their efforts to retake cities and towns held by the opposition. They carried out indiscriminate attacks and attacks targeting civilians in areas that included Misratah, Ajdabiya, al-Zawiya and the Nafusa Mountain area. They fired artillery, mortars and rockets at residential areas. They used inherently indiscriminate

weapons such as anti-personnel mines and cluster bombs, including in residential areas. These unlawful attacks killed and injured hundreds of civilians not involved in the fighting.

The toll on civilians was particularly heavy in Misratah, where residents were trapped from late February onwards as al-Gaddafi forces laid siege to the city and fired rockets into the port area – the only entry point for humanitarian aid and the only evacuation point for wounded and sick patients. Indiscriminate attacks ceased in May but resumed in mid-June and continued sporadically until early August. According to local medical sources, more than 1,000 people were killed during the siege of the city.

- One-year-old Rudaina Shami and her brother, Mohamed Mostafa Shami, aged three, were killed on 13 May when Grad rockets fired by al-Gaddafi forces struck homes in Misratah's Ruissat neighbourhood. Their five-year-old sister Malak was severely injured, requiring the amputation of her right leg.

Al-Gaddafi forces also fired live ammunition and heavy weapons, including tank shells and rocket-propelled grenades, at residents who were fleeing areas of fighting in Misratah, Ajdabiya, al-Zawiya and elsewhere.

- Miftah al-Tarhouni and his adult son Mohammad were killed on 20 March near Ajdabiya's eastern gate when their car was hit by a projectile – seemingly a rocket or an artillery shell – apparently fired by al-Gaddafi forces.

Opposition fighters also launched Grad rockets from their front-line positions in eastern Libya, Misratah and Sirte; it was not known to what extent these caused civilian casualties.

Colonel al-Gaddafi's government accused NATO of targeting civilian objects and causing hundreds of civilian casualties but exaggerated and failed to provide clear evidence. However, there were credible reports that some NATO strikes killed at least tens of civilians between June and October, including in Majer, Tripoli, Surman and Sirte. No impartial and independent inquiries were known to have been conducted by NATO to ascertain whether all necessary precautions had been taken to spare civilian objects and minimize civilian casualties, as required by international humanitarian law.

- NATO airstrikes on 8 August killed 18 men, eight women and eight children when two houses in the rural area of Majer, near Zlitan, were hit. All the victims were reported to be civilians.

Arbitrary arrests and detentions

Al-Gaddafi forces detained thousands of people across Libya; some were subjected to enforced disappearance. Arrests began before the February protests, then became more numerous and widespread as the conflict developed. Those held included real or perceived opposition supporters and fighters and others captured in or near areas of fighting. Some were seized in their homes. Others were detained on the roads or in public places in areas controlled by the opposition but into which al-Gaddafi forces made armed incursions, notably Misratah and towns in the Nafusa Mountain area. Detainees were mostly denied all contact with the outside world. Some were released by al-Gaddafi forces but the great majority were freed by opposition fighters after they won control of Tripoli in late August. The total number of people who went missing during the conflict remained unclear. Scores were killed in custody (see below).

- Jamal al-Haji, a long-standing critic of Colonel al-Gaddafi, was arrested in Tripoli on 1 February by plain-clothes security agents after he called for protests using websites based abroad. He was held for nearly seven months in appalling conditions without contact with the outside world at the Nasr Intelligence Office and in Tripoli's Abu Salim Prison, part of the time in solitary confinement. He was freed on 24 August by pro-NTC fighters.

Opposition fighters captured and detained thousands of real or suspected al-Gaddafi supporters and soldiers, including suspected foreign mercenaries, during and after the conflict. Many were seized by groups of heavily armed men from their homes or detained on the streets or at checkpoints. Many were beaten or ill-treated upon capture, and had their homes looted and destroyed. No detainee was granted access to lawyers. Under the NTC, neither the Ministry of Justice and Human Rights nor the Public Prosecution had effective control or oversight of most detention facilities. Thousands of detainees continued to be held without trial or the opportunity to challenge the legality of their detention at the end of 2011.

Sub-Saharan Africans made up a large number of those detained. In the east and in Misratah from February onwards, some of them were arrested on suspicion of being mercenaries. Others in Tripoli and other western cities were detained from August, when these areas first came under opposition control. In eastern Libya and Misratah, most were released when no evidence of their involvement in fighting was found. Hundreds of men from Tawargha, an area seen as loyal to Colonel al-Gaddafi, were hunted down and abducted from homes, makeshift camps and checkpoints, detained and then tortured or ill-treated.

Torture and other ill-treatment

Individuals arrested and detained by al-Gaddafi forces were tortured or ill-treated, particularly upon capture and during initial interrogations. Detainees were beaten with belts, whips, metal wires and rubber hoses; suspended in contorted positions for prolonged periods; and denied medical treatment, including for injuries sustained as a result of torture or shooting. Some were tortured with electric shocks. Several were shot after being apprehended and while posing no threat. Some were left to suffocate in metal containers.

- On 6 June, guards ignored pleas for water and air by detainees held in two metal containers in al-Khums; 19 suffocated to death.

Several male detainees were raped by their captors or guards.

- A 50-year-old man was arrested by al-Gaddafi forces while receiving treatment at Tajoura Heart Hospital in Tripoli in late February. At Ain Zara Prison, also in Tripoli, he was kicked, hit with sticks and rifle butts, given electric shocks and tied to a tree. While in custody, he was raped twice using implements.

Allegations of rape by al-Gaddafi forces were widely reported by NTC supporters, and some women detained by pro-NTC forces in al-Zawiya, Tripoli and Misratah alleged they had been sexually abused.

- Eman al-Obeidi told international journalists on 26 March that she had been raped by soldiers loyal to Colonel al-Gaddafi. After periods of being detained by al-Gaddafi forces, she was released and fled Libya in May. She was forcibly returned from Qatar to Benghazi in June, but was later allowed to leave NTC-controlled territory.

In areas controlled by the NTC before as well as after August, when Tripoli fell to the forces opposing Colonel al-Gaddafi, militias in control of detention centres tortured or ill-treated detainees with impunity, seemingly to punish them for alleged crimes or to extract "confessions". The most commonly reported methods included beatings all over the body with belts, sticks, rifle butts and rubber hoses; punching; kicking; and death threats. Individuals with dark skin, whether Libyan or foreign nationals, were especially vulnerable to abuse.

- A 17-year-old migrant worker from Chad was taken from his home in August by armed men who handcuffed and slapped him and dragged him along the ground before detaining him at a school that they were using as a detention facility.

There, he was punched and beaten with sticks, belts, rifles and rubber cables, mostly on the head, face and back. The torture only stopped when he agreed to "confess" to killing civilians and raping women.

Several detainees died in the custody of militias in circumstances suggesting that torture contributed to or caused their death.

- Abdelhakim Milad Jum'a Qalhud, a school director from the town of al-Qarabuli, east of Tripoli, was detained at his home on 16 October by a local militia. In the following days he was seen twice by doctors who noticed multiple bruises on his body and urged his hospitalization. However, the militia ignored the medical advice and on 25 October the body of Abdelhakim Milad Jum'a Qalhud was delivered to the local hospital. The forensic report suggested that he had died as a result of beatings with an instrument. No effective investigation into the circumstances of his death was initiated.

Extrajudicial executions

Al-Gaddafi soldiers killed opposition fighters after capture in eastern Libya and Misratah. Bodies were found with hands tied behind the back and multiple gunshot wounds to the upper body.

- The bodies of three opposition fighters – brothers Walid and Hassan al-Sabr al-Obeidi, and Walid Sa'ad Badr al-Obeidi – were found near Benghazi on 21 March. Relatives said that all three had their hands tied behind their backs and two of the bodies had visible injuries, suggesting that they were beaten before being killed.

Al-Gaddafi forces also extrajudicially executed dozens of detainees in western Libya between June and August. Most were shot.

- On 23 August, guards threw five hand grenades and opened fired on around 130 detainees held in a hangar in a military camp in Khilit al-Firjan, Tripoli. About 50 charred bodies were later found.

Opposition fighters and supporters deliberately killed suspected al-Gaddafi soldiers and loyalists, and alleged "African mercenaries", when towns including al-Bayda, Benghazi, Derna and Sirte first came under their control. Some victims were beaten to death; some were hanged; others were shot dead after they surrendered or were captured.

Members of Colonel al-Gaddafi's security apparatus and other suspected loyalists were targeted for revenge attacks. Several were found dead after they were seized by heavily armed men; some of the bodies were found with their hands tied behind their backs.

- Hussein Gaith Bou Shiha, a former Internal Security Agency operative, was taken from his home on 8 May by armed men and the next morning was found dead near Benghazi. He was handcuffed and had been shot in the head.
- Abdul Fatah Younes al-Obeidi, former Secretary of the General People's Committee for Public Security (equivalent to the Interior Minister) who defected to the opposition in February, and his two aides, Mohamed Khamis and Nasser Mathkur, died from gunshot wounds in late July. They had been taken by heavily armed men for questioning to a military camp in Gharyounes on 27 July and later allegedly to another location.
- Video footage and other evidence indicated that Colonel al-Gaddafi was captured alive while trying to escape from Sirte and was then apparently extrajudicially executed on 20 October, together with his son Mu'tassim. The NTC announced an investigation but no findings had been made public by the end of the year.

- On 23 October, the bodies of 65 men – civilians as well as possible fighters for al-Gaddafi forces – were found in Mahari Hotel in Sirte where opposition fighters had been based. Some victims had their hands bound behind their backs and many had been shot in the head. Video footage taken by the opposition fighters three days earlier shows 29 men being abused and threatened with death, almost all of whom were among the 65 later found dead. No investigation into the killings was initiated.

Forced displacement

Before the conflict, at least 2 million foreign nationals were living in or transiting through Libya, many in need of international protection. As the conflict intensified, hundreds of thousands of people, foreign nationals and Libyans alike, fled Libya, including through organized evacuations. Many among those in flight were robbed; some were arrested and detained for hours or days and beaten before being allowed to proceed. Sub-Saharan Africans were particularly targeted. The vast majority fled to Tunisia and Egypt (see Egypt and Tunisia entries and Europe regional overview).

Hundreds of thousands of people were involuntarily displaced within Libya. With the end of hostilities, some people were able to return to their homes, but residents of areas considered supportive of Colonel al-Gaddafi feared that they would face reprisals and were still internally displaced at the end of 2011. They included some 30,000 former residents of Tawargha, who fled the town as Misratah-based opposition fighters approached it in August, and members of the Mashashiya tribe in the Nafusa Mountains. In Misratah and other areas, militias prevented some alleged supporters of Colonel al-Gaddafi from returning to their homes, or looted or destroyed them with impunity.

Refugees, asylum-seekers and migrants

The NTC promised to uphold the right to seek and enjoy asylum, but did not commit to ratifying the UN Refugee Convention and its 1967 Protocol. In April, the NTC Chairman promised to "close the borders in front of these Africans", raising concern that refugees, asylum-seekers and migrants would continue to suffer discrimination and abuse in Libya, and be perceived as unwelcome guests. In a further move reminiscent of past abusive practices, including operations conducted at sea to "push back" foreign nationals to Libya where they faced arrest, torture and detention in appalling conditions, the NTC signed a memorandum of understanding in June with the Italian authorities. This committed both parties to joint management of the "migration phenomenon" through the implementation of existing co-operation agreements on "illegal migration" (see Italy entry).

At the end of the year, hundreds of sub-Saharan Africans continued to be held in indefinite detention without trial for alleged "immigration offences".

Women's rights

The NTC promised to promote women's rights and enshrined the principle of non-discrimination, including on the basis of gender, in its Constitutional Declaration. However, discrimination against women remained entrenched in law and practice.

On 23 October, the NTC Chairman promised to amend any legislation contrary to Shari'a (Islamic law), referencing Libya's marriage laws. Law 10 of 1984 on Marriage, Divorce and their Consequences allows polygamy, but stipulates that, before remarrying, a man must seek authorization from a special court to ensure that he is mentally, socially and financially fit.

Impunity

Colonel al-Gaddafi's government took no steps to investigate past gross human rights violations or bring to justice those responsible. The NTC vowed to do so, but struggled

to secure key evidence, such as archived material and government records, some of which had been burned and looted.

In June, the International Criminal Court issued arrest warrants against Colonel al-Gaddafi, his son Saif al-Islam al-Gaddafi and security chief Abdallah al-Senussi for alleged crimes against humanity, including murder and persecution. Saif al-Islam was captured on 19 November. Despite statements by the NTC that it would seek to prosecute him before Libyan courts, by the end of the year no application had been made to the International Criminal Court challenging its jurisdiction.

Death penalty

The death penalty remained in force for a wide range of crimes. No information was available about death sentences or executions in 2011.

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