

HUMAN RIGHTS WATCH

WORLD REPORT

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WATCH

LIBYA – 2015



Political infighting and clashes between rival militias escalated, triggering armed conflicts in Benghazi and other parts of the east in May, and in Tripoli and its environs in July.

The fighting caused widespread destruction of property, and civilian injuries and deaths. Around 400,000 were internally displaced in Libya, including about 100,000 residents of Tripoli. Another 150,000 people, including foreigners, fled Libya. Most foreign embassies, the United Nations, the International Committee of the Red Cross (ICRC), and international agencies withdrew their staff and closed their missions in July.

Militias attacked, threatened, assaulted, or arbitrarily detained journalists, judges, activists, politicians, and ordinary citizens with impunity. Lack of protection for the judiciary resulted in a near breakdown of the justice sector in cities such as Tripoli, Benghazi, Sirte, Sebha, and Derna.

Political Transition and Constitution

Following an election marred by boycotts and violence, Libyans voted in a 60-member Constitution Drafting Assembly on February 20 to draw up a new constitution. The assembly was expected to produce a new draft constitution by December 2014.

Boycotts, violence, and low voter turnout also marred the June 25 elections for the House of Representatives, a new 200-seat parliament that replaced the interim General National Congress (GNC). Due to boycotts and insecurity, only 188 seats were filled. Following their election, around 158 of the new members of parliament convened in Tobruk, in the east, citing security fears in Tripoli. Around 30 members of parliament boycotted the move. On September 1, the parliament confirmed caretaker Prime Minister Abdullah al-Thinni as Libya's prime minister.

After the Misrata-led Libya Dawn alliance took control of Tripoli in August, some members of the former GNC declared Omar al-Hassi prime minister, in opposition to the Tobruk-based parliament.

The Libyan Supreme Court issued a ruling on November 6, declaring unconstitutional an amendment to the Constitutional Declaration, which paved the way for the House of Representative's election law. The elected parliament rejected the Supreme Court decision, and some members of the former legislature, the GNC, reconvened claiming to be the legitimate legislature and demanded the dissolution of the House of Representatives. At time of writing, both entities remained embroiled in armed conflicts.

Security and Armed Militias

Scores of armed groups remained on the government's payroll and controlled key locations and resources. Some pro-federalism militias, in a dispute over their pay, maintained a blockade of major oil export terminals for a year until July. They had been contracted by the government to guard petroleum facilities after the 2011 revolution as Petroleum Facilities Guards (PFG), operating under the Defense Ministry.

Armed groups and individuals continued to commit unlawful killings, mostly in Benghazi and Derna in the east. At least 250 people died in apparently targeted assassinations in the first nine months of 2014, including security officials, judges and prosecutors, journalists, activists, and Imams. Victims included some women. At time of writing, the authorities conducted no investigations into these attacks and killings, and had not arrested or prosecuted any suspects.

Armed groups continued to target foreigners and diplomats. Unknown armed groups abducted two Tunisian embassy employees in March and April, releasing them on June 25, and unidentified armed men abducted Jordan's ambassador to Libya on April 15, releasing him on May 13 in exchange for the release of a Libyan imprisoned in Jordan since 2007 on terrorism charges. On June 4 in Sirte, unknown assailants gunned down Michael Greub, an ICRC delegate, as he visited the Libyan Red Crescent.

Lack of border controls and tribal infighting aggravated the security situation, allowing continued trafficking of humans, drugs, and weapons across Libya's borders with Chad, Sudan, Egypt, and Algeria.

Credible evidence emerged showing that one or more militia groups used antipersonnel landmines during the armed conflict at Tripoli Airport in July and August 2014. The unit in charge of clearing the airport area, operating under Libya Dawn, said in November it had found and cleared at least 600 landmines.

In October, armed groups in eastern Libya affiliated with the extremist group Islamic State (also known as ISIS), announced the establishment of an autonomous province divided into the Derna and Benghazi sectors. The Islamic Shura Youth Council in Derna, which affiliated itself with ISIS, established an Islamic Court, Islamic Police, and carried out public executions and floggings.

Armed Conflict and War Crimes

In May, former army Gen. Khalifa Hifter launched a military operation against Islamist factions in eastern Libya, ostensibly to "eradicate terrorism." His Libya Dignity Alliance, based in eastern Libya, included army, air force, and special forces personnel, and targeted Islamist factions such as Ansar al-Sharia and the Islamic Shura Youth Council in Derna. In July, the conflict spread to Tripoli where Libya Dawn, a Misrata-led militia alliance that includes Islamist factions, wrested control of the capital from a Zintan-led militia alliance aligned to Libya Dignity. In November, the House of Representatives reinstated General Hiftar and 16 other officers into active duty.

Warring factions indiscriminately shelled civilian areas in both Benghazi and Tripoli, seized people, and looted, burned, and otherwise destroyed civilian property in attacks that in some cases amounted to war crimes. Those seized and still held by militias at time of writing included Suliman Zubi, a former GNC member held since July 21 by the Katibat Barq al-Nasr militia from Zintan, and a Tripoli based activist, Abdelmoez Banoon.

Judicial System and Transitional Justice

Libya's justice system suffered serious setbacks. Militias attacked judges, prosecutors, lawyers, and witnesses, causing the closure of courts and prosecutors' offices in Benghazi, Derna, Sirte, and Sebha, and a near breakdown of the justice system. The Justice Ministry in Tripoli shut down in July due to the fighting there.

The government failed to secure control over detainees held in militia-run facilities, including Saif al-Islam Gaddafi, and retained only nominal control of facilities formally under its authority. Authorities failed to grant detainees basic due process rights, including access to lawyers, judicial reviews of their cases, and access to key evidence.

On March 24, the trial commenced in Tripoli of 37 Gaddafi-era officials and employees accused for their alleged roles during the 2011 revolution. They included Saif al-Islam Gaddafi and Abdullah Sanussi, Muammar Gaddafi's former intelligence chief. On March 6, Niger extradited another Gaddafi son, al-Saadi Gaddafi, to Libya. At time of writing, the court trying the 37 accused had adjourned hearings and al-Saadi Gaddafi remained in pre-charge detention.

On September 14, the House of Representatives passed a counterterrorism law which could undermine freedom of speech, assembly, and association due to overbroad and sweeping definitions of terrorism and harsh prescribed punishments.

Arbitrary Detention, Torture, and Deaths in Custody

The Justice Ministry held approximately 6,100 detainees in 26 prisons, mostly under the nominal authority of the Judicial Police. Only 10 percent of those held had been sentenced, and the rest remained held in pre-charge detention. In addition, the Interior and Defense Ministries continued to hold undisclosed numbers of detainees, while many militias also continued to hold unknown numbers of detainees in informal facilities. Militias remained responsible for widespread abuses, including torture and deaths in custody.

Death Penalty

The former GNC and the newly elected House of Representatives both failed to amend any of over 30 articles in the penal code that provide for the death penalty, including as punishment for exercising rights to freedom of expression and association. Since the overthrow of the Gaddafi regime, civil and military courts have imposed at least 29 death sentences. The authorities had not carried out any executions at time of writing.

The Islamic Shura Youth Council armed group carried out at least three public extra-judicial executions in July and August in Derna of people accused of murder.

International Justice and the International Criminal Court

The government failed to uphold its legal obligation to surrender Saif al-Islam Gaddafi to the International Criminal Court (ICC), where he is wanted on charges of crimes against humanity for his alleged role in trying to suppress the country's 2011 uprising. The ICC has had jurisdiction over the situation in Libya since February 15, 2011, under UN Security Council resolution 1970. On May 21, the ICC issued a final decision rejecting Libya's request to try Gaddafi domestically. On December 10, the ICC issued a finding of non-compliance by Libya after two requests for cooperation to surrender Saif al-Islam Gaddafi to The Hague and referred the issue to the Security Council.

In the case of Abdullah Sanussi, ICC judges approved Libya's bid to prosecute the former intelligence chief at home for his alleged role during the 2011 uprising.

In response to ongoing grave violations, on June 24, the ICC prosecutor issued a statement warning that she would not hesitate to investigate and prosecute perpetrators of crimes within the court's jurisdiction, but at time of writing she had yet to open a new investigation.

Forced Displacement

Militias mostly from Misrata continued to prevent about 40,000 residents of Tawergha, Tomina, and Karareem from returning to their homes as a form of collective punishment for crimes allegedly committed by some Tawergha residents during the 2011 revolution. Those displaced continued to seek safety and shelter in makeshift camps and private housing in many areas, but they remained subject to attack, harassment, and arbitrary detention by the militias. Libyan authorities and militia commanders failed to end the attacks or hold those responsible to account. The forced displacement of residents of Tawergha amounts to a crime against humanity.

Freedom of Speech and Expression

Armed factions threatened and assaulted dozens of journalists and attacked several media outlets, including private television stations Alassema, Libya Al-Ahrar, and Barqa TV. Several journalists and an activist were abducted or seized. Abdelmoez Banoon was kidnapped by unknown assailants in July and was still missing at time of writing.

Six journalists were assassinated. Miftah Bouzeid, editor-in-chief of *Burniq* newspaper, was killed on May 26 by unknown assailants in Benghazi. On June 25, unidentified assailants killed activist Salwa Bughaighis at her home in Benghazi. Dozens of journalists fled the country due to attacks, threats, and intimidation. Authorities failed to conduct investigations, or arrest and prosecute perpetrators.

Prosecutors brought criminal defamation charges against several journalists, political analysts, lawmakers, and politicians. Amara al-Khatabi, editor of *Al-Ummah* newspaper, was sentenced in absentia to five years in prison on charges of defaming members of the judiciary; radio presenter Sami al-Sharif faced charges for allegedly defaming a local council official on one of his shows; and political analyst Jamal al-Hajji appealed against a 2013 criminal court sentence of eight months in prison for allegedly libeling businessmen and politicians.

The former GNC failed to amend penal code provisions that breach international law, and instead adopted new repressive measures. On January 22, it passed resolution 5(2014) to ban and prevent the transmission of satellite television stations that criticize the government and the 2011 revolution, and on February 5, the GNC promulgated Law 5(2014) to make any act “harming” the “February 17 revolution” of 2011 a criminal offense.

Women’s Rights

Amid the breakdown of law and order and in the prevailing climate of impunity, women continued to suffer from discrimination. Some armed groups imposed restrictions on women based on their ideological beliefs. Guards harassed university students in Tripoli for refusing to wear the hijab. Some women faced harassment while attempting to travel out of Libya without a male guardian. In April, a militia group responsible for security at a university in Derna insisted that a wall be constructed to segregate the sexes, limiting women students’ access to education.

Guards at the court trying former Gaddafi officials denied female Libyan journalists access to the court because of their gender and, in April, denied access to foreign female journalists unless they wore head scarves.

In February, the prime minister issued a decree promising compensation for victims of sexual violence but the government had not allocated funds for this purpose at time of writing.

Migrants, Refugees, and Asylum Seekers

Record numbers of migrants and asylum seekers embarked on the perilous sea journey from Libya to Europe with 60,000 reaching Italy alone in 2014. The Italian navy’s large- scale rescue operation, Mare Nostrum, rescued around 100,000 from unseaworthy boats, but at least 3,000 still perished at sea.

At time of writing, Libyan authorities held 5,000-10,000 migrants and asylum seekers in detention facilities where they face torture and other abuses, including overcrowding, dire sanitation, lack of access to adequate medical care, and inhuman or degrading treatment. Guards subjected migrants and asylum seekers to beatings, whippings, cigarette burns, and electric shocks. The authorities failed to address these abuses and hold perpetrators accountable.

Key International Actors

Long awaited military training for a Libyan General Purpose Force commenced in Italy, Turkey, and the United Kingdom.

A United States Navy Seals team forcibly took control of an oil tanker on March 16 as it sailed near Cyprus, and returned it to Libya and placed it under the government’s control. Pro-federalist militias had intended to sell fuel on their own behalf in response to a long dispute with the government over pay.

On June 15, a US special unit apprehended a Libyan suspect, Ahmed Abu Khatallah, near his Benghazi home. The unit transferred him to the US, where he faces charges for his alleged role in the September 11, 2012 attack on the US consulate in Benghazi that killed four US citizens, including Ambassador Chris Stevens.

The United Nations Security Council passed resolution 2174 (2014) on August 27. This extended sanctions against Libya to target those who engage in or support acts that “threaten the peace,

stability or security of Libya” or individuals responsible for human rights abuses. At time of writing, no new names had been added to the existing sanctions list.

In August, the US said the United Arab Emirates and Egypt had conducted air strikes in Tripoli on August 18 and 23, against military positions of the Misrata-led militia alliance, Libya Dawn. On September 15, unidentified warplanes conducted further air strikes against military positions of Libya Dawn-aligned militias in Gharyan. In September, Libya’s government accused Sudan of funneling weapons to militias aligned with Libya Dawn, despite the active UN arms embargo. In the same month, the government also accused Qatar of several weapons shipments to forces aligned with Libya Dawn.

On November 19, the Security Council added two entities—Ansar Sharia in Benghazi and in Derna—to the Al-Qaeda Sanctions Regime. Members of these entities are subject to targeted financial sanctions, travel bans, and an arms embargo.

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