

Libya: End Impunity, Reform Repressive Laws

Two Years Since Gaddafi Was Ousted, Little Progress on Rights

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For all that Libyans have endured, the least the new government can do is reform abusive Gaddafi-era laws. Even if the authorities feel hand-tied in disarming abusive militias, they can make progress in reforming the justice system, strengthening the army and police, and ending impunity for murderous militias.

Sarah Leah Whitson, Middle East and North Africa director



(Tripoli) – [Libya](#) is failing to institute the rule of law and protect citizens' rights, as the country slides deeper into lawlessness, Human Rights Watch said today in its [World Report 2014](#). While the government may have limited ability to rein in hundreds of armed militias that are carrying out abuses and operating outside of government control, it can and should make progress on reforming repressive laws that violate human rights and hinder the country's democratic transition.

In a 69-page [companion report](#) published today, Human Rights Watch called on Libya to press forward with such legislative reform, making abolishing the death penalty for more than 30 crimes the top priority. The government should place an immediate moratorium on death sentences until the laws are revised, particularly in light of concerns about the fairness of the judicial process. Lawmakers also should repeal Gaddafi-era laws that prescribe corporal punishment, including lashing for extramarital intercourse and slander, and amputation of limbs.

"For all that Libyans have endured, the least the new government can do is reform abusive Gaddafi-era laws," said [Sarah Leah Whitson](#), Middle East and North Africa director at Human Rights Watch. "Even if the authorities feel hand-tied in disarming abusive militias, they can make progress in reforming the justice system, strengthening the army and police, and ending impunity for murderous militias."

Human Rights Watch urged the government to act now to reform the deeply flawed articles of the Libyan penal code and other laws that impose the death penalty, restrict free speech, assembly, and association, and discriminate against women. The penal code also imposes harsh prison terms for a range of vaguely defined crimes, such as "offending" public officials and "insulting" state authorities.

In the 667-page world report, Human Rights Watch reviews human rights practices in more than 90 countries. Syria's widespread killings of civilians elicited horror but few steps by world leaders to stop it, Human Rights Watch said. A reinvigorated doctrine of "responsibility to protect" seems to have prevented some mass atrocities in Africa. Majorities in power in Egypt and other countries have suppressed dissent and minority rights. And Edward Snowden's revelations about US surveillance programs reverberated around the globe.

In its review of Libya, Human Rights Watch described how security remained volatile throughout the country in 2013. Unidentified armed men in the eastern Libyan cities of Benghazi and Derna

assassinated at least 60 judges, activists, and members of armed forces. Armed groups carried out [numerous attacks](#) on security forces and government institutions. Several large [demonstrations](#) demanding the departure of these militias in Tripoli and Benghazi ended [violently](#), with militias attacking overwhelmingly peaceful protesters. At least 100 people were killed in ensuing clashes in both cities, with little government effort to investigate and punish those responsible.

The justice system remained dysfunctional. Militias hold approximately half of the 8,000 people in detention in relation to the 2011 uprising. Torture is prevalent, according to the United Nations human rights [report](#) from October, and some detainees have died in custody. Many detainees in government and militia custody do not have access to lawyers and have not been brought before a judge. Since the end of the uprising, military and civil courts across Libya have [sentenced](#) at least 28 people to death, including 12 in absentia, despite concerns about the fairness of trials and due process. Despite repeated promises, and even laws, since 2011 to address the issue of militia detainees, little has changed.

Since the removal of the Gaddafi government, prosecutors have used penal code provisions restricting speech to [prosecute](#) at least four people for speech-related “crimes,” including [blasphemy](#) and [defamation](#) charges. In the most recent case, on December 31, 2013, a criminal court in Tripoli sentenced Jamal al-Haggi, a political activist formerly detained by the Gaddafi government, for “defaming” public officials. The judge ordered an eight-month jail sentence with labor and a fine of 400,000 Libyan Dinars (US\$300,000), subject to appeal.

A crime against humanity of mass forced displacement continued unabated, as militias mainly from Misrata prevented 40,000 people from the town of [Tawergha](#) from returning to their homes from where they had been expelled in 2011, accusing Tawerghans of crimes against them during the 2011 uprising.

The General National Congress, Libya’s legislative authority, has yet to fulfill its core mandate of organizing elections for the Constituent Assembly, the body that would draft Libya’s future constitution. The High National Elections Commission has yet to announce a date for elections, which are widely expected for the first half of 2014.

Among the priorities for legislative reform are:

- Amend laws that impose the death penalty;
- Revise laws that criminalize free expression including blasphemy and defamation laws;
- Pass laws and regulations to ensure the fair and non-discriminatory distribution of licenses for print and broadcast media;
- Pass laws against torture consistent with international standards. Ratify the Optional Protocol to the UN Convention against Torture and set up an independent inspection mechanism for detention centers;
- [Revise laws](#) that discriminate against women or effectively sanction violence against them;
- Adopt an asylum law to protect the thousands of migrants and asylum seekers who come to Libya every year and ratify the United Nations Convention Relating to the Status of Refugees.