

HUMAN RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA: REVIEW OF 2018

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LIBYA

State of Libya

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Militias, armed groups and security forces continued to commit with impunity crimes under international law and gross human rights violations and abuses, including war crimes, throughout the year. Clashes between competing militias resulted in an increased number of civilian casualties. Thousands of people were held indefinitely without any judicial process following arbitrary arrest, including many detained since 2011. Torture and other ill-treatment were widespread in state prisons and detention centres controlled by militias and armed groups. Militias and armed groups contributed to the collapse of law enforcement and the judiciary by harassing judges and lawyers. They were also responsible for kidnappings for ransom, as well as arbitrary arrests and abductions of those identified as political opponents. Thousands of Libyan families remained internally displaced. Refugees, asylum-seekers and migrants suffered serious human rights violations and abuses, including rape and extortion, at the hands of state officials, militias and smugglers. The authorities failed to protect women from gender-based violence by militias and armed groups, and women activists were targeted with gender-based violence and smear campaigns. Courts handed down death sentences, but no executions were reported.

BACKGROUND

The security situation remained volatile. Militias, armed groups and security forces affiliated to the internationally recognized Government of National Accord (GNA) in the west and the self-proclaimed Libyan National Army (LNA) in the east continued to operate outside the rule of law. The GNA, established under the 2015 UN-brokered Libyan Political Agreement, remained weak as it continued to struggle to exert effective control on the ground.

Four main militias operating under the Ministry of Interior dominated the capital, Tripoli, carving out territorial influence and power, infiltrating government institutions and building economic strongholds.

The political stalemate continued. International calls for UN-backed elections agreed at a summit in Paris, France, in May were overshadowed by the outbreak of conflict in Tripoli in late August. Other international efforts, including a conference held in Palermo, Italy, in November, made little progress, while renewing commitment for elections to take place in the first half of 2019. In mid-May, the LNA, led by General Khalifa Haftar, launched an offensive against the eastern city of Derna, following a blockade it had imposed on the city for a year. The LNA sought to consolidate its power and expel the Derna Security Force (previously known as the Derna Shura Council).

In June, Ibrahim Al-Jodhran, former commander of the Petroleum Facilities Guard, a militia group that between 2013 and 2016 controlled the Oil Crescent region – a coastal area and the source of Libya's main oil exports – launched a military operation to reclaim the region from the LNA. LNA forces quickly regained control of the area. On 15 September, the UN Security Council imposed sanctions on Ibrahim Al-Jodhran, imposing a travel ban and freezing his assets for a series of acts, including attempting to export Libyan oil illegally and attacking oil installations.

ARMED CONFLICT ABUSES

Militias, armed groups and security forces continued to commit with impunity crimes under international law and gross human rights violations abuses in the context of armed hostilities, including war crimes, throughout the year. Clashes between competing militias resulted in hundreds of civilian casualties including deaths, most due to attacks that were indiscriminate, and made it difficult for people to access basic facilities such as hospitals and schools. Renewed conflict in Tripoli in late August and September cost 115 civilians their lives, according to Ministry of Health figures. The LNA's assault on Derna in May involved intensive aerial and artillery bombardment and led to ferocious fighting on the ground where civilians were killed or injured as a result and exacerbated an already dire humanitarian situation.

The International Criminal Court (ICC) continued to have jurisdiction over crimes under international law committed in Libya since 15 February 2011, under a referral made by the UN Security Council in 2011. On 4 July, the ICC issued a second arrest warrant against Mahmoud al-Werfalli, a former field commander of the Special Forces Brigade (Al-Saiqa) affiliated to the LNA, for the war crime of murder, after he was filmed on 24 January extrajudicially executing 10 people. The killings took place just hours after two car bombs were detonated at the Biala Radwan mosque in the centre of the eastern city of Benghazi. The first warrant for his arrest was issued in August 2017.

ARBITRARY ARRESTS, DETENTIONS AND ABDUCTIONS

Militias, armed groups and security forces affiliated to the ministries of interior and defence under the Tripoli-based UN-backed GNA and the eastern-based LNA continued to arbitrarily arrest and indefinitely detain thousands of people without charge. Many detainees had been held since 2011 and most were held with no judicial oversight or means to challenge the legality of their detention.

In the west, militias operating as security forces under the GNA regularly conducted arbitrary arrests and abductions of people from their homes and workplaces, targeting victims on the basis of their regional origin, perceived political opinions, profession or perceived wealth in order to extract cash ransoms.

Detainees in Matiga prison on Tripoli's eastern outskirts, run by the Special Deterrent Forces (Radaa), a militia group affiliated to the GNA and on the government's payroll, were held indefinitely without a judicial process. They were kept in overcrowded cells with insufficient food and water and denied access to medical services. On 29 April, Radaa forces arrested Suleiman Qashout, a prominent TV anchor, for organizing a media award ceremony that the militia perceived as contradicting their social values. Radaa forces also used arbitrary detention to exert political pressure on opponents. Fares Al-Jodhran, a relative of Ibrahim Al-Jodhran, was held throughout 2018 without charge in Matiga prison.

On 15 March, an unknown militia abducted Masoud Erhouma, the military prosecutor of the GNA, in front of his house in Tripoli's Salah Eddine area. In April, news sources reported that he had escaped. On 28 March, an unidentified militia abducted Abdulrauf Beitelmal, head of the Tripoli Municipality Council, from his home. He was held for a day before being released.

On 4 April, Salem Gheryby and Omar Khalifa, both former Guantánamo detainees, were deported from Senegal to Libya, after which their whereabouts were unknown. No official charges were brought against them.

FREEDOM OF EXPRESSION

Armed groups and militias aligned with the GNA and LNA harassed, abducted and attacked journalists, human rights defenders and other activists, forcing many to flee the country.

On 11 January, members of the Bab Tajoura militia, affiliated to the GNA, abducted Mariam al-Tayeb, a journalist based in Tripoli, near her home because of views she expressed on social media. The group took her to their headquarters, where they beat her until she momentarily lost consciousness. They freed her several hours later following a campaign on Facebook calling for her release.

In January, a woman activist from Benghazi who had used social media to criticize Khalifa Haftar and the LNA was forced to leave Libya along with her entire family when the LNA's Military Intelligence Unit sought to arrest her for her posts.

On 31 July, the GNA-affiliated militia Al-Nawassi brigade, based in Tripoli, arrested four international journalists – Ahmed Elumami (a Reuters correspondent), Hani Amara (a Reuters cameraman) and brothers Mahmoud Turkia and Hamza Turkia (AFP photographers) – while they were covering a story on migration at Abu Sitta naval base in Tripoli. They were released 10 hours later.

In August, journalist and photographer Musa Abdul Kareem was killed in unclear circumstances and his body dumped on the side of a road in the southern city of Sabha, his hometown. Reports indicate that, weeks before his death, he had co-authored an article published in Fasanea, a Sabha-based newspaper he edited, around ongoing criminality in the city.

JUSTICE SYSTEM AND IMPUNITY

The judicial system remained dysfunctional and ineffective. Courts and prosecutors' offices were unable to provide recourse for victims of human rights violations or bring to justice those suspected of criminal responsibility for such

abuses. Perpetrators of serious human rights abuses continued to operate without fear of being held to account for their crimes.

Libyan authorities launched initiatives to integrate militias and armed groups into an institutionalized security sector. These attempts overlooked the groups' records of serious human rights abuses and disregarded the need to ensure accountability for past crimes. Militias and armed groups acted as de facto police, abducting individuals they accused of criminal offences and detaining them unlawfully.

In March, Saddik Essour, the head of investigations in the office of the public prosecutor, announced that 205 arrest warrants had been issued for Libyans and foreign nationals suspected of involvement in a smuggling network for migrants heading to Europe. No further steps were taken to implement the warrants.

In central Libya, armed groups abducted judge Abdelsalam Al-Senoussi and prosecutor Ismail Abdelrahman, along with two security officers, from a courthouse in the town of Waddan on 22 July in retaliation for the detention of two people on smuggling charges. All the abducted men were released after two days.

TORTURE AND OTHER ILL-TREATMENT

Torture and other ill-treatment were widespread in prisons, detention centres and unofficial places of detention, with victims having no possibility of any form of protection or redress. Victims recounted mock executions, beatings and floggings with a rubber hose; many were left with clear signs of torture, including broken limbs.

INTERNALLY DISPLACED PEOPLE

Thousands of Libyan families remained internally displaced due to the ongoing clashes and hostilities as well as the lack of access to basic services, targeted violence, threats and human rights violations that continued to occur throughout the country. Many had been in a protracted state of displacement since 2011. The UN Special Rapporteur on the human rights of internally displaced persons reported a dire humanitarian situation throughout Libya in which the most vulnerable internally displaced persons had few mechanisms to support themselves and had their access to essential household goods – such as food – reduced due to insecurity, inflation and limited availability of cash in the country. She also noted that many faced serious protection concerns and that state authorities linked to either the GNA or LNA were doing very little to bring an end to their displacement.

On 1 February, Tawerghan families internally displaced since 2011 travelled from the east, south and west of Libya, attempting to return to the town of Tawergha following a decree issued by the Presidential Council - the body created under the Libyan Political Agreement to carry out the functions of the head of state - on 26 December 2017 to initiate a return process. Armed groups blocked the families from returning to their homes, using violence and intimidation, on the pretext that other parts of the agreement had not been fully implemented. Some 202 Tawerghan families subsequently set up camps in the area of Qararat al-Qataf, around 50km south-west of Tawergha, and in Harawa, east of Sirte.

On 3 June, representatives of the city of Misrata and the town of Tawergha signed a reconciliation pact ensuring safe return for the Tawerghan people. However, the GNA did not enforce the agreement.

On 10 August, a militia belonging to the Ghnewa brigade, a GNA-affiliated militia based in Tripoli, attacked the Tariq Al-Mattar camp for internally displaced people in Tripoli, home to over 500 Tawerghan families. The attack resulted in the forced eviction of around 1,900 internally displaced people from the camp by the militia and the arbitrary arrest of 94 residents by the brigade.

REFUGEES, ASYLUM-SEEKERS AND MIGRANTS

The situation for refugees, asylum-seekers and migrants in Libya remained bleak. Militias and armed groups subjected them to arbitrary arrest and abduction, as well as sexual and other violence and extortion both inside and outside facilities they ran. On 7 June, the UN Security Council sanctioned four Libyan nationals for involvement in human trafficking and smuggling migrants, freezing their assets and imposing travel bans and other measures.

Libyan authorities continued to unlawfully detain refugees, asylum-seekers and migrants, mainly those intercepted at sea, in centres recognized by the authorities, formally operated under the Ministry of Interior and run by the Department for Combatting Illegal Migration (DCIM). These centres were, however, largely controlled by militias who did not necessarily adhere to the central authorities' chain of command. Refugees, asylum-seekers and migrants were kept in appalling

conditions. They were also subjected to forced labour, torture and other ill-treatment, and verbal abuse by guards, often to extract money from their families in exchange for their release. Women in particular were subjected to rape in official centres and while being held by armed groups, often resulting in unwanted pregnancies.

There was no judicial oversight over these detention centres. Refugees, asylum-seekers and migrants were held without any judicial process. They could not challenge their detention and were not offered legal counsel. The DCIM often held women, men and children together, breaching international standards on detention.

Libya, which is not a party to the 1951 UN Refugee Convention, continued to refuse to recognize UNHCR, the UN refugee agency. In the absence of a national asylum framework, the authorities did not recognize the status of refugees. Previously, they had recognized people from certain countries as in need of international protection and released them from detention to UNHCR. In 2018 this practice was halted and the authorities refused to release anyone from detention except those being evacuated by international organizations to third countries or those who paid a bribe.

WOMEN'S RIGHTS

Libyan authorities failed to protect women, including journalists, bloggers, human rights defenders and other activists, from gender-based violence at the hands of militias and armed groups or ensure that they were able to express themselves freely.

Women who spoke out against corruption or the violent actions of militias or the LNA were subjected to threats, abduction and gender-based violence by them. Such women were also subjected to gender-related slurs by militias and smear campaigns on social media, including allegations of adultery and engaging in sex work. Harmful gender stereotypes and social stigma attached to women's activism normalized these forms of abuse and forced many women to withdraw from the public space altogether.

On 27 December, police forces affiliated to the Ministry of Interior in Benghazi raided a café in the city where a group of nearly 20 young girls, most with their mothers, were attending a gathering they had organized on Twitter. The police arrested the manager and staff on grounds of "immoral behaviour".

DEATH PENALTY

Courts imposed dozens of death sentences. In January, a military court in Misrata sentenced Salah Gadhafi to death by firing squad for his involvement in violence in the 2011 uprising in Libya. No executions were reported.