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Corporate report

## Libya - Country of Concern

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The human rights situation in Libya deteriorated greatly during 2014, particularly in the second half of the year, due to an increase in fighting across the country, and a worsening political situation. After parliamentary elections in June, conflict broke out in July between competing alliances of militia factions, supporting rival parliaments in Tripoli and Tobruk. Of great concern were the high number of deaths and injuries of civilians as a result of conflict between armed groups in civilian areas, mass displacement, and humanitarian crises in many areas. The worst fighting was in Tripoli, Warshafana, the Nafusa mountains in the West, Benghazi in the East, and tribal areas in the South. Human rights violations and abuses related to this increase in violence and political hostilities included: extrajudicial killings by armed groups of captured combatants on both sides; beheadings by extreme Islamist

groups; arbitrary detentions; and kidnappings and threats against political and military representatives, journalists, and human rights activists. The UK worked closely with international partners to support the efforts of the UN Special Representative of the Secretary General, Bernardino Leon, to bring an end to the violence through an inclusive political dialogue between the parties. In April, the UK Prime Minister offered diplomatic support for UN efforts by appointing Jonathan Powell as a Special Envoy to the Libyan Political Transition.

In March 2014, the UK worked closely with the Libyan authorities at the UN Human Rights Council (HRC) to agree a strong resolution that provided technical assistance to Libya, and requested a report from the High Commissioner of Human Rights on the human rights situation. The adopted text was led by the Libyans themselves. It was stronger than the previous year's and passed by consensus.

On 10 April, prior to the outbreak of hostilities, we launched our Human Rights Action Plan for Libya, which identified four priority areas for the UK to provide assistance by working in collaboration with the Libyan government and civil society groups. These were: preventing sexual and gender-based violence; detention and torture; freedom of expression; and the democratic process. Our programme work reflected these priorities, but had to be scaled back as a result of the temporary closure of our Embassy in Tripoli on 4 August, due to the security and political crisis. However, we continued to run a number of programmes in Libya which contributed towards our human rights objectives. These included two media projects to address the lack of good quality, balanced, and impartial reporting of events in Libya; a project on transitional justice processes in Libya; and a project for assisting women's civil society organisations to advocate for women's rights in the Libyan Constitution drafting process, and the national dialogue and reconciliation process.

The UK supported UN Security Council Resolution 2174 adopted on 27 August 2014. This included a call for an end to hostilities, condemned the use of violence against civilians and civilian institutions, and called for those responsible for human rights violations and abuses in Libya to be held accountable. On 10 December, the UK marked Human Rights Day and launched a popular online campaign in Libya calling for the Universal Declaration of Human Rights to be respected. The video produced for the campaign reached over 700,000 people.

However, we recognise that these efforts had only very limited impact on human rights in Libya in 2014. Obstacles included: the impact of the conflict on human rights and the humanitarian situation; the inability of those in power to enforce respect for human rights and humanitarian law; the temporary closure of our Embassy; and the scaling back of planned programme work as a result of the increased conflict. Improvement in 2015 will depend upon the success of the UN dialogue process. We will continue to support UN efforts towards a ceasefire and political settlement.

## Elections

Parliamentary elections were held on 25 June 2014, with voting taking place in 1,592 out of a total of 1,648 polling stations. The technical aspects of the election were handled well by the Higher National Electoral Commission (HNEC), with support from the United Nations Support Mission in Libya (UNSMIL). The UK committed £600,000 to the UN Electoral Support Team working with HNEC to help plan and deliver effective and democratic elections.

Out of 1.5 million registered voters, around 630,000 Libyans cast their vote, with turnout affected by Ramadan preparations, fuel shortages, and a general lack of confidence that the electoral process was sufficiently representative. Security concerns forced 17 polling stations in central Derna to remain closed, while 10 centres in Kufra remained closed due to blockades preventing the delivery of election materials. In the West, a boycott by the Amazigh tribal community meant that no candidates had registered and polling could therefore not take place in 28 centres. Violence in Benghazi, which resulted in seven deaths and over 50 injured, caused one polling centre to be closed prematurely. The day was further marred by the murder of Salwa Bugaigis, a prominent and outspoken human rights lawyer and deputy chair of the National Dialogue Preparatory Committee, in her home in Benghazi. Despite the difficulties, overall the elections that took place were fair and democratic.

## **Freedom of Expression and Assembly**

Many Libyans were fearful of voicing their opinions for fear of violent reprisals. There was a significant increase in threats, abductions and attacks against media representatives and journalists during the year, and a number were murdered. There were also threats and attacks against a number of radio and television stations during 2014. These incidents demonstrated not only the ongoing lack of control exerted by the Libyan authorities over security, but also suggested a worrying downturn in respect for media freedom.

On World Press Freedom Day, the UK worked closely with the UN to hold a day of events in Tripoli, which over 100 journalists and Libyan ministers attended. Throughout the event, journalists called for improved standards of reporting, and an end to assassinations and attacks on the media. The UK is also working to strengthen the capacity, quality and standards of journalists by funding two university media labs, and a series of television news programmes to promote a positive Libya, and encourage free debate.

## **Human Rights Defenders**

The UN received numerous reports of harassment, intimidation, abductions and murder of members of civil society, after fighting increased in May in Benghazi, and later in Tripoli and elsewhere in Libya. On 14 October, the UN High Commissioner for Human Rights, Zeid Ra'ad Zeid Al Hussein, warned that

armed groups were increasingly targeting human rights defenders (HRDs). Reports of violations included instances of threats on social media, and by telephone or text messages. The increasingly hostile environment for HRDs and civil society caused some to leave Libya, while others were intimidated into stopping their activism, or went into hiding for their own safety. The Head of the International Committee of the Red Cross Misrata branch was shot dead on 4 June in Sirte.

## **Access to Justice and the Rule of Law**

In April, UNSMIL reported that 10,000 people were held in detention. That figure grew as detentions without trial and arbitrary arrests increased in 2014. In some areas, including Derna and Benghazi, the detention system completely collapsed. There was a lack of security for judges, prosecutors and judicial police, with assassinations, intimidation and kidnaps common, particularly in regard to conflict-related detainees. A number of detention facilities remained outside government control, including makeshift prisons run by armed militias. There was also a rise in the number of people kidnapped to aid in prisoner exchanges between militia groups.

In December the International Criminal Court (ICC) referred Libya to the UN Security Council for failing to meet its obligation to surrender Saif al Islam Qadhafi to the Court. The UK urged Libya's full cooperation with the ICC, recalling Libya's legal obligation to surrender Qadhafi to the Court. Qadhafi has been detained by a Zintani militia group since November 2011, which has refused to hand him over to successive Libyan authorities since his capture. The Libyan authorities began to try Qadhafi domestically on 27 April via video link, along with 38 other former regime officials. This followed an amendment to the Libyan Code of Criminal Procedure in March 2014 to allow defendants and witnesses to testify without being present in the courtroom. A number of international organisations raised fair trial concerns.

## **Death Penalty**

Libya retained the death penalty and passed the death sentence in 2014, although there have been no state executions since 2011.

## **Torture and Cruel, Inhuman or Degrading Treatment**

Detention centres and the treatment of detainees in Libya remained a concern, particularly facilities holding migrants. UNSMIL cited ongoing reports of torture and deaths in custody, with perpetrators

including judicial police and militia groups. UNSMIL recorded cases of torture by militia groups from Warshafana and al-Zawiya (in al-Jazira and al-Janubi prisons) and in Tripoli (in Mitiga and Abu Salim detention centres). UNSMIL also documented abductions and the torture of detainees, allegedly by Warshafana militia groups, forces allied to Libya Dawn, and forces affiliated to General Haftar.

More progress is needed on implementing the recommendations set out in the UN Report on Torture and Deaths in Detention published in October 2013. Detainees suffered from poor sanitation, overcrowding and a lack of medical provisions.

## **Conflict and Protection of Civilians**

The humanitarian situation in both Tripoli and Benghazi deteriorated as a result of the fighting in both cities, with reports of civilian casualties. There were also severe shortages of fuel, food and medical supplies, and extensive disruptions to the water supply and electricity services. Basic services in Tripoli improved after the fighting stopped, but damage to the infrastructure is extensive and will take a long time to repair.

On 6 August, Amnesty International issued a press release declaring the shelling of civilian areas a war crime. This followed a statement issued by the Libyan National Committee for Human Rights on 4 August, calling on the ICC Prosecutor to investigate crimes against humanity and war crimes committed by armed groups in Libya. This included crimes such as forcible displacement, kidnapping, murder and assaults on civilians and civilian areas. UNSMIL issued their own statement on 4 September that expressed concern about serious violations of human rights and international humanitarian law in Tripoli and Benghazi.

In September, the UN declared a humanitarian crisis and, by December, estimated that over 400,000 people had been displaced by the hostilities in Libya. The humanitarian situation continues to deteriorate.

The UK is supporting humanitarian mine clearance in Sebha.

We were increasingly concerned by the rise in extrajudicial executions by extremist militias in Libya, including by the extremist Ansar Al Sharia group. In October, the UK cosponsored the designation and sanctions against this group as an Al Qaeda terrorist entity under UN Security Council Resolution 1267.

## **Freedom of Religion or Belief**

Concerns remained around freedom of religion or belief. During 2014, extremists and Salafists took advantage of the instability to target buildings that they believed needed to be “purified” of such things as graves, shrines, idols, or excessive adornment, or that are known to follow Sufist teachings. Some of the most serious examples of this destruction included attacks on mosques, and vandalism of the most important Sufi shrine in Libya, Zliten’s Sidi Abdul-Salam Al-Asmar Al-Fituri shrine.

## Women’s Rights

The role of women in Libya, in terms of political engagement, did not improve during 2014. Decision-making for women in public life, and freedom of movement, remain issues that need to be addressed. The UK provided support to women’s groups to enhance their skills in leadership and advocacy, including strengthening women’s participation in parliament, and pushing for women’s rights to be reflected in the constitution. Tripoli University established a quota in its electoral lists for the student union, stipulating a minimum of one woman on each list.

It is impossible to obtain precise information on the prevalence of sexual violence in conflict in Libya as very few victims come forward. Anecdotal evidence and UN and non-governmental organisation (NGO) reporting suggested that sexual violence was perpetrated by Qadhafi forces and revolutionaries against women, men and children, before and during the Arab Spring. Reports suggested that rape of women by armed men occurred in homes, and that sexual violence was used as a tool in detention centres to extract information, humiliate and punish. It is common for survivors to take their own life or be outcast by their families. There remained a strong stigma preventing victims from reporting offences and seeking assistance, and a lack of support services for survivors, including access to justice. On 8 June, the UK held a local event in Tripoli with 40 civil society activists to talk publicly about sexual and gender-based violence in Libya.

The UK hosted the Global Summit to End Sexual Violence in Conflict in London on 12-13 June. The Libyan Deputy Foreign Minister attended with a delegation that met UK experts to discuss the implementation of the Council Ministers decree 119/2014 to support victims of sexual violence during the Qadhafi regime and revolution. They focused on legal reform, database management and psychosocial support. The Libyan delegation was fully engaged on the issue, and recognised the importance of providing support for survivors of sexual violence. They expressed strong interest in working with the UK Team of Experts to help develop and cost the implementation plan, and we are exploring the feasibility of doing this when circumstances allow.

## Minority Rights

The majority of Libya's population is Arab, but there are significant minority groups including the Tuareg, Amazigh and Tebu. Under the Qadhafi regime, minority groups were often marginalised and not afforded the same rights as other Libyans. Human rights NGOs continued to report targeted harassment, attacks and abductions by armed groups against members of the displaced Tawargha community, for their perceived association with the former Qadhafi regime. We remained concerned about the absence of representation of minority groups on the Constitutional Drafting Committee.

As Libya undergoes the process of drafting a new constitution, it will be important that the minority groups' voices are heard. It is important that women and representatives of minority groups participate fully in the process and have an effective voice in the constitutional drafting assembly. Where opportunities arise, we will continue to encourage full representation of minority groups and interests in the constitutional drafting process.

This publication is part of the 2014 Human Rights and Democracy Report (<https://www.gov.uk/government/publications/human-rights-and-democracy-report-2014/human-rights-and-democracy-report-2014>).

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