

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Events of 2012

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The Human Cost of Environmental Neglect

When "Values" Trample Over Rights

A Failed Approach to Corporate Accountability

After 42 years of dictatorship under Muammar Gaddafi, Libya held elections for a General National Congress (GNC) in July, but a weak interim government failed to disband a myriad of armed groups around the country, end arbitrary detention and torture against detainees, or address the forced displacement of groups perceived to be pro-Gaddafi.

Throughout the year, Libyans suffered from ongoing violence, with tribal clashes, deadly attacks on foreign diplomatic missions and international organizations, the destruction of Sufi religious sites, kidnappings for financial and political reasons, and targeted killings of former Gaddafi security officers. Non-Libyans from sub-Saharan Africa faced arrests, beatings, and forced labor.

Libya's National Transitional Council (NTC), which governed Libya during and after the 2011 conflict to oust Gaddafi, was dissolved with the GNC's election on July 7, 2012. International observers largely viewed the elections as fair, despite some violence and attacks on polling stations. The transfer of power to the 200-member Congress marked the first step of democratic governance. The GNC is mandated to form a government, prepare a new electoral law and hold new elections. It was originally tasked to form a body to draft a constitution, but the NTC revoked that power just prior to elections in an attempt to defuse tension between eastern and western Libya. The mechanism for drafting a constitution is currently under review.

Libya's first elected government was sworn in amid tension surrounding the exclusion of four proposed ministers by the Integrity and Patriotism Commission for failing to meet set criteria for public office.

Despite some positive steps, the interim authorities struggled to establish a functioning military and police that could enforce and maintain law and order. Many of the armed groups that came into existence to fight Gaddafi refused to disarm and filled the security void. Some cooperated with the government and provided security services. Others operated without state sanction; the state proved unable to confront these well-armed groups.

The authorities' failure to demobilize the armed groups contributed to an escalation of violence in the Nafusa Mountains, in northwestern Libya, in the southern towns of Kufra and Sebha, and in the towns of Sirte and Bani Walid. As of October, an array of government and militia forces from Misrata had surrounded Bani Walid and enforced a partial siege, demanding the arrest of wanted persons suspected to be in the town.

Libya's national military deployed in the south after tribal clashes between Arabs and Tuareg over border control, land rights, and trafficking routes. Spread thin, the army at times served as an intermediary between clashing regions and tribes.

The police force remained weak, and depended largely on the Supreme Security Committee (SSC) for ensuring law and order. A quasi-official body of former anti-Gaddafi fighters that is cooperating with the Interior Ministry for ensuring law and order. The SSC's lack of

vetting criteria and scant training contributed to abuse by its members.

As of October, roughly 8,000 people were in detention. The majority of them were held for more than a year without charge or due process rights, including judicial review and access to a lawyer. The Ministry of Justice holds around 3,000 detainees, around 2,000 are held by the Ministry of Defense or Supreme Security Committee. The rest were being held [illegally by various armed groups](#).

Conditions in militia-run facilities varied, with detainees in some facilities reporting repeated [torture and deaths in custody](#). Conditions in state-run facilities appeared to improve, although there continued to be cases of abuse and some deaths in custody.

Non-Libyans from sub-Saharan Africa, mainly migrant workers, are particularly vulnerable to abuse, facing harassment, arrests, ill-treatment in detention, forced labor and no regulated access to United Nations High Commissioner for Refugees (UNHCR).

Apparently targeted killings occurred throughout the year, particularly of former members of Gaddafi's intelligence and security services. At this writing, at least 15 former officers were killed in seemingly targeted attacks in Benghazi. The authorities did not announce any investigations into these killings, or arrest any suspects.

The judicial system remained weak, especially in its ability to pursue criminals affiliated with anti-Gaddafi militias. Threats and physical attacks on prosecutors and judges further inhibited the rule of law.

On May 2, the NTC passed Law 38, which [granted amnesty](#) to those who committed crimes if their actions were aimed at promoting or protecting the revolution against Gaddafi.

At this writing, no one has been charged or arrested for the [apparent execution of 53 Gaddafi supporters](#) in Sirte in October 2011, or for the apparent [execution of Muammar Gaddafi](#) and his son Muatassim. An NTC-formed commission to look at Gaddafi's death released no results.

In contrast, the judicial authorities began proceedings against several former Gaddafi officials. Detained officials complained that they did not have access to a lawyer and did not know the charges against them.

[Abuzaid Dorda](#), the former prime minister and head of foreign intelligence, was injured after jumping from a two-story building while detained by a militia. Dorda said he jumped in order to avoid abuse.

Muammar Gaddafi's son Saif al-Islam and former intelligence chief Abdullah Sanussi both in Libyan custody remain subject to arrest warrants by the International Criminal Court (ICC), for crimes against humanity for their roles in attacks on civilians, including peaceful demonstrators, in Tripoli, Benghazi, Misrata, and other Libyan cities and towns after the start of anti-government protests in eastern Libya on February 15.

Libya says that Gaddafi is under domestic investigation for corruption and wartime abuses, and Sanussi is being investigated for serious crimes before and during the conflict, including his suspected involvement in the 1996 killing of about 1,200 prisoners in Tripoli's Abu Salim prison. Gaddafi is being held by a militia in Zintan; Sanussi is under full state control after his extradition to Libya from [Mauritania](#) in September. The Libyan government has challenged the admissibility of the case against Gaddafi at the ICC, and that proceeding is ongoing. Pending the challenge, the ICC judges have authorized Libya to postpone Gaddafi's surrender to the court in The Hague. However, at this writing Libya was still under an obligation to surrender Sanussi to the court pursuant to UN Security Council resolution 1970.

From June 7 to July 2, the militia in Zintan holding Gaddafi [arbitrarily detained](#) ICC staff members, who traveled to Libya to meet with Gaddafi in a visit authorized by the ICC judges and agreed to by Libya.

Approximately 35,000 people from the town of [Tawergha](#) are still displaced around Libya and prevented from going back to their homes. The Tawerghans are accused of siding with Muammar Gaddafi's forces during the 2011 conflict and of having committed serious crimes, including rape and torture, against residents of nearby Misrata. Militias from Misrata have harassed, beaten, arrested, and killed Tawerghans in custody.

Other displaced groups include residents of [Tamina and Kararim](#), also accused of having sided with pro-Gaddafi forces. Armed groups have barred the Mashashiya tribe from returning to their villages in the Nafusa Mountains due to tribal and political disputes.

In May, the NTC passed Law 37, which criminalized a variety of political speech, including glorifying the tyrant [Muammar Gaddafi], damaging the February 17 Revolution, or insulting Libya's institutions. A group of Libyan lawyers challenged the law and in June the Supreme Court [declared the law unconstitutional](#).

The fragile security environment has hindered free speech, with journalists, human rights activists, and members of the GNC facing threats by armed groups. The government's inability to implement a coherent visa-management system has made it difficult for international media and nongovernmental organizations to access the country.

Attacks against religious minorities started in October 2011, and intensified in 2012. Armed groups motivated by their religious views [attacked Sufi religious sites](#) across the country, destroying several mosques and tombs of Sufi religious leaders. Armed groups attacked churches in at least two incidents in Tripoli in May and September. The government's security forces have failed to stop the attacks and have made no significant arrests.

The 2012 elections for the GNC marked a positive step for female political participation; 33 women were elected (out of 200 seats) after the NTC adopted an electoral law requiring each party run an equal number of male and female candidates.

Libya's penal code considers sexual violence to be a crime against a woman's honor rather than against the individual. The code's provisions permit a reduction in sentence for a man who kills a wife, mother, daughter, or sister whom he suspects is engaged in

extramarital sexual relations. The law does not specifically prohibit domestic violence and there are no voluntary shelters for victims of violence.

The US, European Union, and UN all played significant roles throughout the year. The EU sought to build on migration cooperation agreements with Libya. The US expanded cooperation in the economic and security sectors particularly after the attack on its embassy in Benghazi on September 11, 2012, which resulted in the killing of the US ambassador Christopher Stevens and three other embassy staff. The UN Support Mission in Libya (UNSMIL) continued its focus on elections and transitional justice.

To date, NATO, which waged the air campaign against Gaddafis forces, has failed to investigate properly at least [72 civilian casualties](#) caused by its airstrikes.

Security Council members that initially championed resolution 1970 referring Libya to the ICC have been largely silent on Libyas obligation under that resolution to cooperate with the court.

The Commission of Inquiry for Libya (COI) expressed concern that [human rights](#) violations continue to be committed especially by armed militias, and recommended continued monitoring by the Human Rights Council (HRC) to ensure the implementation of its recommendations. Yet the resolution that the council adopted on March 23, 2012, at its 19th session, failed to acknowledge specific violations, to recognize the extent and gravity of ongoing rights abuses, and to include a mechanism to ensure monitoring of the human rights situation by the council.

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