



Brief Report on the Situation of Human Rights in Libya

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Center for Human Rights Defender Association (CHRDA)

Introduction

The international and national failure to address the crisis of widespread human rights violations in Libya has been ongoing for many years. Despite the continued work of the United Nations Mission in Libya, which has been managed by 9 Special Representatives of the Secretary-General of the United Nations, the Mission has not been able to achieve its primary goal, which is to facilitate a comprehensive political process led, owned and conducted by Libyans with the support of the international community, including the holding of free, fair, transparent and inclusive national and parliamentary elections as soon as possible. Also, despite the end of the mandate of the Fact-Finding Mission and the publication of its comprehensive final report documenting the gross violations of human rights in Libya, directing accusations against specific parties and entities; this effort has not been utilized to date. The absence of political will on the part of the international community, which is reflected in the issuance of 44 Security Council resolutions regarding Libya which have been insufficient in resolving the situation, in addition to the inability of internal political parties to find solutions to the crisis, leading to the failure to hold fair and transparent national elections, and transformed Libya into a safe haven for human rights violators in light of the spread of impunity and the absence of accountability.

What is more dangerous than the failure of the international community to assist holding elections in Libya, supporting civil society, and stopping human rights violations, is the Libyan political division and the absence of political will on the part of the government and various Libyan authorities to hold elections that respect and represent the will of Libyan citizens, and to relinquish power and weapons; so that Libya can enjoy peace, security, democracy, and human rights. In addition to this, the increasing influence of extremist religious groups on a significant number of official Libyan institutions across the country has encouraged the spread of their anti-rights and freedoms discourse on the pulpits of mosques and the meeting halls of decision-makers in the east and west of the country.

The repressive campaign against civil society and human rights defenders in Libya continues under the auspices of the government, security services, armed groups and religious platforms, taking advantage of the lack of the necessary support from the international community to protect human rights defenders and the right to freedom of association in Libya. Because freedom of the press and freedom of expression have claimed countless victims over the past decade, many journalists have imposed self-censorship to protect themselves from murder, enforced disappearance and torture. While some have stopped writing critically about the policies of the Libyan authorities and government, others have left the country in search of safety, meanwhile within the country there are still journalists, bloggers and content creators on social media who expect the worst at any time. This is due to the fact that there is no accountability for parties that violate the rights of journalists, and because international standards for freedom of expression and the press have been ignored by the Libyan authorities for a long time. Some official religious institutions have taken advantage of the matter to impose censorship on expression and a conscience that is closer to medieval practices, and have established what is called the “Guardians of Virtue” program. This has resulted in a large number of citizens being subjected to a wide range of human rights violations. Several months after the establishment of the Guardians of Virtue, Libyans received another major shock when the House of Representatives announced the issuance of a new law, also from the Middle Ages (The Law Criminalizing Witchcraft, Sorcery, Divination, and the Like) in its session held on January 9, 2024. Despite the ambiguity of the crime stipulated in the aforementioned law, the penalty is death, and in an attempt to abandon modern standards of legal formulations, the Libyan legislator used the term “murder” instead of “execution.” It is worth noting that the draft law was submitted in 2021 by the General Authority for Endowments and

Islamic Affairs in the Government of National Unity, in light of the Salafi movement's control over the authority (in the east and west of the country)¹.

This legislation comes at a time when the Libyan House of Representatives refrains from reviewing the Libyan legislative arsenal, abolish repressive laws, and issuing new laws that take into account the daily lives of Libyan citizens, address grievances, consolidate the values of democracy and human rights, and protect rights and freedoms, such as refraining from issuing a new law on associations, a law that respects freedom of expression and the press, protects journalists, considers laws related to general elections, and reviews the Criminal Penal Code, among others. In the absence of accountability and the perpetrators enjoying impunity for committing the crime of enforced disappearance, House of Representatives member Ibrahim Al-Darsi was kidnapped on May 18, 2024, from his home in Benghazi after attending the celebration of the anniversary of "Operation Dignity" organized by the "Libyan National Army" in the east, led by Field Marshal Khalifa Haftar. This incident brings to mind the memory of the forced disappearance of MP Siham Sergiwa in Benghazi in July 2019, and her fate remains unknown to this day. A group of political parties and civil society organizations issued a joint statement on April 23, 2024, warning of the escalation of enforced disappearance and arbitrary detention practices in Libya. The statement indicated that these practices are carried out systematically and on a large scale, "as the security services have excessively carried out extrajudicial arrests to silence political opponents or those seen as a threat to the symbols and leaders of the political regime."

On the other hand, in light of the alliance of various authorities benefiting from the rampant corruption in Libya, migrants and refugees remain a source of illicit money, whether by demanding ransom from migrants' families or enslaving them. In addition, migrants continue to be subjected to serious human rights violations without accountability for the perpetrators, including murder, torture, rape and sexual slavery in places of detention. Meanwhile the Mediterranean Sea swallows a large number of migrants annually, in light of the European Union's blockade of migrants and its support for various parties in the North African region, including the Libyan Coast Guard, huge numbers of migrants are forcibly returned from the Mediterranean to Libya, to be subjected again to various types of ill-treatment. The perpetrators enjoy local and international impunity, which encourages them to continue their crimes.

Hurricane Daniel exposes the corruption and collusion of the authorities

On September 11, 2023, Hurricane Daniel struck several cities in eastern Libya, including the city of Derna, where the disaster worsened after the collapse of the two dams surrounding the city, which led to more than 4 victims with the number expected to increase, in addition to thousands of missing persons and the displacement of about 45 thousand people, in addition to the obliteration of the city's landmarks. On September 14, 2023, Libyan citizens, organizations, human rights defenders, and journalists launched an open petition calling on the international community to "establish an independent and impartial international investigation committee with specific powers to uncover the causes of this disaster, and to reveal those responsible, in preparation for bringing

¹ Punishing Magic with "Death" in Libya: A New Law Removes the Divide between Reality and the Unseen, Legal Agenda, February 26, 2024.

them to trial and holding them accountable.” This is in light of the lack of confidence in the transparency and integrity of any local investigation into the incident and its causes.

The Defender Center and partner Libyan human rights organizations indicated at the time that the gross negligence and corruption by successive Libyan authorities for decades and their failure to carry out the necessary maintenance work on the two dams despite the allocation of budgets for their maintenance in 2010, 2012, and 2021 in the state’s general budget, in addition to their failure to take the necessary measures to protect residents and evacuate them from areas threatened with flooding due to expected floods, is something that cannot be denied². Despite this, the formation of an investigation committee from the Attorney General’s Office to investigate the causes of the collapse of the two dams and bring those responsible to justice, 16 people were charged and 14 of them were arrested, most notably the mayor of Derna and a number of officials in the water resources and dams authority in the city. Two red notices and an arrest warrant were also issued against two of the accused outside the Libyan borders. The investigations confirmed the negligence and dereliction of duty in the maintenance of these two dams. In addition to the lack of a warning system in the dams and the neglect of cleaning the openings and neglecting periodic maintenance, investigations revealed that the drainage system in the valley does not work as designed due to the accumulation of silt for a year³.

The case was referred under No. 81/2023 Criminal Investigation Derna to the Indictment Chamber at the Derna Primary Court to investigate them on a group of crimes stipulated in the Penal Code and its complementary laws, which include charges of negligence resulting in error, manslaughter and serious harm, in addition to negligence and dereliction in preserving and maintaining public funds, and functional negligence. The charges also included intentionally harming public funds, spending money for purposes other than those designated for them, and corruption charges related to implementing articles’ contracts, contracting with specific companies and not others, misusing their job powers, achieving benefits for others, and obtaining illicit gains⁴.

Despite these judicial procedures, doubts still haunt the victims’ families about the extent to which the truth is revealed and if those responsible will be held accountable. What reinforces these doubts is the failure to bring to justice officials in senior positions suspected of corruption who neglected the maintenance of the dams. A research study by Omar Al-Mukhtar University in 2022 highlighted the importance of maintaining the dams, which Derna Cultural House demanded during a symposium days before the disaster on the necessity of maintaining the dams.

What increases the doubts is that the prosecutions to date are limited to the negligence in restoring the two dams, without including the responsibilities resulting from the negligence in taking measures in anticipation of the hurricane (such as evacuating the most exposed cities) or the confusion in the measures taken, or the responsibilities related to the poor and delayed rescue operation, all of which contributed to doubling the number of victims⁵.

Added to all of these concerns are the statements of the Speaker of the House of Representatives and some representatives that the disaster is fate and that there is no room for state institutions to do

² Accountability First Group calls for an independent international investigation into the worsening disaster in Derna and eastern Libya, Defender Center for Human Rights, Crime Watch Libya, Investigation Organization and Lawyers for Justice in Libya, September 26, 2023.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

anything, in an attempt to dilute the issue and take it out of context. The discourse of fate and destiny almost turned into a unified official discourse among political and religious authorities⁶.

In March 2024, Amnesty International issued a report in which it highlighted the failure of the Libyan authorities to issue the necessary warnings and take the necessary measures to mitigate the risks of the hurricane before it struck Derna, in addition to conducting investigations with officials in the authority as part of the criminal investigations. The report indicated that the process of disbursing compensation was marred by "delays and discriminatory exclusion of refugees and migrants, and some Libyan residents of Derna displaced to western Libya⁷."

When will the Libyan authorities stop suppressing civil society?

Libyan civil society continues to suffer from the intransigence of the various Libyan authorities, who continue to impose arbitrary legal restrictions that contradict international standards on freedom of association, and continue to use state-owned media to defame human rights defenders and reinforce a negative image of activists involved in civil society, considering them agents of the West with an agenda that conflicts with the national interests of the Libyan people. The religious discourse issued by official religious institutions and many other religious platforms also continues to support the narrative of the security services hostile to human rights organizations, including incitement against human rights activists and accusing them of being a tool in the hands of Western countries seeking to destroy Islamic values and traditions.

Despite the demands of Libyan and international human rights organizations to end the repressive campaign against civil society and release those arbitrarily detained; the authorities ignore the voices and calls of those demanding freedom of association, expression and assembly, and continue their war on organizations, including making decisions that contradict constitutional rights and international standards for freedom of expression, association and the press, as well as Libya's international human rights obligations. Despite persistent attempts, over the years, by Libyan and international civil society to conduct a serious and positive dialogue with the Libyan legislative authorities to resolve the civil society crisis by issuing a law on associations that is consistent with international human rights standards, prepared by Libyan legal and human rights experts; the Libyan authorities have not yet had the political will to stop the persecution of human rights defenders and lift the siege on civil society organizations. The Fact-Finding Mission confirmed in its final report that the climate of fear surrounding civil society has often hindered the mission's aims, the report also confirmed that the victims of human rights violations and abuses in detention include human rights defenders and representatives of civil society. The mission also monitored the exposure of a number of defenders, activists and journalists to torture, rape, arbitrary

⁶ For more details, see: Hurricane Daniel and the Derna Dam Collapse Disaster (1): A Confused Official Response, Legal Agenda, February 7, 2024, and Hurricane Daniel and the Derna Dam Collapse Disaster (2): Judicial Arrests Amid Fears of Political and Tribal Interference, Legal Agenda, February 8, 2024.

⁷ Libya: Ensure full investigations into responsibility of powerful military and political actors over catastrophic Derna floods, Amnesty International, 11 March 2024, <https://www.amnesty.org/en/latest/news/2024/03/libya-ensure-full-investigations-into-responsibility-of-powerful-military-and-political-actors-over-catastrophic-derna-floods/>

detention and enforced disappearance; This is due to their expression of views related to women's rights, gender equality, the rights of indigenous peoples, and religion⁸.

As part of the Libyan government and authorities' continued issuance of decisions and circulars that clearly target the suppression of local and international civil society in Libya, the Director of the Department of Foreign Affairs and International Cooperation at the Prime Minister's Office of the Government of National Unity in Libya issued, on March 13, 2023, Circular No. 5803, requesting the relevant departments in Libya to withdraw the licenses of all non-governmental organizations established since 2011. This makes all civil society organizations illegal, and ultimately means the complete closure of the field of civil work in Libya⁹. On March 31, 2023, the Office of the Prime Minister of the Government of National Unity in Tripoli issued a circular informing local and foreign NGOs that they will not be able to continue operating in Libya without correcting their legal status in accordance with the 2001 law from the era of Muammar Gaddafi¹⁰.

In continuation of the policy of defaming human rights defenders and tarnishing the reputation of local and international civil society workers, the Internal Security Service arrested a number of contractors from the Italian organization "Ara Paci" in southern Libya in May 2023¹¹, and broadcast their "confessions" on the Internet, which reminds us of the repressive campaign launched by the service more than two years ago against Libyan civil society, which also witnessed the arrest of activists and the broadcasting of their confessions on the Internet, which were not carried out within a legal framework and were doubted to have been done voluntarily without coercion¹².

In the context of the Internal Security Service's efforts to tighten its control over civil society organizations, the head of the service's branch in Derna sent his orders on May 26, 2024 to the director of the Civil Society Commission office in Derna to notify organizations and associations that they must open security files with the service and bring each of them their advertisement and anything related to their activities and the parties supporting them, threatening that he would take "legal measures" against associations that do not comply with this decision. It is worth noting that the activities of associations in Libya are almost entirely under the control of the military and security services, to the point that some charitable associations are forced to obtain official approval from the military and security authorities before they begin distributing any kind of donations, such as clothing, to those in need and those entitled to it, such as orphans and the needy.

In light of this harsh reality in Libya, the Defender Center for Human Rights has worked over the past years to support Libyan civil society and human rights defenders, and in this context, it has developed a strategy to protect and support human rights defenders who face immediate danger, in consultation with human rights defenders to identify their

⁸ Report of the Independent Fact-Finding Mission on Libya, Human Rights Council, fifty-second session, 31 March 2023.

⁹ منظمات المجتمع المدني الليبية تطالب السلطات بإيقاف القوانين الجائرة وحملات القمع التي تستهدف المجتمع المدني، 6 أبريل 2023، <https://www.libyanjustice.org/news-arabic/mnzmt-lmitmaa-lmdny-llyby-ttlb-lsltt-byqf-lqwnyn-ljy-r-whmlt-lqma-a-lty-tsthdf-lmitmaa-lmdny>

¹⁰ Circular of the Prime Minister of the Government of National Unity No. (07) of 2023, <https://gnu.gov.ly/uploads/2023/03/65D5578D-B200-41BF-9895-42F4E934DB37.jpeg>

¹¹ "Internal Security": Arrest of those involved with the Italian organization "Ara Pacchi" in southern Libya, Al-Wasat Gate, May 12, 2023, <https://alwasat.ly/news/libya/398434#>

¹² Human Rights Defenders Are Not Society's Enemies: Libyan Authorities Must Respect Human Rights, Release Arbitrarily Detained Activists, March 22, 2022, <https://defendercenter.org/en/5735>

basic needs and work to meet them. In this context, the Defender Center monitored, during the second half of 2023, the escalation of challenges imposed by the security and military authorities on civil society, including the increasing number of associations whose representatives are summoned for investigation, some of them are arbitrarily detained for a day or more, and others are subjected to enforced disappearance for a month or more. The majority of these cases were in Tripoli and Benghazi.

The Defender Center also monitored the increase in attacks on bloggers and content creators on social media who comment on political situations or social grievances. Many of them were threatened, arbitrarily detained, or forcibly disappeared. It is worth noting that this wave of targeting bloggers and Internet activists came after the issuance of the Anti-Cybercrime Law, which the Defender Center considers a serious threat to freedom of expression and opinion, the right to freedom of peaceful assembly, in addition to the right to privacy and protection of personal data¹³.

During the same period of the latter half of 2023, the Center documented 11 cases in which their owners were subjected to violations resulting from restrictions on freedom of organization and association. A human rights defender in eastern Libya was subjected to unlawful detention and torture, and is still being harassed and threatened by security forces in eastern Libya. Two activists were also threatened as a result of their defense of women's rights in Zuwara. Another activist in the field of defending women's rights was threatened and harassed online. A human rights defender in southern Libya, who belongs to one of Libya's ethnic minorities, was also threatened as a result of his human rights activism. Activists in western Libya were also subjected to threats and persecution due to their human rights work, and other activists in eastern Libya were arbitrarily detained in a military headquarters for several months. A well-known university professor and politician is being held in prisons in eastern Libya after being arrested due to the political views he expressed in an interview. The Center also received a complaint from a political activist who was arbitrarily detained and tortured some time ago. Despite his release, he continues to be threatened and harassed by the security services¹⁴.

In light of the policy of supporting impunity for human rights violations in Libya, Libyans received news in April 2024 of the death of activist Siraj Daghman while he was being held in the Rajma military camp near Benghazi in eastern Libya. Daghman has been arbitrarily detained since early October 2023 along with four others, and throughout that period they have not been charged or brought before a court. The United Nations Support Mission in Libya has called for an investigation into Daghman's death and the immediate release of his detained colleagues¹⁵.

Using the "Guardianship of Virtue" as a Pretext to Restrict Freedom of Expression

Over the past years, many journalists and those who practice peaceful expression of their opinions in Libya have been subjected to imprisonment, arbitrary detention, enforced disappearance, torture, or all of the above. Journalists work in the absence of a legal framework

¹³ Defender Center and 18 human rights organizations: We demand the immediate cancellation of the "Anti-Cybercrime" law that threatens freedom of expression and assembly, <https://defendercenter.org/ar/6798#:~:text=86>

¹⁴ Defender Center keeps the data of the mentioned defenders and refrains from publishing it to preserve their safety and privacy.

¹⁵ UN calls for transparent investigation into death of political activist in eastern Libya, April 21, 2024, <https://www.dw.com/ar/35>

that regulates the profession, guarantees the right to access information, freedom of expression, and the safety and security of journalists¹⁶. Incidents of arrest, killing, and torture of journalists over many years, without accountability and with perpetrators enjoying impunity, have led to the spread of a climate of fear and intimidation that has led some journalists to refrain from continuing their journalistic work or to stay away from thorny issues that could cost them their lives or expose them to human rights violations without punishment for the perpetrators.

The security services and armed groups are increasingly threatening freedom of expression in Libya under the pretext of protecting the values and traditions of Libyan society. In February 2023, the Ministry of Interior arrested popular artist Ahlam Al-Yemeni and content creator Hanin Al-Abdali on charges of violating public morals, due to their violation of the Anti-Cybercrime Law¹⁷. In the same month, the Deterrence Force arrested Iraqi actress Dalia Farhoud in Tripoli, on charges of publishing content that is inconsistent with Libyan society¹⁸.

Official religious institutions also contribute to the suppression of freedom of expression under the pretext of protecting Islamic traditions and values. In May 2023, the General Authority for Endowments and Islamic Affairs issued a decree establishing a program called “Guardians of Virtue” in order to save society “from the clutches of deviation, atheism, Christianization, and intellectual and ideological terrorism¹⁹.” Less than a year after the program was established, dozens of men, women, and children have been subjected to violations including enforced disappearance, arbitrary detention, and torture, and some face the death penalty, according to Amnesty International²⁰.

Migrants and Refugees in Libya

According to the International Organization for Migration report, the number of migrants in Libya by January 2024 exceeded 706,000 migrants, 78% of whom were men, 11% were women, and 11% were children (4% were unaccompanied children). Most of the migrants were from Niger, Egypt, Sudan, Chad, and Nigeria. The report indicated that by August 2023, the number of internally displaced persons had reached 125,802, while the number of displaced persons who had returned to their places of origin had reached 705,426. Hurricane Daniel, which hit northeastern Libya in September, also displaced 44,862 individuals²¹.

¹⁶ For more details on freedom of the press and expression in Libya: Nedaj Al-Ahmar, Freedom of the Press in Libya: The Road to Go, Defender Center for Human Rights, 2023, <https://defendercenter.org/ar/7052>

¹⁷ On the authority of dishonorable cases.. The Ministry of Interior confirms the arrest of Ahlam Al-Yemeni and Hanin Al-Abdali, February 16, 2023, <https://akhbarlibya24.net/2023/02/16/7A>

¹⁸ Deterrence Force responds to news of kidnapping of Iraqi girl Dalia Farhoud in Tripoli, February 5, 2023. <https://www.afrigatenews.net/article/D9%84%D8%B3/>

¹⁹ “Guardians of Virtue”...re-raises questions about the mission and powers of “Awqaf”, Al-Wasat Gate, May 29, 2023, <https://alwasat.ly/news/libya/400244>

²⁰ Libya: Internal Security Agency must end abuses in name of ‘guarding virtue’, Amnesty International, 14 February 2024, <https://www.amnesty.org/en/latest/news/2024/02/libya-internal-security-agency-must-end-abuses-in-name-of-guarding-virtue/>

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<https://libya.iom.int/sites/g/files/tmzbd1931/files/documents/2024-05/iom-libya-mission-overview-2024.pdf>

During 2023, the Libyan Coast Guard forcibly returned 17,025 migrants to Libya²². The International Fact-Finding Mission confirmed in its latest report that it had documented the commission of crimes against humanity against migrants in “detention places under the actual or nominal control of the Department for Combating Illegal Migration, the Libyan Coast Guard, and the Stabilization Support Agency. These entities have received technical, logistical, and financial support from the European Union and its member states to intercept and return migrants.” The mission confirmed in its aforementioned report that it has evidence that migrants in Libya are victims of crimes against humanity, and that they are subjected to arbitrary detention, murder, enforced disappearance, torture, enslavement, sexual violence, rape, or other inhumane acts. The mission said that it has reasonable grounds to believe that the crime against humanity of sexual slavery was committed in trafficking centers in Bani Walid and Sabratha during the mission’s mandate.

The mission’s report also revealed evidence that senior officials in the Libyan Coast Guard, the Stabilization Support Agency, and the Anti-Illegal Immigration Agency had colluded with traffickers and smugglers linked to militias, and that guards had demanded and received money in exchange for releasing migrants. In addition, the mission clearly indicated that “trafficking, slavery, forced labour, imprisonment, extortion and smuggling are operations that generate significant revenues for individuals, groups and state institutions.” The mission confirmed that various Libyan authorities continue to intercept migrants and return them to Libyan territory, where they are again subjected to ill-treatment in detention facilities. It mentioned a number of detention facilities run by the Anti-Illegal Immigration Agency where migrants were subjected to torture and ill-treatment, namely the airport road, the railway road, Abu Issa, Gharyan, in addition to the smuggling center in Bani Walid. The Mediterranean Sea also continues to be a graveyard for large numbers of migrants during their desperate attempts to cross it and achieve their dream of reaching the shores of Europe. 226 migrants were recorded dead in the first quarter of 2024, and IOM statistics indicate that about 2,500 migrants drowned or went missing during 2023.

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https://dtm.iom.int/sites/g/files/tmzbd1461/files/reports/DTM_Libya_R50_Migrant_Report_05-03-2024.pdf