

# Report

## Libya: Vulnerable Groups

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## **DISCLAIMER**

This report is written by country analysts from Belgium, the Netherlands, Norway and Sweden. It covers topics that are relevant for status determination of Libyan and non-Libyan citizens whose asylum claims are based on the situation in Libya. The target audience is case workers/officers within the decision-making authorities handling asylum claims as well as policy makers in the four countries.

The report is based on carefully selected and referenced sources of information. To the extent possible and unless otherwise stated, all information presented, except for undisputed or obvious facts, has been cross-checked.

While the information contained in this report has been researched, evaluated and analysed with utmost care, this document does not claim to be exhaustive, neither is it conclusive as to the determination or merit of any particular claim to refugee status or asylum. Terminology used should not be regarded as indicative of a particular legal position.

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The research for this report was finalised in November 2014 and any event or development that has taken place after this date is not included in the report.

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## 1. INTRODUCTION

This report is a result of a cooperation project between the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) in Belgium, the Country of Origin Information Unit of the Ministry of Foreign Affairs in the Netherlands, the Office for Country Information and Language Analysis (OCILA) of the Ministry of Security and Justice in the Netherlands, Landinfo in Norway and Lifos in Sweden.

The purpose of the project is to present information on the current situation in Libya on selected topics, and is intended to serve information needs for the assessment of asylum and immigration cases, as well as issues concerning the return of rejected applicants to Libya.

The topics in focus are described in six different reports:

- Security Situation
- Vulnerable Groups
- Militias, Tribes and Islamists
- Judiciary and Security Sector
- Nationality, Registration and Documents

Some issues will be covered in more than one report, as they are interrelated and necessary for the context.<sup>1</sup> In the reports we make use of a transcription scheme for words and names from Arabic to English.<sup>2</sup>

Since the end of the former regime, there has been much focus on the political development and the security situation in the country, reflected both in media coverage and reports and commentaries published by think tanks, NGOs, aid agencies and other actors. However, despite a large flow of information coming out of Libya, there is a substantial lack of systematic reporting on most issues. When writing reports on the situation in Libya, the main challenge is to identify patterns in the plethora of anecdotal information. An additional challenge when reporting on issues that concern immigration and asylum authorities in European countries, is that these issues do not necessarily receive a lot of coverage at all, not even from other actors with a focus on the human rights situation.

The project mainly relies on written information from open sources. Additional information was gathered through contact with expert sources on Libya during the autumn of 2014. All quoted sources are provided in the source list. Some sources have asked to remain anonymous for reasons of security.

The reporting period is 1 October 2013 until 1 December 2014.

Since the start of the uprising in Libya in 2011, a lot of material has been published on the development in the country. The uprising in 2011, which ended with the fall of the Qadhafi regime (and the extrajudicial execution of Muammar Qadhafi himself), was extensively covered by international media – including pan-Arab print and broadcast media.

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<sup>1</sup> Cross references between the project reports will refer to *Libya: Security situation*, *Libya: Vulnerable groups*, *Libya: Militias, tribes and islamists*, *Libya: Judiciary and security sector* and *Libya: Nationality, registration and documents*.

<sup>2</sup> Sada, *Sada transliteration system for Arabic*, no date.

The focus of this report is the situation for a number of social groups that can be considered particularly vulnerable in today's Libya. The groups in focus are predominantly the ones that recur in asylum claims presented to immigration authorities in the countries cooperating on the above-mentioned reports. However, we have also included groups that are identified as groups of particular concern in the human rights reporting on Libya, even though people with this background rarely apply for asylum abroad for the time being. Our main focus is on Libyan citizens, but we have included a brief chapter on the situation for Palestinians and Syrians. Conditions for other migrant groups in Libya are not covered in this report.

## 2. REACTIONS AGAINST VULNERABLE GROUPS: PATTERNS

We have not been able to find any source that presents systematic information about reactions against vulnerable groups during the reporting period. The project Libya Body Count has attempted to collect information about violent deaths in the country during 2014, but does not include data from 2013. By 22 November 2014 Libya Body Count had listed 2480 violent deaths since the beginning of the year.<sup>3</sup> Unfortunately, the data are only systematised according to chronology and geographical distribution, not according to the circumstances under which the victims died, or the victims' status. In a number of listed cases, it is difficult to know what the actual circumstances were – the source might simply state that a number of bodies were brought to the local morgue, with little or no information about the identity of the victims, without giving any indications as to the possible motives behind the attack. Still, the information provided in the list does show that a majority of the registered deaths seem to be directly related to clashes between different armed groups. Militia members or other armed actors cannot be considered to be a vulnerable group and accordingly their situation is not covered in this report.<sup>4</sup>

There is no similar attempt at listing violent attacks not resulting in death, or threats of violence. Therefore the scope of these kinds of reactions is even more difficult to estimate, and it is hard to identify patterns in it. Here we have to rely on media reports and examples highlighted by human rights organisations and other sources.

## 3. STATE PROTECTION

Post-Qadhafi Libyan authorities<sup>5</sup> have been unable to provide protection for people who are threatened by non-state actors. According to HRW (Human Rights Watch),

*Libyan authorities have failed to conduct investigations, or prosecute those responsible for any of the unlawful killings since 2011, fostering a culture of impunity that has fueled further abuses.*<sup>6</sup>

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<sup>3</sup> Libya Body Count, *Table: Violent deaths*, no date.

<sup>4</sup> See *Libya: Security situation* for more on this issue.

<sup>5</sup> Defined as any authority that has claimed state legitimacy since the uprising against the Qadhafi regime in 2011.

In a report published in April 2013, Crisis Group described conditions where “revolutionary” militias act with total disregard to state authorities,<sup>7</sup> while Amnesty International stated in March 2014 that “Impunity persists for grave human rights violations and abuses committed by armed militias and state security forces.”<sup>8</sup> The U.S. Department of State stated that “Impunity was a serious problem” in their latest annual report on the human rights situation in the country.<sup>9</sup>

Finally, even Libyan state officials have confirmed that they are unable to offer protection against reactions from non-state actors.<sup>10</sup>

The security situation has deteriorated considerably since the above-mentioned sources made their statements, and Libya currently has two competing governments claiming sole legitimacy. Therefore, there is no reason to believe current authorities are better enabled to offer protection – even in the areas where their legitimacy is (at least nominally) respected. Even when there was a single state apparatus claiming authority, this was consistently disregarded by armed groups when it suited their purposes. The lack of operational police and courts in many parts of the country,<sup>11</sup> also contributes to the authorities’ inability to offer protection to the population.

## **4. PERCEIVED SUPPORTERS OF THE QADHAFI REGIME**

### **4.1 Background**

Fear of reactions because of perceived support of the Qadhafi regime is a common asylum claim from Libyans applying for asylum in European countries.

We start with a brief description of the considerable social changes during and after the Qadhafi era that serve as both a cause and a backdrop to the situation of people perceived as Qadhafi regime supporters today. Next we discuss the terminology used by many Libyans to describe regime supporters, and how this reflects views among Libyans regarding what kinds of Qadhafi era positions and acts should be sanctioned by the Libyan state.

#### **4.1.1 1969 and 2011: Major Shifts in the Balance of Power**

Both the Qadhafi era and the post-Qadhafi era have seen large shifts in the power structures in Libya, with corresponding changes to both groups’ and individuals’ social position and access to power and wealth.<sup>12</sup>

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<sup>6</sup> HRW, *Libya: Assassinations may be crimes against humanity*, 24 September 2014.

<sup>7</sup> Crisis Group, *Trial by error: Justice in post-Qadhafi Libya*, 17 April 2013, p. 28-31.

<sup>8</sup> Amnesty International, *Teetering on the edge: Ongoing human rights violations in Libya*, 3 March 2014, p. 3.

<sup>9</sup> U.S. Department of State, *Country Reports on Human Rights Practices for 2013 – Libya*, 27 February 2014.

<sup>10</sup> I.e. in a meeting between a representative of the Royal Norwegian Embassy in Egypt and the prime minister’s office, Tripoli, 25 March 2014.

<sup>11</sup> Cf. *Libya: Judiciary and security sector*.

<sup>12</sup> Vandewalle, D., *Libya since independence – Oil and statebuilding*, 1998, p. 61-190.

At the time of the coup d'état staged by colonel Qadhafi and other officers on 1 September 1969, there was a fairly established hierarchy of clans and sub-clans in Libya, where clan background (which was also regional) would greatly influence people's social standing – individually, and on a group level. Under Qadhafi's rule, these hierarchic structures were significantly altered – both intentionally and coincidentally.<sup>13</sup>

Qadhafi and his regime contributed to improving the position of both individuals and groups who perceived themselves as marginalised when the new regime took power – i.e. different marginalised groups in the south.<sup>14</sup> However, this happened at the expense of other individuals and groups who had held more privileged positions before the coup – especially people belonging to prominent eastern families and clans. This can be interpreted as a principled move to even out large social differences, but also as a cynical ploy to create loyalty to the regime through exploiting resentment over having been “kept down”. Both elements have probably played a role. The result, however, was that the sense of loyalty Qadhafi gained among the “winners” in this process, bred strong resentment against him and his regime among those who experienced a loss of social standing, power and/or property. People with this background were prominent backers of the 2011 uprising.<sup>15</sup>

To a certain extent, both the uprising against the Qadhafi regime in 2011 and the power struggles after its fall can be interpreted as the attempt of certain groups to regain the power and positions they lost under Qadhafi and to re-establish the power balance of pre-1969 Libya; an attempt opposed by groups with no interest in surrendering power and positions gained in the same period, the so-called *mustafidin* (“beneficiaries”).<sup>16</sup>

#### 4.1.2 *Azlam and Thuwwar*

Since the start of the uprising in Libya in February 2011, the two terms *azlam* and *thuwwar* have become widespread. *Azlam*<sup>17</sup> refers to supporters of the Qadhafi regime, whereas *thuwwar*<sup>18</sup> by narrow definition refers to anti-Qadhafi fighters, and by wide definition anyone who supported the struggle against Qadhafi and his regime. However, as North Africa researcher Alison Pargeter has argued,<sup>19</sup> the distinction between the two terms is not always clear cut, as many who participated in the struggle against the Qadhafi regime in 2011 had held positions of power in that very same regime, and came to be regarded as *azlam* (rather than *thuwwar*).

Both terms often refer to individuals, but are also used for entire groups – i.e. tribes or towns.<sup>20</sup> This dichotomy often obscures more complex realities, as very few people were either completely loyal or opposed to the Qadhafi regime in all their actions.

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<sup>13</sup> Ibid.; Davis, J., *Libyan politics – Tribe and revolution*, 1987.

<sup>14</sup> Crisis Group, *Holding Libya together: Security challenges after Qadhafi*, 14 December 2011, p. 27-28; Crisis Group, *Divided we stand: Libya's enduring conflicts*, 14 September 2012, p. 2.

<sup>15</sup> Lacher, W., *Families, tribes and cities in the Libyan revolution*, 2011.

<sup>16</sup> Crisis Group, *Holding Libya together: Security challenges after Qadhafi*, 14 December 2011, p. 27.

<sup>17</sup> *Azlam* is the plural form of *zalam*, “arrow” in classical Arabic and “man” in Libyan dialect Arabic, cf. Pargeter, A., *Insiders and outsiders in the new Libya*, May 2014, p. 2.

<sup>18</sup> *Thuwwar* is the plural form of *tha'ir*, “revolutionary, rebel, insurgent” in both classical and Libyan dialect Arabic.

<sup>19</sup> Pargeter, A., *Insiders and outsiders in the new Libya*, May 2014, p. 2.

<sup>20</sup> Sharqieh, I., *Reconstructing Libya: Stability through national reconciliation*, p. 4, 18-19.

#### 4.1.3 Azlam with and without “Blood on their Hands”

As very broad segments of Libyan society can be labelled as azlam, Libyans have often made another distinction between supporters of the Qadhafi regime according to whether they have “blood on their hands” or not. As Crisis Group stated in December 2011:

*The new authorities repeatedly have insisted on distinguishing between those who have “blood on their hands” and who should be tried and punished, and those who do not. Militia leaders assert that they too will adhere to this distinction – though it is not entirely clear where the boundary is, and the former category arguably includes many who played a relatively minor part in the 42 year-long regime.*

[...]

*When Libyans refer to those with “blood on their hands”, they primarily – albeit not exclusively – mean members of this security apparatus, as distinguished from those who worked for internal security (*amn ad-dakhla*) and who were equally subject to coercion, some of whom defected during the uprising. They also include neighbourhood informants accused of cooperating with Qadhafi’s forces.*

[...]

*The question of the procedures used to identify such persons typically is brushed aside by Libyans as being self-evident. As more than one put it, after all these years, “We just know who they are” – a conviction neither particularly objective nor entirely reassuring.*

*That said, and at a broader level, Libyans so far evince little appetite for mass revenge against other categories of former regime loyalists, even if they switched sides late in the day, as long as they are not armed and do not present a security threat. An NTC official said, “Who really cares if someone supported Qadhafi? I don’t, unless that person has blood on their hands. Then they must be brought to justice. Otherwise, let them go”. A Tripoli resident added: “We still have some people who say that they preferred things under Qadhafi. I say, that’s fine, you can think whatever you like. That’s freedom. Just don’t hurt others”.<sup>21</sup>*

These views seemed prominent in the weeks after the fall of the former regime. However, to outside observers it is striking how the debate in Libya around Qadhafi’s supporters after his regime’s fall mainly seemed to focus on whether Qadhafi loyalists should be allowed continued access to political office and state employment or not. People in general seemed less focused on punishing abuses of power during the Qadhafi regime.

Defining which of the Qadhafi era acts are to be judged as crimes is not an easy task. And, as the Middle East researcher Ibrahim Sharqieh has argued, deciding which period of time to investigate is also a potentially controversial issue: including acts committed all the way back to the 1969 coup would mean that a huge number of Libyans could be found complicit in broadly defined crimes. Sharqieh highlights salient events during the Qadhafi regime that many Libyans find imperative to address, such as the Abu Salim prison massacre in 1996 in which an estimated 1270 prisoners were killed, the confiscations of homes and properties in 1978, as well as other issues.<sup>22</sup>

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<sup>21</sup> Crisis Group, *Holding Libya together: Security challenges after Qadhafi*, 14 December 2011, p. 13-14.

<sup>22</sup> Sharqieh, I., *Reconstructing Libya: Stability through national reconciliation*, p. 8-10.

## 4.2 Reactions Against Groups Associated with the Qadhafi Regime

Most Libyan tribes have been labelled either “anti-“-Qadhafi“ thuwwar or “pro-Qadhafi” azlam, often based on positions tribal leaders took during the Qadhafi regime, as well as during the 2011 uprising. A Tunisian researcher has provided a list of larger Libyan tribes and their position as either “for” or “against” the regime during the uprising in 2011.<sup>23</sup>

However, even though a number of tribes are being stigmatised for being loyal to the Qadhafi regime, it is mainly a limited number of groups that face serious problems on a collective rather than individual level because of this association, as will be shown in the following sections.

### 4.2.1 Tawarghans

The Tawarghans are the inhabitants of the town Tawargha, just south of Misrata. Most of them descend from former African slaves and are seen as supporters of the Qadhafi regime. Most importantly, militias in Misrata claim that the Tawarghan community participated on the Qadhafi regime’s side in the three-month siege on Misrata during the 2011 uprising. Most of the community fled Tawargha in mid-August 2011 when the town was attacked by Misratan militias, and they have been internally displaced since then.<sup>24</sup>

Both Amnesty International and HRW have reported extensively on the situation of the Tawargha community and adjacent groups,<sup>25</sup> and stated in September-October 2014 that the situation for the Tawarghans remains protracted.<sup>26</sup> Many Tawarghans have been displaced several times,<sup>27</sup> and their situation remained unsolved as per November 2014. IDMC has reported that around 40 000 Tawarghans remained displaced by September 2014.<sup>28</sup>

### 4.2.2 Mashashya, Qawalish and Si’an

The Mashashya, Qawalish and Si’an tribes are in a similar situation as the Tawarghans. They are fairly small tribes or subtribes which were granted land in areas in the Nafusa

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<sup>23</sup> Boutaleb, M.N., *The political aspects of the tribal phenomenon in Arab societies: A sociological approach to the Tunisian and Libyan revolutions*, February 2012, p. 16.

<sup>24</sup> Amnesty International, *Rule of the gun: Abductions, torture and other abuses in western Libya*, 30 October 2014, p. 26.

<sup>25</sup> HRW, *Libya: Militias terrorizing residents of ‘loyalist’ town*, 30 October 2011; HRW, *Libya: Militias terrorizing residents of ‘loyalist’ town*, 30 October 2011; HRW, *Libya: Stop revenge crimes against displaced persons*, 20 March 2013; Amnesty International, *Libya: Barred from their homes: Continued displacement and persecution of Tawarghas and other communities in Libya*, 23 October 2013; HRW, *Libya: Displaced camp residents need immediate protection*, 20 November 2013; Amnesty International, *Teetering on the edge: Ongoing human rights violations in Libya*, 3 March 2014, p. 2; Amnesty International, *Libya: Mounting risks for Benghazi residents amid reckless shelling*, 17 June 2014; Amnesty International, *Rule of the gun: Abductions, torture and other abuses in western Libya*, 30 October 2014, p. 25-26.

See also the list of reports on the human rights situation of Tawarghans published by the Tawargha Foundation, *Official reports*, no date.

<sup>26</sup> HRW, *Libya: Spiraling militia attacks may be war crimes*, 8 September 2014; Amnesty International, *Rule of the gun: Abductions, torture and other abuses in western Libya*, 30 October 2014, p. 25-26.

<sup>27</sup> Atkinson, M., *Tawargha – ‘a scar on Libya’s revolution’*, Middle East Eye, 21 August 2014; Adel, J., *Tawarghans honour Ajdabiya’s work helping refugees*, Libya Herald, 18 November 2014.

<sup>28</sup> IDMC, *Libya IDP figures analysis*, no date.

mountains by Qadhafi in the 1970s,<sup>29</sup> and have been seen as loyal to Qadhafi since. They are accused by local militias of collaborating with pro-Qadhafi forces during the 2011 uprising, and were largely displaced in April-June 2011. There have been reports of armed clashes between local militias and the Mashashya on several occasions since they were displaced.<sup>30</sup>

The Internal Displacement Monitoring Centre (IDMC) has reported that around 9200 people from the Nafusa mountains – Mashashya, Qawalish and Si'an – remained displaced by September 2014,<sup>31</sup> and we have found no indication that their situation has improved since then.

#### **4.2.3 Ghadamis Tuareghs**

Ghadamis Tuareghs are another group facing reprisals from local militias based on accusations of collaboration with pro-Qadhafi forces during the 2011 uprising. They are only briefly mentioned as displaced since 2011 in reports by Amnesty International and HRW, but no detailed information is given.<sup>32</sup>

#### **4.2.4 Black Libyans**

Members of the Tawarghan community (see above) are not the only Libyans of visibly African descent. Many Libyans descend from former slaves of African origin (like the Tawarghans), some belong to minority groups – i.e. Tuareg and Toubou – with origin in areas bordering Chad and Sudan,<sup>33</sup> and some are immigrants from African countries granted Libyan citizenship by the Qadhafi regime.<sup>34</sup>

Common perceptions of experiences made during the 2011 uprising have resulted in Libyans equating blacks with being Qadhafi regime mercenaries.<sup>35</sup> Black Libyan men in their 20s and 30s may therefore face suspicions of having fought for the Qadhafi regime in 2011.

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<sup>29</sup> Williams, R.C., *Land, property and displacement in post-revolution Libya*, TerraNullius, 17 June 2012; UNHCR Libya, *Housing, land and property issues and the response to displacement in Libya*, 2012, p. 24-25, 75-78.

<sup>30</sup> Amnesty International, *Libya: Barred from their homes: Continued displacement and persecution of Tawarghas and other communities in Libya*, 23 October 2013, p. 5-7.

<sup>31</sup> IDMC, *Libya IDP figures analysis*, no date.

<sup>32</sup> HRW, *Libya: Stop revenge crimes against displaced persons*, 20 March 2013; Amnesty International, *Libya: Barred from their homes: Continued displacement and persecution of Tawarghas and other communities in Libya*, 23 October 2013, p. 5, 28.

<sup>33</sup> These groups are found both in Libya and in one or several countries in the Sahel region.

<sup>34</sup> Smith, D., *Has Gaddafi unleashed a mercenary force on Libya?*, The Guardian, 22 February 2011; Crisis Group, *Popular protest in North Africa and the Middle East (V): Making sense of Libya*, 6 June 2011, p. 23, note 136.

<sup>35</sup> Crisis Group, *Africa without Qaddafi: The case of Chad*, 21 October 2011., p. 9.

### 4.3 Reactions Against Individuals Associated with the Qadhafi Regime

#### 4.3.1 Former Members of Security Forces (Police and Army)

Human Rights Watch has reported that “Armed assailants have been targeting former members of Gaddafi’s security forces since the end of the 2011 revolution.”<sup>36</sup>

Also in these cases, there is no source material based on systematic monitoring of such attacks. Libya Body Count lists a number of victims of assassinations as e.g. “retired military”, “retired police colonel” or “former AF [air force] chief”.<sup>37</sup> However, it is often difficult to tell from Libya Body Count’s media sources whether these terms refer to Qadhafi era positions or not. At times it is clear that the victims were also employed by various branches of the police or military forces after Qadhafi’s fall from power. Hence, it is a matter of interpretation whether such assassinations are related to the victims’ positions of power during the Qadhafi era, or if the perpetrators had other motives. The media reports on which Libya Body Count’s table is based are often very brief, with little information on the identity of the assassins or their possible motives, beyond mentioning the names of the victims and their current and/or former position in the security services. As Middle East researcher Ibrahim Sharqieh explains, deciding what the actual motive behind attacks is can be complicated, depending on the attackers’ relationship to the victims:

*Post-revolution Benghazi, for example, has seen widespread attacks on security offices and police stations. The targets are understood to be members of the former regime still serving in Benghazi’s police. It is believed that those behind the attacks are either former jihadists who were tortured by Qaddafi’s security forces or possibly former regime loyalists who want to take revenge on defectors.*<sup>38</sup>

Based on this, it is almost impossible to discern patterns in such attacks, as the circumstances are often murky and the perpetrators unknown – leaving the motive open to wide interpretation.

#### 4.3.2 Former Security and Intelligence Service Employees and Informers

The main instrument for violent repression of the population during the Qadhafi era was the security and intelligence services. These services probably employed thousands of people, although we have no reliable and exact figures. In a police state like Libya under Qadhafi, such services relied on a web of informers that may have consisted of tens of thousands of people – some volunteering information out of political or personal motives, some receiving payment, and some being forced to report on other people, or a combination of these factors.<sup>39</sup>

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<sup>36</sup> HRW, *Libya: Assassinations may be crimes against humanity*, 24 September 2014. Note that “security forces” include both police, security and intelligence services and military forces.

<sup>37</sup> Libya Body Count, *Table: Violent deaths*, no date.

<sup>38</sup> Sharqieh, I., *Reconstructing Libya: Stability through national reconciliation*, p. 10.

<sup>39</sup> At a press conference in August 2013, the former prime minister Ali Zaydan stated that a new intelligence agency set up by the new authorities would require the services of some 50 000 people. Whether this number includes informers, or only includes formal employees of such an agency, is unclear from the newspaper report (see Zaptia, S., *50,000 needed in intelligence agency – Zeidan*, Libya Herald, 29 August 2013). Still, it is likely that the Qadhafi era security and intelligence agencies employed considerably more people than this new service (because the new intelligence service was meant to have a more limited mandate than its Qadhafi-established predecessors, and therefore would not need as many employees).

The Libyan analyst Anas El Gonati has stated that after the fall of the Qadhafi regime

*Intelligence offices, files and dossiers were burnt or confiscated and members of the services were imprisoned, were killed or fled. A number of low- and mid-ranking officials have remained outside, but are subject to hostility from revolutionary brigades.*<sup>40</sup>

Also, it is likely that a number of intelligence service employees fought on the side of the regime during the 2011 uprising. This means that some of them may have died in battle. (According to an unconfirmed estimate quoted by The Guardian, some 4700 Qadhafi loyalists died in 2011.<sup>41</sup>) We have not been able to find sources describing assassinations or other attacks on intelligence officers after Qadhafi-loyal forces lost control in different regions of Libya. Judging from the statement quoted above and most militias' explicitly stated goal of fighting against Qadhafi loyalists,<sup>42</sup> it is likely that such acts took place, but very difficult to tell to what extent.

During 2014, only rarely such assassinations seem to have occurred. Of the few cases where Libya Body Count has explicitly mentioned that a Qadhafi era position is the likely motive of an assassination, only a single newspaper report states that the victim was a (female) former member of the internal security service.<sup>43</sup>

The quote above also mentions that "members of the services were imprisoned". An October 2013 report by the UN Support Mission in Libya (UNSMIL) in cooperation with the Office of the UN High Commissioner of Human Rights (OHCHR) estimated the number of conflict-related detainees at 8000, and that "This figure has remained fairly constant since the declaration of liberation in October 2011".<sup>44</sup> There is no systematic information on how many are accused of acts during the uprising as opposed to acts committed before the uprising started in 2011. (Some, of course, may be accused of abuses both before and during the uprising.) There are also non-Libyans among these detainees, especially among those taken prisoner during the 2011 uprising. Consequently, it is impossible to say how many of the detainees are former Qadhafi era intelligence service officers or informers.

Anas El Gomati refers to a number of intelligence service officers having fled Libya. This is consistent with information given by the prime minister's office to Norwegian authorities in March 2014, that an estimated 25-30 000<sup>45</sup> Libyans left the country in the period February-August 2011,<sup>46</sup> mainly for Egypt and Tunisia, but also for Malta, Turkey, Morocco, Chad and Niger, and that most of them remain abroad. According to this government source, many of the Libyan exiles may be former regime employees (especially high and medium level military personnel, as well as police and intelligence services officers), but also finance and business people with high level positions under

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<sup>40</sup> El-Gomati, A., *In Libya, militias rule*, al-Monitor, 18 June 2013.

<sup>41</sup> Black, I., *Libyan revolution casualties lower than expected, says new government*, The Guardian, 8 January 2013.

<sup>42</sup> Cf. *Libya: Militias, tribes and islamists*, and *Libya: Judiciary and security sector*.

<sup>43</sup> Ibrahim, N., *Qaddafi regime official murdered in Derna*, Libya Herald, 10 September 2014.

<sup>44</sup> UNSMIL/OHCHR, *Torture and deaths in detention in Libya*, October 2013, p. 5-6.

<sup>45</sup> The Norwegian embassy in Egypt has received information from authorities in Egypt and Tunisia that the number of Libyans residing there is considerably higher than the Libyan estimate, but these figures probably include Libyans residing there since before 2011, as well as arrivals after August 2011.

<sup>46</sup> An UNSMIL representative also confirmed this in a telephone interview, 12 November 2014.

the former regime, people who fought for pro-Qadhafi groups and militias during the uprising, and criminals. It was the opinion of the PM office representative that a large group among the migrants consists of people with low level involvement with the Qadhafi regime, but who may still have a subjective fear of being accused of ties to the regime by people in their local communities.<sup>47</sup>

Based on this information, it seems likely that there are thousands of Qadhafi era intelligence service employees and informers who have not been detained, who have not left Libya, who have not been subjected to violence or been killed. Still, there is very little information available on how their day-to-day situation is, or whether they face problems in their daily lives – in the local community, with militias or otherwise. This makes it difficult to assess why some people with this background face problems, violent reactions or worse, while others do not. An UNSMIL source has stated that the situation is more difficult for non-prominent Qadhafi loyalists in the east – particularly in Benghazi – than in other parts of the country.<sup>48</sup>

#### **4.3.3 Relatives of Former Security and Intelligence Service Employees and Informers**

No reports were found regarding concrete cases where people face violent reactions based solely on the fact that they are related to former security and intelligence service employees and informers.

#### **4.4 Perpetrators of Violent Reactions Against Qadhafi Loyalists**

Based on the available source material, there is no reason to believe that Libyan state authorities<sup>49</sup> are actively subjecting Qadhafi loyalists to violent reactions.<sup>50</sup> Perpetrators of such reactions are therefore various non-state actors – either militias, people with power derived from ties to militias (but not necessarily acting on their behalf) or people who exploit the chaotic situation in post-Qadhafi Libya to settle personal scores.<sup>51</sup>

One of the stated goals of most “revolutionary” militias is to bring some sort of justice and restitution to victims of oppression under the Qadhafi regime. There is, however, considerable variation in how militias and militia members define what should be considered appropriate means of reaching this often vague goal. As described above, there is significant variation here: some people are left more or less alone, while some have been detained, or face harassment, threats, violence, torture and even extrajudicial executions.

##### **4.4.1 Militias’ Lists of “Wanted” Persons**

A number of militias in Libya have drafted “wanted” lists of “presumed outlaws or persons suspected of aiding the former regime”. The number of persons on such lists

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<sup>47</sup> Meeting between the prime minister’s office and a representative from the Royal Norwegian Embassy, Tripoli, 25 March 2014.

<sup>48</sup> Telephone interview, 12 November 2014.

<sup>49</sup> Including authorities deriving legitimacy from the National Transitional Council (February 2011-July 2012), the General National Congress (August 2012-August 2014), the Tubruq-based House of Representatives (since August 2014) or the Tripoli-based revived General National Congress (since August 2014).

<sup>50</sup> For information on legal prosecution of Qadhafi loyalists, see *Libya: Judiciary and security sector*.

<sup>51</sup> Crisis Group, *Divided we stand: Libya’s enduring conflicts*, 14 September 2012, p. i, 5, 6.

can reach several hundred in a given community. No such list had been sanctioned by state authorities.<sup>52</sup> Criteria for being included on such lists seem to vary considerably, and are not limited to Qadhafi era perceived offenses, but may include any act perceived as sufficiently serious to warrant detention by the militia in question. Crisis Group has stated that “In many cases, presumed ties to the former regime appear to have been little more than pretexts to retaliate against people against whom the armed brigades held personal or professional grudges or as a means of extorting a ransom.”<sup>53</sup>

A Libyan law professor has stated that he has not heard of cases of “wanted” lists or “death” lists made public.<sup>54</sup>

## 5. VIOLENT REACTIONS RELATED TO THE CURRENT POLITICAL SITUATION

The project Libya Body Count has attempted to systematise information about violent deaths in the country throughout 2014, and by 22 November had listed 2480 such deaths.<sup>55</sup> Based on the short descriptions given by Libya Body Count, as well as going through some of the news stories they have provided for documentation, the vast majority of the victims were killed in clashes between different armed groups (and include unintended civilian casualties). Still, a number of the victims are presumed to have been individually targeted because of their current and/or former activities and positions.<sup>56</sup>

As the information supplied by Libya Body Count is often fairly limited, we have not attempted to systematise the information they provide. Their statistics are also limited to attacks that ended in deaths, and leave out other cases of violence, harassment and threats. We have combined information from newspaper articles quoted by Libya Body Count with other media sources as well as reporting from human rights organisations, think tanks and diplomatic sources. We stress that the cases mentioned are just examples of cases of violent reactions – the following is not intended to be an exhaustive overview of such cases in the reporting period.

Militia members and power figures are often targets of violence, but are as already mentioned not defined as a vulnerable group in this report.

### 5.1 Politicians and Political Activists

Attacks on politicians and activists are mainly a phenomenon in the east.<sup>57</sup> Several activists have been killed there, some prominent on a national level like Salwa

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<sup>52</sup> Crisis Group, *Trial by error: Justice in post-Qadhafi Libya*, 17 April 2013, p. 22.

<sup>53</sup> *Ibid.*, p. 22-23.

<sup>54</sup> Meeting in Leiden, 23 September 2014.

<sup>55</sup> Libya Body Count, *Table: Violent deaths*, no date.

<sup>56</sup> Some are also assumed to be victims of armed robberies and clashes between criminals.

<sup>57</sup> The first of such attacks after Qadhafi's fall were reported in Benghazi and Darna in late July 2013, cf. HRW, *Libya: Wave of political assassinations*, 8 August 2013. The attacks continued through 2014, cf. HRW, *Letter to the ICC Prosecutor regarding accountability for serious crimes in Libya*, 11 November 2014.

Buq'ayqis<sup>58</sup> and , some primarily known locally, like the two youth activists Tawfiq Binmas'ud and Sami al-Kawafi in Benghazi<sup>59</sup> and Fariha al-Barkawi and Salwa Yunis al-Hinayd in Darna.<sup>60</sup>

Such attacks are not restricted to the east, however. Militias in Tripoli shot and killed several anti-militia demonstrators on 15 November 2013.<sup>61</sup> In addition to this, politicians and activists in different parts of the country have been targeted. The houses of both prime minister Abdullah al-Thinni and acting transport minister Abdalqadi al-Zintani were attacked on 25 and 27 August respectively, during clashes in Tripoli.<sup>62</sup> There have also been kidnappings, e.g. of the missing Tripoli activist Abdalmu'izz Banun and of Suliman Zubi, a member of the former legislature,<sup>63</sup> and of youth activist and photographer Nadir al-Qadi.<sup>64</sup> Amnesty International published a report on human rights abuses in western Libya in October 2014 which also contains several examples of attacks on activists.<sup>65</sup>

## 5.2 Critics of Militia Activities

Attacks on people who use their public position to openly criticise militia groups activities or goals are not uncommon. There are for instance several reports of attacks on and assassinations of imams assumed to have been targeted because they have spoken out against militias.<sup>66</sup>

## 5.3 Journalists

### 5.3.1 Attacks on Journalists

Reporters without Borders has characterised Libya as extremely dangerous for journalists,<sup>67</sup> and has expressed "extreme worry" about Libyan media being targeted by

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<sup>58</sup> Anderson, J.L., *A death in Benghazi: Salwa Bugaighis*, The New Yorker, 26 June 2014; BBC News, *Libyan human rights activist Salwa Bugaighis killed*, 26 June 2014.

<sup>59</sup> HRW, *Libya: Spiraling militia attacks may be war crimes*, 8 September 2014; Reporters without Borders, *Gunmen slay young journalist in Benghazi, the security chaos continues to pose a grave danger to Libyan news providers*, 23 September 2014; HRW, *Libya: Assassinations may be crimes against humanity*, 24 September 2014.

<sup>60</sup> HRW, *Libya: Extremists terrorizing Derna residents*, 27 November 2014.

<sup>61</sup> HRW, *Libya: Militias kill unarmed protestors*, 17 November 2013; Amnesty International, *Libya: The day militias shot at protesters*, 21 November 2013.

<sup>62</sup> HRW, *Libya: Spiraling militia attacks may be war crimes*, 8 September 2014.

<sup>63</sup> Ibid.

<sup>64</sup> Nashed, M., *Militants target civil activists in Libya*, Al-Monitor, 29 October 2014.

<sup>65</sup> Amnesty International, *Rule of the gun: Abductions, torture and other abuses in western Libya*, 30 October 2014, p. 20-24.

<sup>66</sup> HRW, *Libya: Spiraling militia attacks may be war crimes*, 8 September 2014; Libya Herald, *Further assassinations in Benghazi*, 12 September 2014.

<sup>67</sup> Reporters without Borders, *Libya still extremely dangerous for journalists*, 14 October 2014.

armed groups.<sup>68</sup> Also the Committee to Protect Journalists (CPJ) and Amnesty International have expressed strong concern about the situation for journalists.<sup>69</sup>

There are reports of a number of attacks on journalists and media people. Examples are the assassination of newspaper editor Miftah Buzayd in Benghazi,<sup>70</sup> the TV journalist Nasib Milud Karfana and her fiancé in Sabha in May 2014,<sup>71</sup> the attacks on the Alassema TV stations and several of its staff,<sup>72</sup> abductions of journalists outside Tripoli<sup>73</sup> in August 2014 and murders of a TV station founder in the south and a radio presenter in Benghazi in October 2014.<sup>74</sup> (Some of the source documents also provide additional cases of attacks.)

### 5.3.2 Restrictions on Press Freedom

Formal restrictions on press freedom also have implications for the situation for journalists. HRW has for instance expressed concern about a parliament decree banning satellite television stations critical of the government<sup>75</sup> and a defamation verdict against a newspaper editor,<sup>76</sup> whereas Amnesty International has pointed out that defamation laws from the Qadhafi era are still used contrary to the principles of free expression.<sup>77</sup>

## 5.4 Government Employees

### 5.4.1 Civil Servants, Judges and Prosecutors

Assassinations of public officials have been reported for example in Darna.<sup>78</sup>

People working in the judiciary face harassment, intimidation and threats, and there have been several assassinations, as reported by both HRW<sup>79</sup> and Amnesty International.<sup>80</sup> This situation has continued to the present. A Libyan law professor has

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<sup>68</sup> Reporters without Borders, *News providers again at heart of Libyan security chaos*, 21 May 2014; Reporters without Borders, *News providers targeted in new wave of violence sweeping Libya*, 11 August 2014; Reporters without Borders, *News media targeted amid Libyan chaos*, 28 August 2014.

<sup>69</sup> CPJ, *Press under threat on anniversary of Libyan revolution*, 19 February 2014; Amnesty International, *Rule of the gun: Abductions, torture and other abuses in western Libya*, 30 October 2014, p. 20-24.

<sup>70</sup> CPJ, *Prominent journalist killed in Libya*, 27 May 2014; HRW, *Libya: Investigate killing of Benghazi editor*, 27 May 2014.

<sup>71</sup> Reporters without Borders, *Woman journalist found with throat cut in southern Libya*, 2 June 2014.

<sup>72</sup> CPJ, *Libya's Alassema TV suffers several attacks; journalists abducted*, 5 August 2014; HRW, *Libya: Spiraling militia attacks may be war crimes*, 8 September 2014.

<sup>73</sup> CPJ, *Two journalists abducted and two TV channels forced off the air in Libya*, 21 August 2014.

<sup>74</sup> Reporters without Borders, *Libya still extremely dangerous for journalists*, 14 October 2014.

<sup>75</sup> HRW, *Libya: Critical TV bans setback for speech*, 26 January 2014.

<sup>76</sup> HRW, *Libya: Editor's harsh conviction blow to free speech*, 21 November 2014. See also Reporters without Borders, *Court sentences editor in absentia for five years in prison*, 28 November 2014.

<sup>77</sup> Amnesty International, *Libya: Three years on, Gaddafi-era laws used to clamp down on free expression*, 12 February 2014.

<sup>78</sup> HRW, *Libya: Extremists terrorizing Derna residents*, 27 November 2014.

<sup>79</sup> Whitson, S.L., *Libya teetering on the brink of failure*, 10 February 2014; HRW, *Libya's justice pandemonium*, 14 April 2014; HRW, *Libya: Extremists terrorizing Derna residents*, 27 November 2014.

<sup>80</sup> Amnesty International, *Teetering on the edge: Ongoing human rights violations and abuses in Libya*, 3 March 2014, p. 2.

stated that harassment of and attacks on judges are most common in the east, but also that there have been examples of demonstrations in front of courts in Tripoli where judges have been harassed.<sup>81</sup>

#### 5.4.2 Security Forces

Members of the security forces have been targets of numerous attacks, like in the attack on security forces in Benghazi that left six soldiers and three police officers dead in May.<sup>82</sup> Also the Tripoli head of police was assassinated in August.<sup>83</sup> Victims of the high level of violence in the eastern cities Darna and Benghazi have often been members of security forces.<sup>84</sup>

#### 5.5 Attacks based on Clan Background

In periods of open conflict between opposing groups who claim to represent clan or regional interests, there have been reports of civilians being targeted because of their clan affiliation or regional background. HRW has for instance quoted a report stating that 80 families from Zintan were attacked in Tripoli in August 2014 when there were armed clashes in the city between militias from Zintan and other militias trying to force them out of the capital.<sup>85</sup> Amnesty International reported a number of similar cases.<sup>86</sup>

#### 5.6 Perpetrators of the Violence

In most cases of deaths, the perpetrators are assumed to be militia groups.<sup>87</sup> Where such deaths happen in clashes between groups, it is most often possible to identify the perpetrators, but when individuals are threatened, harassed or subjected to violence, it is often more difficult to establish. Especially in the cases where the victim is dead, speculation is mostly limited to which militia or power figure the victim may theoretically have offended through his/her publicly known views and activities. These presumably offended parties are then assumed to be the perpetrators or instigators of the attack. If the victim survives, he/she may sometimes have information that can identify the perpetrator, but not always – threats may come through anonymous phone calls or attackers might be disguised.

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<sup>81</sup> Meeting with Libyan law professor, Leiden, 23 September 2014.

<sup>82</sup> AP, *Attack in Libya kills 9 soldiers, police officers*, 2 May 2014.

<sup>83</sup> BBC News, *Libya crisis: Head of Tripoli police 'assassinated'*, 12 August 2014.

<sup>84</sup> HRW, *Libya: Spiraling militia attacks may be war crimes*, 8 September 2014; Libya Herald, *Further assassinations in Benghazi*, 12 September 2014; Libya Herald, *Former Air Force chief assassinated in Benghazi*, 18 September 2014; Libya Herald, *Seven killed in Benghazi as wave of assassinations continues*, 27 September 2014; HRW, *Libya: Extremists terrorizing Derna residents*, 27 November 2014.

<sup>85</sup> HRW, *Libya: Spiraling militia attacks may be war crimes*, 8 September 2014.

<sup>86</sup> Amnesty International, *Rule of the gun: Abductions, torture and other abuses in western Libya*, 30 October 2014, p. 10-14.

<sup>87</sup> Such attacks are not necessarily ordered by militia leaders, they can also be the acts of individuals affiliated with such groups for personal motives.

## 6. WOMEN

### 6.1 Changes in Women's Situation after Qadhafi's Fall

In the period after Qadhafi's fall, activist women's focus has been to defend rights and positions already obtained (both under Qadhafi and during the 2011 uprising), and to amend legislation which is discriminatory to women, all the while facing a political landscape where conservative islamists have gained considerable influence.<sup>88</sup>

The influence of conservative religious leaders extends well beyond the political sphere, as a large number of militia groups in post-Qadhafi Libya have an islamist agenda, and at times explicitly embrace a role of "moral police" in their community.<sup>89</sup> In the autumn of 2014, militias in eastern Libya have declared allegiance to the Salafi extremist group the Islamic State,<sup>90</sup> infamous for its very conservative views on the position of women.

There is no indication that women are particularly targeted in the armed conflicts currently going on in Libya (although they are just as vulnerable in the difficult security situation as the population in general).<sup>91</sup>

### 6.2 Honour Codes and Women's Freedom

Libya is considered to be among the more conservative Arab countries, something which is often attributed to fairly recent urbanisation. Bedouin traditions combined with conservative religious views still stand strong among Libyans in general.

Traditional honour codes in Arab societies generally make people deeply concerned with the family honour, something that has profound influence on women's behaviour in public settings. The mere suspicion that a woman has been in a situation where she theoretically may have had sex outside of marriage brings dishonour not only on herself, but on her family as well, for having failed in bringing her up to be a person with moral integrity. Avoiding behaviour that might lead to speculations concerning women's morals places considerable limitations on women's liberty of movement in the Arab world in general,<sup>92</sup> and as an Arab society, Libya is no exception.

In 2007 HRW published a report on the situation for women who were considered to have broken honour codes,<sup>93</sup> and highlighted how girls and women in this situation

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<sup>88</sup> For a more detailed discussion of this situation, see HRW, *A revolution for all – Women's rights in the new Libya*, 27 May 2013, p. 10-14.

<sup>89</sup> Bouvier, R., *Fashloum youth demand government action against Nawasi brigade; others support it*, Libya Herald, 12 January 2013; HRW, *Libya: Extremists terrorizing Derna residents*, 27 November 2014.

<sup>90</sup> Mustafa, A., *Derna's Islamic Youth Council declares allegiance to Daesh: report*, Libya Herald, 4 October 2014; Al-Monitor, *IS expands in Libya*, 20 October 2014.

<sup>91</sup> During the 2011 uprising, there were reports that armed forces loyal to Qadhafi used sexual violence against women systematically, but international human rights organisations Amnesty International and HRW have not found evidence that substantiates this claim, cf. Cockburn, P., *Amnesty questions claim that Gaddafi ordered rape as weapon of war*, The Independent, 24 June 2011.

<sup>92</sup> For a detailed elaboration of the concept of honour and its impact on women's lives, see al-Khayyat, S., *Honour & shame – Women in modern Iraq*, 1990, p. 21-55. Though the title of the book refers to Iraq, the quoted chapter discusses this phenomenon in the Arab world in general. The situation has not changed very much since this book was written, as is clear from El Feki, S., *Sex and the citadel – Intimate life in a changing Arab world*, 2013, p. 93-133.

<sup>93</sup> HRW, *Libya: A threat to society? – Arbitrary detention of women and girls for "social rehabilitation"*, 28 February 2006.

were placed in state-run social rehabilitation facilities with two purposes: “to protect women and girls who have been threatened by their families; and to rehabilitate women and girls deemed to have transgressed socially-accepted norms or Law No. 70 (1973) criminalizing extramarital sexual relations.”<sup>94</sup> The bleak picture described for women considered to be immoral seems not to have changed after the fall of the Qadhafi regime, as HRW documented in 2013 that these institutions continued to operate in the same way under the new authorities, and that sexual relations outside of marriage remain criminalised.<sup>95</sup>

### 6.3 Domestic Violence

There are no reliable statistics on domestic violence in Libya. U.S. State Department reports that “Municipalities and local organizations maintained women’s shelters in most major cities.”<sup>96</sup> We have found no information on how these shelters function. We also note that in 2007, HRW stated that “There are no shelters for victims of violence in Libya. Victims of violence, particularly rape victims, would thus find government-provided “shelter” only in the social rehabilitation facilities described in this report”.<sup>97</sup>

## 7. CHILDREN

### 7.1 Changes in Children’s Situation after Qadhafi’s Fall

Changes in children’s situation in post-Qadhafi Libya are a reflection of the general situation for the population. The current instability has consequences for people’s security and humanitarian situation, and children may be particularly vulnerable to disruptions in food supply and health services.

### 7.2 Orphans

If one group of children can be characterised as particularly vulnerable in Libya, it is orphans of unknown parentage. Children who lose one or both parents, will generally be taken care of by relatives. In Libya, like in many Arab countries, foundlings are generally assumed to be born to unmarried mothers. Therefore they often face a stigma because of common notions that children born out of wedlock inherit their mother’s presumed lack of morals. These children generally grow up in orphanages, run by state authorities or charities, often with limited resources. In addition to the stigma mentioned above, being without a family network – and by extension, tribal affiliation – is a considerable handicap in a society where people rely on their family, relatives and tribe for support in many situations. Still, the situation for orphans with no known family ties is unlikely to have changed since the Qadhafi era.

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<sup>94</sup> Ibid., p. 14.

<sup>95</sup> HRW, *A revolution for all – Women’s rights in the new Libya*, 27 May 2013, p. 28-29.

<sup>96</sup> U.S. Department of State, *Country Reports on Human Rights Practices for 2013 – Libya*, 27 February 2014.

<sup>97</sup> HRW, *Libya: A threat to society? – Arbitrary detention of women and girls for “social rehabilitation”*, 28 February 2006, p. 11.

## 8. RELIGIOUS MINORITIES

Libya is an unusually homogenous society with regards to religion, as the overwhelming majority of the indigenous population are Sunni Muslims.<sup>98</sup> There is an Ibadi<sup>99</sup> Muslim community among Libyan Berbers in the Nafusa mountains. The vast majority of the Jewish minority in Libya emigrated between 1948 and 1967, and there seem to be very few Libyan Jews resident in the country today. There is no indigenous community of Christians in Libya.<sup>100</sup>

### 8.1 Attacks on Sufis and Sufi Shrines by Salafi Islamists

There is tension between Sufi Muslims and Salafi islamists in a number of Muslim societies,<sup>101</sup> and such tension has also surfaced in Libya since the fall of the Qadhafi regime.<sup>102</sup> In 2012, a series of attacks on Sufi mosques, tombs, shrines and religious schools in several Libyan cities was attributed to Salafi islamist groups.<sup>103</sup> The attacks generally targeted buildings and property, but there was also a report of an attack against a Sufi community member who filed a report of an attack on a religious school with the police.<sup>104</sup> Judging from the coverage in the English language daily Libya Herald, there have been fewer such attacks through 2013 and 2014.

There have been sporadic reports of attacks on Sufi leaders in 2014, but the reason behind these attacks seems to be direct criticism of local militias rather than the religious affiliation of the victim.<sup>105</sup>

### 8.2 Apostates from Islam

#### 8.2.1 Legislation

According to research done by the American Library of Congress, there is no explicit prohibition of apostasy in Libyan legislation. However, the Penal Code's article 290 prohibits "attacks on religion" and article 291 criminalises blasphemy against Islam.<sup>106</sup>

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<sup>98</sup> U.S. Department of State, *2013 Report on International Religious Freedom – Libya*, 28 July 2014, section I.

<sup>99</sup> Ibadism is a small denomination in Islam that is neither Sunni nor Shi'a. It is the dominant form of Islam in Oman and Zanzibar, but also has followers in North African countries.

<sup>100</sup> Libya's foreign migrant populations include many Christians. Their situation lies outside the scope of this report.

<sup>101</sup> For a discussion of the issues of contention between Sufis and Salafis, see Knysh, A., *Contextualizing the Salafi–Sufi conflict (from the Northern Caucasus to Hadramawt)*, June 2007, p. 503-503.

<sup>102</sup> Heneghan, T., *Freed from Gaddafi, Libyan Sufis face violent Islamists*, Reuters, 1 February 2012.

<sup>103</sup> HRW, *Libya: Stop attacks on Sufi sites*, 31 August 2012.

<sup>104</sup> HRW, *Libya: Stop attacks on Sufi sites*, 31 August 2012; Crisis Group, *Trial by error: Justice in post-Qadhafi Libya*, 17 April 2013, p. 37.

<sup>105</sup> Ali, M., *Tripoli's Omar Mukhtar Street closed after kidnapping of Sufi imam*, Libya Herald, 4 July 2014; Libya Herald, *Scholars Association condemns attacks on religious leaders*, 6 July 2014.

<sup>106</sup> The Law Library of Congress, *Laws criminalizing apostasy in selected jurisdictions*, May 2014, p. 10; HRW, *Priorities for legislative reform – A human rights roadmap for a new Libya*, 21 January 2014, p. 12-14; Ministry of Justice, *Qanun al-'uqubat – al-jara'im al-'amma [Penal code – common crimes]*, 1953.

### 8.2.2 Legal prosecution

When interviewed in March 2014, HRW was not aware of any apostasy cases in Libya.<sup>107</sup>

### 8.2.3 The Situation for Converts to Christianity

Sources as diverse as Libya's grand mufti Sadiq al-Gharyani and an American affiliated with the Christian organisation Voice of the Martyrs, Tom Nettleton, claim to know cases of Libyans who have converted from Islam to Christianity. The grand mufti claims conversion is the result of secret missionary work by foreign Christians, whereas the CBN News reporter who interviewed Mr Nettleton attributed the conversions to television evangelism.<sup>108</sup> However, none of these claims have been substantiated, and there are no reports of publicly known cases of conversion.

Despite the lack of information on the situation for Libyans who convert to Christianity, we find it likely that people who do so publicly – and who will be considered apostates – may face problems with their family and in their local community. There is also a considerable chance they would face aggression from extremist islamists, based on the numerous attacks on foreign Christians in Libya, which are sometimes justified by claims that the victims were involved in missionary activities.<sup>109</sup> Even the International Committee of the Red Cross has been attacked in Libya, accused by a militia of proselytising.<sup>110</sup>

## 9. SEXUAL MINORITIES

There is only scarce concrete information available on the situation of sexual minorities in Libya. The website run by ILGA (the International lesbian, gay, bisexual, trans and intersex association), an important source for information about this issue in most countries of the world, currently contains no information about the situation in Libya.<sup>111</sup>

Erasing 76 Crimes, a blog bringing information about the situation in countries with legislation used against gays and lesbians, only contains references to one single case of repression against sexual minorities in Libya (discussed below).<sup>112</sup>

The very limited information available concerns gay men. We have found no concrete information about the situation for other sexual minorities.

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<sup>107</sup> Meeting with a representative of the Royal Norwegian Embassy in Egypt, Tripoli March 2014.

<sup>108</sup> Libya Herald, *Grand Mufti warns of Libyans converting to Shiism and Christianity, calls for Sharia-compliant consumer protection body*, 24 June 2012; Lane, G., *CBN News gives rare look at Libyan church*, CBN News, 26 September 2011.

<sup>109</sup> Libya Herald, *EU "concerned" about religious freedom and rights in Libya*, Libya Herald, 13 March 2013; IRIN News, *Security of Christian communities "precarious" in Libya – archbishop*, IRIN News, 15 March 2013.

<sup>110</sup> HRW, *Libya: Wave of political assassinations*, 8 August 2013.

<sup>111</sup> ILGA, *Libya archives*, no date.

<sup>112</sup> Erasing 76 Crimes, *Rosier outlook for 12 Libyans jailed after militia's gay raid*, 27 November 2012; Erasing 76 Crimes, *Libyan militia releases 12 reportedly gay men*, 30 November 2012.

We have found only one interview with a SOGI activist published in English after the fall of the Qadhafi regime. He expressed a general fear of being publicly exposed and dishonoured, as well as concerns for the future because of conservative islamists' increased influence.<sup>113</sup> In the more than two years since this interview was published, these groups' influence has indeed increased, at least in areas controlled by Islamist militias.

### 9.1 Legislation

An Amnesty International report refers to articles 407 and 408 of the Penal Code of 1953 as relevant legislation in a section listing "laws criminalizing consensual same-sex conduct in African countries".<sup>114</sup> The legal text contains no specific references to consensual sex between adult partners of the same sex, treating it as a form of adultery. There is no mention of non-gender conform behaviour.

### 9.2 Legal Practice

No source material concerning legal prosecution against people related to their sexual orientation or gender identity has been found.

There is also very little information available regarding the attitudes of Libyan authorities towards members of sexual minorities, apart from a statement from a Libyan delegate to the UN Human Rights Council in February 2012 that LGBT topics "affect religion and the continuation and reproduction of the human race."<sup>115</sup>

### 9.3 Harassment or Violence Because of Sexual Orientation or Gender Identity

As mentioned above, the blog Erasing 76 Crimes has covered a single case of harassment of homosexual men in Libya. This case was reported by the Libya Herald in late November 2012,<sup>116</sup> and concerns a group of 12 men being apprehended by the Tripoli militia called the Nawasi brigade.<sup>117</sup> A photo of the men (not showing their faces) was posted on Facebook with a declaration that the group threatened to mutilate and kill them, something that was reported by the Libya Herald on 26 November. In a news story the following day, the brigade stated that the men had been apprehended because of loud noise from a private party they held, not because of their sexuality, and that they would be handed over to the Ministry of Justice. Sources stated to the Libya Herald that the men had been beaten by the brigade. On 29 November, the Libya Herald published a brief story stating that the men had been released by the Nawasi brigade,

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<sup>113</sup> Littauer, D., My life as a gay man in post-Gaddafi Libya, *Gay Star News*, 2 March 2012.

<sup>114</sup> Amnesty International, *Making love a crime: Criminalization of same-sex conduct in Sub-Saharan Africa*, 25 June 2013, p. 76.

<sup>115</sup> UN Watch, *Libya Tells UN Rights Council: "Gays threaten continuation of human race"*, 13 February 2012.

<sup>116</sup> Libya Herald, *Extremists threaten mutilation and death for seized 'homosexuals'*, 26 November 2012; Libya Herald, *Nawasi brigade pledges to hand arrested 'homosexuals' over to Ministry of Justice*, 27 November 2012; Libya Herald, *Transvestite alerted Nawasi brigade to gay birthday party in Ain Zara*, 29 November 2012; Libya Herald, *Nawasi brigade releases 12 gay men one week after arrest*, 29 November 2012.

<sup>117</sup> In a later report, *Libya Herald* has stated that the "Nawasi [brigade] has been active for some time, raiding areas of the capital and arresting those they suspect of drinking alcohol, taking drugs, dealing in such illegal substances or being involved in other 'deviant behaviour'. Cf. Libya Herald, *Fashloum youth demand government action against Nawasi brigade; others support it*, 12 January 2013.

and that “It is alleged that the men have had their heads shaved and received marks to their backs and legs whilst in custody.” No explanation for the release was given.

*The Times* interviewed a local gay man after this incident,<sup>118</sup> excerpts of which have been quoted by *Pink Times*.<sup>119</sup> One source, who was among the 12 apprehended by the Nawasi brigade, told *The Times’* reporter that he was still harassed by one of the militia members. Another source had been apprehended by the same militia in a different incident, but had been released “because the brother of a friend he was arrested with was a member of the militia”. The sources stated that incidents similar to the one covered by the *Libya Herald* are common in Tripoli.

We have not been able to find other news stories in the *Libya Herald* concerning the situation of gays and lesbians or other sexual minorities in Libya.<sup>120</sup>

## 10. DESERTERS AND CONSCIENTIOUS OBJECTORS

Formally, Libya still has compulsory military service for both men and women in accordance with Qadhafi era legislation.<sup>121</sup> The Qadhafi regime army (Quwat al-jamahiriyya al-musallaha – The armed forces of the Jamahiriyya) disintegrated after Qadhafi’s fall, and were replaced by the Libyan Army (al-Jaysh al-libi). This army consists both of personnel with a military background from the Qadhafi era and of former militia members (“revolutionary fighters”). New recruits generally have a militia background.<sup>122</sup> No sources mention that army personnel is recruited through conscription.

Also, Qadhafi era legislation on desertion is formally still valid. However, no information has been found on the situation for deserters after the establishment of the Libyan Army.

## 11. PALESTINIANS AND SYRIANS

### 11.1.1 Background of Palestinians in Libya

Libya is not considered a host country for Palestinians, unlike Egypt, Iraq, Jordan, Lebanon and Syria. Palestinians started coming to Libya as migrant workers in the 1970s. The group predominantly came from Gaza, following the Israeli occupation, and

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<sup>118</sup> Grant, G., Gay men in Libya tell of beatings by the local militia [sic], *The Times*, 1 December 2012.

<sup>119</sup> McCormick, J.P., Libya: Gay men speak out about abductions and beatings by Islamic militia, *Pink News*, 2 December 2012.

<sup>120</sup> Google search restricted to Libya Herald’s website [www.libyaherald.com](http://www.libyaherald.com) on the terms “gay”, “homosexual”, “lesbian”, “transsexual” and “transvestite”, done 22 November 2014.

<sup>121</sup> War Resisters’ International, *Libya*, 7 August 1998.

<sup>122</sup> For a discussion of the army’s role in post-Qadhafi Libya, see Lacher, W. & Cole, P., *Politics by other means: Conflicting interests in Libya’s security sector*, October 2014, p. 53-63.

from Lebanon, where a large number fled the country following the Sabra-Shatila massacre in 1982,<sup>123</sup> but also from Syria and Egypt.

The majority of Palestinians, as many Arab immigrants residing in Libya, are skilled labourers, with personal or individual contracts with state institutions, Libyan companies or foreign companies working in Libya.<sup>124</sup>

The Palestinian community in Libya is relatively small compared to other Arab countries. By the 1990s the Palestinian population reached 30,000. In 1994, following the agreement of the Oslo Accord between the Palestinian Liberation Organization (PLO) and Israel, Mu'ammar Qadhafi took the decision to expel all Palestinians from the country in order to demonstrate Chairman Arafat's failure to uphold the Palestinian struggle against the Israeli occupation. As a result, Palestinians were expelled from their jobs. Their contracts as well as their residence permits were subsequently not renewed.<sup>125</sup>

It is estimated that 17,000 Palestinians, most of whom came from Gaza, Lebanon and Syria, were expelled from the country between 1994 and 1996. Palestinians from Syria were evacuated by boat back to Syria. Lebanon, on the other hand, proved more apprehensive regarding the return of Palestinians formerly residing on its territory. The Lebanese authorities issued decree No. 478, which required all Palestinians who had been refugees in Lebanon from 1948 to obtain an entry visa from Lebanese diplomatic missions abroad. These procedures made it practically impossible for Palestinians to return, as Lebanon did not have a diplomatic mission in Libya at the time. Palestinians from Gaza were in an even more precarious situation, partly as the newly founded Palestinian Authority lacked the resources to accommodate the returnees, but also because the Egyptian authorities, initially, refused to allow them transit through Egypt. However, after an intervention from the Palestinian Embassy in Cairo, many were given passage through Egypt to return to the Gaza strip.<sup>126</sup> With regards to the Palestinians from the occupied territories, it is also worth mentioning that many of them were unable to return as their identity cards were revoked by the Israeli authorities in accordance to Israel's "quiet deportation" policy which it imposed between 1995 and 1999,<sup>127</sup> whereby Israel revoked residency rights for Palestinians living outside Jerusalem's municipal boundaries.<sup>128</sup> In addition, there are also Palestinians from Gaza who left the area at the time of the Israeli occupation of the Gaza strip and who never registered with the Israeli authorities at the time.<sup>129</sup>

Those unable to leave Libya in 1996 were forcibly relocated to a makeshift camp at Salum border crossing (al-Wada camp) where they stayed under harsh conditions.<sup>130</sup>

In 1997 Qadhafi unexpectedly offered to take back all previously expelled Palestinians. However, few of those who had left the country returned.<sup>131</sup> Those who had not been

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<sup>123</sup> Fiddian-Qasmiyeh, E., *Invisible refugees: protecting Sahrawis and Palestinians displaced by the 2011 Libyan uprising*, p.6, November 2011.

<sup>124</sup> Lamb, F., *Libya's Palestinian Refugees and the Current Crisis (Part I of II)*, Al-Manar, 19 July 2011.

<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

<sup>127</sup> Global Voices, *The forgotten Palestinian refugees of Libya*, 9 March 2011.

<sup>128</sup> Tadros, S., *ID cards split Palestinian families*, Aljazeera, 24 April 2008.

<sup>129</sup> Telephone interview with anonymous expert on Palestinian issues, 29 October 2014.

<sup>130</sup> Lamb, F., *Libya's Palestinian Refugees and the Current Crisis (Part I of II)*, Al-Manar, 19 July 2011.

able to leave Libya eventually started to re-establish themselves in society again. Many chose not to renew their residence permits, in fear of new deportations.<sup>132</sup> UNHCR in Libya has recognized thousands of Palestinians as refugees since 1996.<sup>133</sup> Over 8,000 were recognized as refugees at the outbreak of the uprising in February 2011.<sup>134</sup>

### 11.1.2 Background of Syrians in Libya

The Syrian population in Libya is estimated to 200,000 persons,<sup>135</sup> of which around 18 000 are registered by UNHCR.<sup>136</sup> Like many other foreigners, Syrians were hoping to find a better life in the oil rich nation. Libya restricted entry procedures for Syrians following the 12 September 2012 attack on the US consulate in Benghazi. This prompted many Syrians to choose illegal routes and smugglers to enter the country.<sup>137</sup> Despite the Ministry of Interior's decision to issue residence permits for Syrians registering with a passport, authorities and militias have not always endorsed the permits.<sup>138</sup>

### 11.2 Treatment of Palestinians and Syrians in Libya

As signatory to the Casablanca Protocol, which defines the rights of Palestinians in Arab states, Libya has in principle welcomed Palestinians.<sup>139</sup> The Qadhafi regime was a strong supporter of the Palestinian cause. Libya allowed the PLO to open an office in the country, and Palestinian students received scholarships to study there.<sup>140</sup> However, Qadhafi also seized the opportunity by favouring one faction over the other, including recruiting a Palestinian mercenary force to fight along Libyan forces in Chad. In earlier days, Palestinians received assistance in form of subsidised jobs and housing, however, this was revoked after 1996, when Qadhafi allowed the Palestinians to return after expelling them in 1994.<sup>141</sup>

Palestinians were targeted and subjected to violent acts by both Qadhafi allies and anti-Qadhafi activists during the uprising in 2011. At the time, there were some 50-70,000 Palestinian working migrants in Libya.<sup>142</sup> There are reports that Palestinians were detained by Qadhafi's forces after they refused to join pro-regime armed groups.<sup>143</sup>

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<sup>131</sup> Ibid.

<sup>132</sup> Fiddian-Qasmiyeh, E., *Invisible refugees: Protecting Sahrawis and Palestinians displaced by the 2011 Libyan uprising*, November 2011, p. 13.

<sup>133</sup> Fiddian-Qasmiyeh, E., *Palestinian refugees affected by the 2011 Libyan uprising: A brief overview*, 2012, p. 6-12.

<sup>134</sup> Fiddian-Qasmiyeh, E., *Invisible refugees: protecting Sahrawis and Palestinians displaced by the 2011 Libyan uprising*, 8 November 2011, p. 3.

<sup>135</sup> Amnesty International, *An international failure: The Syrian refugee crisis*, 13 December 2013, p. 6.

<sup>136</sup> DW, *No solace for Syrian refugees in lawless Libya*, 28 May 2014.

<sup>137</sup> IRIN News, *Syrians seeking refuge in Libya*, 23 May 2013.

<sup>138</sup> Amnesty International, *An international failure: The Syrian refugee crisis*, 13 December 2013, p. 6.

<sup>139</sup> Murray, R., *Palestinians live on the edge in new Libya*, IPS, 23 August 2012.

<sup>140</sup> Fiddian-Qasmiyeh, E., *Invisible refugees: protecting Sahrawis and Palestinians displaced by the 2011 Libyan uprising*, November 2011, p. 5.

<sup>141</sup> Murray, R., *Palestinians live on the edge in new Libya*, 23 August 2012.

<sup>142</sup> Lamb, F., *Libya's Palestinian Refugees and the Current Crisis (Part I of II)*, Al-Manar, 19 July 2011.

<sup>143</sup> Ma'an News, *Gadafi forces detain Palestinian students*, 2 March 2011.

Once again, Palestinians found themselves stranded in Libya. Despite appeals from Palestinians from Lebanese camps and the Palestinian Embassy in Tripoli, Lebanon did not offer any assistance to evacuate the Palestinians with Lebanese residence permits to Lebanon. Egypt prevented Gaza Palestinians from travelling through the country.<sup>144</sup>

Following the fall of the Qadhafi regime, Palestinians continued to face harassment and intimidation. Many Palestinians were evicted from their homes, as property owners began to reclaim property confiscated by the Qadhafi regime.<sup>145</sup>

Given the prevailing security conditions in the country, Palestinians continue to face hardship. However, it is difficult to find detailed information due to the current circumstances, and the fact that many diplomatic missions and international organizations have closed their offices. Expatriates have left the country, and local staff are unable to move freely.<sup>146</sup>

The arrival of Palestinians and Syrians fleeing the conflict in Syria has put further strain on the country as the new arrivals compete over limited job opportunities and social services. This in turn has created negative sentiments towards both Syrians and Palestinians.<sup>147</sup> Local authorities in Misrata called upon Syrians and Palestinians to leave the city following the outbreak of conflict in May/June 2014. Discriminatory treatment has been reported in Benghazi since the conflict began in 2011.<sup>148</sup> Authorities in Benghazi have – prior to the recent conflict – also expressed concern about the growing numbers of Syrians coming to the city.<sup>149</sup>

The majority of Syrians who arrive in Libya try to remain within the Syrian community, but they still feel vulnerable.<sup>150</sup> Local Syrian charity organisations have helped Syrian children enroll in school and facilitated access to medical care to needy families. Other international organisations, like the Danish Refugee Council, have also provided assistance to the refugees. There are reports of abuse, violations, and abductions of Syrians in Libya. The general insecurity and the prevailing lawlessness have prompted many Syrians to leave the country.<sup>151</sup>

Palestinians and Syrians, like the rest of the population, do not feel safe, and many who remain in Libya want to leave the country. However, this is proving difficult as neighbouring countries have imposed restrictions at border crossings. Only passport holders and holders of airline tickets for onward destinations are allowed to cross the border into Tunisia. Egypt requires the presence of representatives from the embassy to their respective nationals.<sup>152</sup> Palestinians wishing to transit through Egypt are requested to travel through the Burg al-Arab airport in Alexandria.<sup>153</sup>

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<sup>144</sup> Lamb, F., *Libya's Palestinian Refugees and the Current Crisis (Part I of II)*, Al-Manar, 19 July 2011.

<sup>145</sup> Murray, R., *Palestinians live on the edge in new Libya*, 23 August 2012.

<sup>146</sup> Meeting with IOM regional office in Cairo, 30 October 2014; telephone interview with anonymous source, Malmö, 8 November 2014.

<sup>147</sup> Telephone interview with anonymous source, Malmö, 8 November 2014.

<sup>148</sup> Ibid.

<sup>149</sup> IRIN News, *Syrians seeking refuge in Libya*, 23 May 2013.

<sup>150</sup> DW, *No solace for Syrian refugees in lawless Libya*, 28 May 2014.

<sup>151</sup> Amnesty International, *An international failure: The Syrian refugee crisis*, 13 December 2013, p. 6.

<sup>152</sup> Ibid.

<sup>153</sup> Telephone interview with anonymous source on Palestinian issues, Cairo, 29 October 2014.

## 12. ABBREVIATIONS

CPJ – Committee to Protect Journalists

GNC – General National Congress (al-Mu'tamar al-watani al-'amm). Libya's elected legislature August 2012-August 2014

HoR – House of Representatives (Majlis al-nuwab). Libya's elected legislature since August 2014

HRW – Human Rights Watch

IDMC – Internal Displacement Monitoring Centre

ILGA – the International lesbian, gay, bisexual, trans and intersex association

IOM – International Organization for Migration

NTC – National Transitional Council (al-Majlis al-watani al-intiqali). Interim legislative body representing anti-Qadhafi forces February 2011-July 2012

OHCHR – United Nations Office of the High Commissioner for Human Rights

UNHCR – United Nations High Commission for Refugees

UNSMIL – United Nations Support Mission in Libya

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<sup>154</sup> There is a technical problem with accessing Libya Herald's website through the links provided, possibly because of paywall issues. All links provided were taken from the Libya Herald website on the access date mentioned.

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