

Libya

Head of state

Mohammed Magarief (replaced Mostafa Abdeljalil in August)

Head of government

Ali Zeidan (replaced Abdurrahim al-Keib in November)

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Armed militias continued to commit serious human rights abuses with impunity, including arbitrary arrests, arbitrary detention, torture and unlawful killings. Thousands of people suspected of formerly supporting or fighting for Mu'ammār al-Gaddafi's government, overthrown in 2011, remained detained without charge or trial and with no means of remedy. Most were beaten or otherwise ill-treated in custody; tens died after torture. Tens of thousands of people who were forced to leave their homes in areas perceived to have supported Mu'ammār al-Gaddafi in 2011 remained internally displaced and were at risk of revenge attacks and other abuses.

Undocumented foreign nationals faced arbitrary arrest, indefinite detention, exploitation and torture or other ill-treatment. Sporadic armed confrontations between militias across the country caused hundreds of deaths; the victims included children and other civilians not involved in the fighting. Impunity remained entrenched, both for gross human rights violations committed in the past and for ongoing human rights abuses by armed militias.

Women continued to face discrimination in law and practice. The death penalty remained in force; there were no executions.

BACKGROUND

On 7 July, Libyans elected a 200-member General National Congress (GNC), tasked with passing legislation, preparing the next parliamentary elections, appointing a government, and possibly overseeing the process of drafting the country's first Constitution in over 40 years. The National Transitional Council (NTC), which was established on 2 March 2011 and led the opposition to Mu'ammār al-Gaddafi, officially handed over power to the GNC on 8 August 2012.

Successive governments failed to rein in hundreds of armed militias that filled the security vacuum following the demise of al-Gaddafi's government in 2011. Many militias continued to act above the law, refusing to disarm or join the police or army. Efforts to integrate former anti-Gaddafi fighters into the Supreme Security Committee

(SSC) of the Ministry of the Interior, for example, were devoid of any systematic vetting to weed out perpetrators of torture or other crimes under international law, potentially fuelling further abuses.

At the Human Rights Council (HRC) in March, the UN Commission of Inquiry on Libya reported that both pro- and anti-Gaddafi forces had committed war crimes, crimes against humanity and human rights abuses during the 2011 conflict and that armed militias had committed serious human rights abuses, including arbitrary detention and torture after the hostilities ended. Nevertheless, the Libyan government rejected the inclusion of human rights monitoring and any reference to continuing violations in an HRC resolution on “Assistance to Libya in the field of human rights”.

Armed militias destroyed Sufi religious sites including in Tripoli and Zliten in August; no one was known to have been arrested or prosecuted for these attacks. Bomb and other attacks, particularly in Benghazi, targeted government buildings, including courthouses and police stations, as well as diplomatic missions and international organizations.

On 11 September, US Ambassador J. Christopher Stevens and three other US nationals were killed in an attack on the US diplomatic post in Benghazi. The Libyan government condemned the attack and announced arrests but no one was brought to justice by the end of the year.

[Original Source](#)

ARBITRARY ARRESTS AND DETENTIONS

In May, the NTC passed Law 38 on Procedures relating to the Transitional Period, giving the Ministries for the Interior and Defence no more than 60 days to refer cases of detainees held by armed militias to civilian or military prosecutors. Despite this, thousands of people alleged to have supported or fought for al-Gaddafi’s government remained in the custody of militias and semi-official security bodies. Although over 30 prisons were officially transferred to the Department of the Judicial Police, and in December the Ministry of Justice devised a strategy to resume effective control of prisons, militiamen continued working as guards or administrators in many prisons. Most detainees held in connection with the 2011 armed conflict had not been charged or tried by the end of 2012. Some were denied family visits; very few had access to lawyers.

Armed militias continued to seize or abduct individuals they suspected of having supported or fought for al-Gaddafi’s government, taking them from their homes, workplaces, streets or checkpoints. Many were immediately beaten and had their homes looted and damaged. Members of communities deemed to have supported Mu’ammarr al-Gaddafi, notably Tawarghas, were especially vulnerable. Detainees were frequently moved from one makeshift place of detention to another before being transferred to official or semi-official prisons or detention centres, at which point relatives could discover their whereabouts. The fate and whereabouts of some individuals abducted by militias remained unknown.

- Bashir Abdallah Badaoui, the former head of the Tripoli Criminal Investigations Department, and his son Hossam Bashir Abdallah, aged 19, were abducted by armed militiamen on 13 April near their Tripoli home. Hossam Bashir Abdallah was released after five days, but his father’s whereabouts remained unknown despite his family’s efforts to find him.

[Original Source](#)

TORTURE AND OTHER ILL-TREATMENT

Torture and other ill-treatment remained widespread, particularly in detention facilities controlled by militias, and were used to punish detainees and extract “confessions”. Detainees were especially vulnerable during arrest, in their first days of detention and during interrogation. Many signed “confessions” under torture or duress. Article 2 of Law 38 of 2012 gave legal weight to interrogation records of armed militias, at the discretion of judges.

Many detainees were subjected to sustained beatings with hoses, rifle butts, electric cables, water pipes or belts, often while suspended in contorted positions. Some were tortured with electric shocks, burned with cigarettes or heated metal, scalded with boiling water, threatened with murder or rape and subjected to mock execution. Tens of detainees died in the custody of militias, the SSC and in official prisons in circumstances suggesting that torture contributed to or caused their deaths.

- Tawarghan former police officer, Tarek Milad Youssef al-Rifa'i, died on 19 August after being taken from Wehda Prison to the SSC in Misratah for questioning. He had been seized from his Tripoli home in October 2011 by armed militiamen from Misratah. His relatives found his bruised body at a Misratah morgue; a forensic report indicated that his death was caused by beatings. His family lodged a complaint with the authorities but no proper investigation into his death was begun.
- The family of Ahmed Ali Juma' found his body at a Tripoli morgue several days after he was summoned for questioning by the Abu Salim Military Council in July. A forensic report identified "multiple bruises on the body, on the head, on the torso and the limbs and genitals" and concluded that he was "beaten to death". No one was held to account for his death.

[Original Source](#)

ARMED CONFRONTATIONS

Sporadic clashes between armed militias resulted in deaths and injuries to bystanders and residents as well as fighters. Such confrontations were widespread, occurring at Kufra in February, April and June, at Sabha in March, in the Nafousa/Western Mountain area in June, at Barak al-Shat in September, and in Bani Walid in October. Militia fighters fired weapons such as Grad rockets, mortars and anti-aircraft machine guns in residential areas, causing casualties and damaging or destroying property. In June, armed militias were reported to have used white phosphorus in Sgeiga despite the threat this posed to residents.

Following weeks of siege and an armed assault on Bani Walid by the army and militias that ended on 24 October, officials said 22 people had been killed, although the true total was believed to be higher. The dead included residents of Bani Walid who were not involved in the fighting, including children. For example, nine-year-old Mohamed Mustafa Mohamed Fathallah died from shrapnel injuries sustained when his home was shelled on 10 October. On 30 October, then Defence Minister Ossama Jweili claimed that the army was not in control of the situation and alleged widespread abuses by militias.

The authorities appointed fact-finding committees to investigate some armed clashes, but by the end of the year none of their results were made public, no perpetrators were brought to justice and no victims had received reparation.

[Original Source](#)

REFUGEES, ASYLUM-SEEKERS AND MIGRANTS

Despite guarantees contained in Libya's Constitutional Declaration, promulgated in August 2011, to recognize the right to seek and enjoy asylum, the government failed to ratify the UN Refugee Convention, sign a memorandum of understanding with UNHCR, the UN refugee agency, or adopt asylum legislation.

Armed militias and police continued to arbitrarily detain undocumented foreign nationals, including individuals in need of international protection, for alleged migration-related "offences", such as entering the country "irregularly". At the end of the year, thousands were detained indefinitely, pending deportation, in overcrowded and unhygienic conditions in detention centres. They had no means of challenging the legality of their detention or their treatment and conditions. Suspected irregular migrants faced habitual verbal abuse, beatings and other ill-treatment, in

some cases amounting to torture, in detention. At least two foreign nationals died in custody at the hands of militias.

- On 13 September, a group of Nigerian women held at the Tweisha detention centre in Tripoli received sustained beatings with hoses and other objects by around 11 men in plain clothes. Some women were given electric shocks. The authorities took no action against the men responsible.

[Original Source](#)

INTERNALLY DISPLACED PEOPLE

The authorities took no real steps to facilitate the safe return to their homes of entire communities forcibly displaced during the 2011 conflict, including residents of Tawargha, Mashashiya, Gawalish and other areas perceived to have supported Mu'ammār al-Gaddafi. Armed militias wrought further destruction in these areas to render them uninhabitable and arbitrarily detained and abused people from these communities, especially Tawarghas.

- Four men from Tawargha were arrested at Tripoli airport on 6 May when they arrived on a flight from Benghazi. A relative accompanying them was told that they would be quickly released but they were still detained without trial at Misratah at the end of the year.

Some 58,000 people were reported to be internally displaced at the end of the year; thousands were accommodated in poorly resourced camps in Tripoli and Benghazi.

[Original Source](#)

IMPUNITY

The authorities vowed to investigate gross human rights violations committed under Mu'ammār al-Gaddafi's government and initiated investigations into a number of former high-level officials and alleged al-Gaddafi loyalists, but took no steps to investigate ongoing violations by armed militias or bring those responsible to justice. In May, the NTC passed Law 17 to establish a Fact-Finding and Reconciliation Commission. It was unclear whether the Commission's mandate covered only crimes committed by the former government or included those committed by others. No effective investigations were known to have been carried out by the Commission by the end of the year.

Law 35 on Amnesty, approved by the NTC in May, failed to comply with Libya's obligation under international law to investigate alleged crimes against humanity, war crimes, enforced disappearances and extrajudicial executions, and prosecute alleged perpetrators.

Law 38 of 2012 provided blanket immunity to militiamen for acts deemed to have been committed with the aim of "protecting the 17 February Revolution".

No meaningful investigations were carried out by the authorities into alleged war crimes and serious human rights abuses, including torture and unlawful killings, committed by armed militias during and following the armed conflict. No official findings were disclosed in relation to the apparent extrajudicial executions of Mu'ammār al-Gaddafi, his son Mu'tassim, and other alleged al-Gaddafi loyalists and soldiers after their capture in 2011.

The Libyan authorities refused to hand over Saif al-Islam al-Gaddafi and Abdallah al-Senussi, extradited from Mauritania to Libya on 5 September, to the International Criminal Court (ICC) to face charges on two counts of crimes against humanity. In June, four ICC staff were detained for over three weeks by militias in Zintan who accused them of violating national security. At the end of the year, the ICC Pre-Trial Chamber had yet to rule on

an admissibility challenge filed by the Libyan government on 1 May to try Saif al-Islam al-Gaddafi under Libyan rather than ICC jurisdiction.

[Original Source](#)

FREEDOMS OF EXPRESSION AND ASSEMBLY

The number of media outlets and civil society groups mushroomed. Critics of armed militias, including Libyan and foreign journalists, faced threats, intimidation, harassment and detention, leading to self-censorship.

- On 25 August, Nabil Shebani, director of al-Assema TV station, was questioned for several hours by the SSC in Tripoli about al-Assema's coverage of the destruction of Sufi religious sites in Tripoli. He was released without charge.
- On 19 July, British freelance journalist Sharron Ward was detained by armed militia members in Tripoli after filming at the Janzour Naval Academy Camp, where internally displaced Tawargha residents were sheltering. She was re-arrested on 21 July and forced to leave the country on 24 July. Some of her equipment was seized.

In June, the Supreme Court ruled that Law 37 of 2012, which criminalized the "glorification of al-Gaddafi" and placed undue restrictions on freedom of expression, was unconstitutional.

In November, the GNC passed Law 65 of 2012 regulating demonstrations, which placed undue restrictions on the right to peaceful assembly.

[Original Source](#)

WOMEN'S RIGHTS

Women continued to face discrimination in law and practice.

Two women were appointed in the interim government of Ali Zeidan. Thirty-three women were elected to the 200-member GNC, 32 from party lists and one independent candidate from Bani Walid. During the power handover ceremony to the GNC on 8 August, a female presenter was forced to leave the stage for not wearing a veil.

In February, small protests in Tripoli and Benghazi calling for equality and condemning sexual harassment and violence against women were publicly criticized by powerful militia leaders and others. Several of the organizers received threats and discontinued their public activism.

[Original Source](#)

JUSTICE SYSTEM

The justice system remained virtually paralysed and unable to process the thousands of pending cases, as police stations and court complexes remained closed in parts of the country. Some hearings into high profile cases, such as that against Abuzeid Dorda, former head of intelligence body the External Security Agency, were initiated and adjourned, amid concerns over respect for fair trial guarantees.

Prosecutors, criminal investigators, members of the judicial police and lawyers defending people accused of having fought for or supported Mu'ammarr al-Gaddafi faced intimidation, threats and violence from armed militias.

- In August 2012, a poster appeared around Misratah, naming and denouncing 34 lawyers representing alleged al-Gaddafi loyalists. It accused the lawyers of "seeking to obtain money and secure the release of dregs [as al-Gaddafi loyalists are commonly referred to] at the expense of the blood of martyrs, the injured, and the missing". The poster was removed after protests by the Lawyer's Syndicate and others but some of the 34 lawyers received anonymous threats.

No steps were taken to reform the judiciary and implement a systematic vetting mechanism to remove judges involved in unfair trials, arbitrary detention and other human rights abuses during the al-Gaddafi era.

[Original Source](#)

DEATH PENALTY

The death penalty remained in force for a wide range of crimes. At least five people were sentenced to death in their absence in November. No executions were carried out in 2012.

[Original Source](#)

UNLAWFUL KILLINGS

Dozens of security officials, including from the former al-Gaddafi government, were shot dead or were targeted with explosive devices in eastern Libya, particularly in Benghazi and Derna, in apparently politically motivated killings. No meaningful investigations were known to have been carried out.

- On 30 October, Khaled al-Safi al-Adli, a member of al-Gaddafi's Revolutionary Committee, was shot dead in Derna by unidentified assailants.

[Original Source](#)

NATO

No findings were made public concerning civilian casualties resulting from NATO's air campaign against al-Gaddafi forces in 2011. NATO maintained that the issue of victim reparations was the responsibility of the Libyan authorities.

[Original Source](#)