

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	173
Land:	Libyen
Kilde:	UK Foreign and Commonwealth Office
Titel:	Human Rights and Democracy: The 2012 Foreign and Commonwealth Office Report: Country updates: Libya
Udgivet:	31. december 2013
Optaget på baggrundsmaterialet:	19. juni 2014

[EN](#) | [DE](#)

- **Source:**
FCO - UK Foreign and Commonwealth Office
- **Title:**
Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Country updates: Libya
- **Publication date:**
31 December 2013
- **ecoi.net summary:** Quarterly updates on the human rights situation [ID 244471]
- **Countries:**
Libya
- **Original link** <http://www.hrdreport.fco.gov.uk/human-rights-in-countries-of-concern/libya/quarterly-updates-libya/?showall=1>

Recommended citation:

FCO - UK Foreign and Commonwealth Office: Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Country updates: Libya, 31 December 2013 (available at ecoi.net) http://www.ecoi.net/local_link/244471/386619_en.html (accessed 02 May 2014)



Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Country updates: Libya

Latest Update: 31 December 2013

The Libyan government continues to face significant challenges in exerting full control over security. This remains one of the biggest obstacles to stability in Libya. The political atmosphere has also become increasingly volatile, as demonstrated by the (brief) kidnap of Prime Minister Zeidan by militia groups on 10 October. Consequently, progress on improving human rights remains slow, but progress is nonetheless being made in key areas, and Libyan government rhetoric on human rights remains positive.

The UK is working to help the Libyan government address an overall lack of capacity in its security and justice sectors, and to address the limited understanding across the country of the practical application of human rights. As part of a Security Compact agreed with Libya and international partners at the G8 summit in Lough Erne, the UK will train up to 2,000 Libyan Armed Forces personnel in basic infantry skills and leadership. Human Rights training will form a key part of this package. We have commenced phase one of a tri-departmental (FCO-DFID-MOD) Security, Justice and Defence programme which is helping the Libyan authorities provide more effective and accountable security, justice and defence for its citizens, contributing to improvements in the rule of law. The programme will include, among other human rights concerns, issues around Preventing Sexual Violence, which has been highlighted as a key personal concern of the Libyan Justice Minister. In October, the UK Justice Advisor to the Office of the Justice Minister finished a six-month attachment; the new UK Justice Adviser arrives in January 2014 to continue supporting the Ministry develop as an institution.

The UK also has an extensive range of programmes funded from the Arab Partnership/Conflict Pool. Examples of projects currently being funded include: supporting development of the Libyan General National Congress (GNC); providing training to women's groups to enhance their skills in leadership; including women in political processes; strengthening women's participation in the GNC; funding for a series of television programmes to promote a positive Libya and encourage free debate; a broader BBC media action plan in place, the aim of which is to provide support to public service broadcasting; and building the capacity of Libyan journalists.

We have been concerned about a series of violent clashes in Tripoli since October, which have resulted in the deaths of more than 40 protesters and injuries to hundreds more. The worst incident, on 17 November, saw Misratan militia groups firing on demonstrators with government and security forces unable to respond. This incident led to calls among Libyans for militia groups to leave Tripoli, and further served to highlight the fragile

security and political environment within Libya. We supported mediation efforts between the groups which have since led to the withdrawal from Tripoli by the Misratan militias.

The conditions of some detention facilities and the treatment of detainees, including overcrowding, lack of food and medical supplies and allegations of torture and mistreatment, remain a concern. Ministers have argued these concerns apply mainly to militia-controlled detention centres. This was to some extent supported by the UN's report on *"Torture and Deaths in Detention in Libya"*, published on 1 October. We welcomed the report, which was the output of two years of monitoring activities undertaken by UN Support Mission in Libya (UNSMIL), during which time they made multiple visits to around 30 detention centres, some of which were state-controlled, and others run by militias. The report highlighted that, while conditions in state-run facilities were generally better than those run by militias, instances of mistreatment of detainees still occurred across the spectrum of detention centres. UNSMIL did, however, recognise the good intentions of the government to abide by their international legal obligations, and the difficulties they face in doing so. The report made 14 key recommendations to address the issue of torture and mistreatment in Libya. We encourage Libya to take action to implement those recommendations.

The treatment of women in Libya remains a concern, but we welcome government efforts to address this issue. Allegations of sexual and gender-based violence during the revolution were widespread. The approval by the National Assembly of legislation to redress the situation of victims of rape and violence is a welcome step, but it will be crucial that the legislation is even-handed and recognises all victims of sexual violence in Libya. To help the Libyan government address this key issue, the UK will be undertaking a large programme of work under the Foreign Secretary's Preventing Sexual Violence Initiative, which forms a key strand of the Security, Justice and Defence Programme.

A number of members of the former Qadhafi regime remain in detention in Libya awaiting trial on a range of charges. They include Saif Al-Islam al-Qadhafi, son of Qadhafi, Abdullah al-Senussi, Qadhafi's former intelligence chief, and Al Mahmoudi Al Baghdadi, Qadhafi's last prime minister. However, some progress has been made; both Qadhafi and Senussi had pre-trial hearings in Tripoli on 19 September, (Qadhafi in-absentia) along with 33 other detainees.

The UK continues to urge Libya's full cooperation with the International Criminal Court (ICC). In May the ICC's Pre-Trial Chamber rejected Libya's request to try Saif al-Qadhafi in Libya and ordered his surrender to the ICC. Libya is appealing the decision on the admissibility of the case. In July the ICC Appeals Chamber rejected Libya's request to suspend the surrender of al-Qadhafi while its appeal was pending; Libya is under an obligation to surrender al-Qadhafi to the Court.

In October the Pre-Trial Chamber granted Libya's application to try Abdullah Al-Senussi domestically in Libya on the basis that Libyan authorities were both willing and able to effectively prosecute him. This was the first time the ICC had ruled that it could relinquish jurisdiction of a case in favour of national proceedings. Al-Senussi has appealed the decision. It is imperative that Senussi is detained in accordance with Libyan law, held by a legitimate authority, has access to legal representation, and that his trial meets international standards.

Update: 30 September 2013

Progress on improving human rights in Libya continues to move slowly. A volatile political situation and the Libyan government's ongoing difficulties in exerting full control over security remain the biggest obstacles to stability in Libya. Consequently, the same challenges remain as previously reported: lack of government capacity, an under-developed judicial system, and limited understanding across the country of the practical application of human rights.

While Libyan government rhetoric on human rights continues to be positive, it is crucial for Libya's future that the Libyan authorities continue to make progress on the constitutional process. In this regard, we welcome the passing of the law governing how elections in July to the constitutional "Committee of Sixty" will operate. It is important that representatives of women and minority groups participate fully in the process and have an effective voice in the constitutional drafting assembly.

We remain concerned about continuing reports of harassment of journalists by militia groups, with a number of abductions and attacks being reported since the beginning of August. While the Libyan government has made encouraging statements on the importance of promoting freedom of expression, its ability to protect journalists from harassment and intimidation is constrained by its relative lack of control over security in general.

The conditions of some detention facilities and the treatment of detainees – including overcrowding, lack of food and medical supplies and incidents of torture and mistreatment – remain largely unaddressed. Ministers have argued these concerns apply mainly to militia-controlled detention centres. We remain concerned about issues around detention facilities, but welcome ongoing efforts by the Libyan government to bring all detention facilities under state control to ensure all detainees' human rights are respected and that detention centres operate according to international standards.

Update: 30 June 2013

The ongoing difficulties for the Libyan government in exerting full control over security is one of the biggest obstacles to stability and the protection of human rights in Libya. Lack of capacity, an under-developed judicial system and limited understanding across the country of the practical application of human rights are all contributing factors in the considerable challenges facing the Libyan authorities. There have been positive developments in the past three months, but progress has been hampered by an increasingly volatile political atmosphere.

During demonstrations in late April, which were designed to apply pressure on the Libyan authorities to pass a new Political Isolation Law, government ministries were besieged and ministry workers prevented from attending their jobs. The Political Isolation Law, if implemented to its fullest extent, could effectively lead to 10,000 – 20,000 civil servants, former Ambassadors and members of the judiciary connected to the Qadhafi regime, being prevented from participating fully in political life. This could have long term implications for national cohesion and reconciliation.

There remain issues around detention facilities, with concerns about the conditions of some detention facilities and the treatment of detainees remaining unaddressed. Efforts by the Libyan government to bring all detention facilities under state control continue, and the Minister of Justice has publicly stated the Libyan government's commitment to ensuring all detainees' human rights are respected, and that detention centres operate according to international standards. However, overcrowding, lack of food and medical supplies and allegations of mistreatment and torture persist. Ministers have argued that these concerns apply, in the main, to militia-controlled detention centres, but reports are still being received of mistreatment also occurring in state-run detention centres. The passing of a new Law against Discrimination and Torture on 9 April was a positive step towards addressing issues of mistreatment, but full implementation of the law will be critical.

The Law against Discrimination and Torture will also have positive implications for the treatment of minority groups in Libya, including religious groups. Freedom of religion in Libya remains a concern, but the release on 13 April of Coptic Christians being held in detention on charges of proselytism was a welcome development. It will now be for the Libyan authorities to ensure that minority rights are enshrined in a new national constitution.

Reports of harassment of journalists by militia groups also continue. While the Libyan government has made encouraging statements on the importance of promoting freedom of expression, its ability to protect journalists from harassment and intimidation is constrained by its relative lack of control over security in general. There is also a cultural mindset, instilled by 42 years of misrule by Qadhafi, which needs changing. Journalists are unused to being able to report freely, and a high degree of self-censorship persists. A regulatory and legal framework for the media sector, outlining clearly what it can and cannot do, remains absent, but there has been a positive flourishing of media outlets and social networking in Libya.

Update: 31 March 2013

The political transition in Libya continues to face considerable challenges, with security issues posing the biggest threat to progress. The General National Congress (GNC) has begun to make some key decisions, including passing the 2013 Budget, which includes significant investment in reconstruction and development. Libya presented its plans to develop security, justice and rule of law at an international Ministerial meeting in Paris in February. International partners, including the UK, confirmed ongoing support to Libya in these areas.

On human rights, progress remains slow in transferring non state-run detention centres to state control. The Ministry of Justice is building a new prison in Misrata which will be used to hold detainees currently being held by the *thuwaar*, or semi-official armed groups, in and around Misrata. Concerns remain about the treatment of detainees and NGOs continue to document human rights abuses. At the request of the Minister of Justice a UK Detention Adviser will begin his role on 1 May, focusing on improving the conditions and management of detention centres.

The courts continue to deal with minor felonies and most individuals arrested post-revolution have access to lawyers. However, the overwhelming majority of individuals detained during the revolution have still not been processed through the judicial system. The draft Transitional Justice Law is before the General National Congress, which should pave the way for trials of conflict related detainees to begin. The Ministry of Justice has also begun to implement small scale screening projects in a few state run detention centres to determine why individual detainees have been held.

Freedom of religion remains a concern. On 29 December a bomb exploded outside the Egyptian Coptic Orthodox Church in Misrata and killed two people. A number of Christians accused of proselytising have also been arrested in Benghazi by the Preventative Security Forces. Many have been released and deported back to their country of origin but a number remain in detention. On 28 March a Sufi Shrine was destroyed in Tripoli.

Women's groups continue to play an important role in civil society despite the challenges they face. On 8 March women across Libya, including members of the General National Congress, celebrated International Women's day. Many women's organisations have also launched campaigns to ensure that women's rights are reflected in the new constitution. However there are still concerns about the number of women who are victims of sexual and domestic violence and women's access to medical services, particularly in rural regions.

The security situation in Libya remains precarious. Efforts have been made by the Libyan Government to integrate the thuwaar into the police and army, but a large number remain outside governmental control. On 5 March an armed group attacked the GNC at their offices for several hours demanding that they sign the draft law on Political Isolation and on 31 March an armed group stormed the Ministry of Justice. Abductions and extrajudicial killings continue to take place.

published on  European Country of Origin Information Network