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Introduction

This country of origin information report was prepared using the questions asked and concerns stated by the Ministry of Justice and Security as set out in the terms of reference (ToR) dated 18 December 2019. An anonymised version of this ToR, together with this country of origin information report, has been published on the central government's website.

This country of origin information report describes the situation in Libya, insofar as this is important for the assessment of asylum applications from persons originating from this country, and for decision-making regarding the repatriation of rejected Libyan asylum seekers. This country of origin information report is an update of the country of origin information report on Libya published in April 2019. The reporting period covers the period from April 2019 through April 2020. This report is a factual, neutral and objective account of the findings during the period under investigation and does not offer any policy recommendations.

This country of origin information report is based on public and confidential sources using carefully selected, analysed and controlled information. In preparing this report, use has been made of information from relevant governmental agencies, non-governmental organisations, specialist literature and media reporting. The passages in this official country of origin information report are based on multiple sources unless otherwise stated, or in cases of generally undisputed facts. An overview of the public sources consulted is included in the list of references.

Part of the confidential information used was obtained during telephone interviews with relevant expert sources. Furthermore, information originating from the diplomatic mission of the Netherlands in Libya and other confidential sources has also been used. The information obtained on a confidential basis has chiefly been used to support and add to passages based on public information. The confidential sources are designated as 'confidential source' in the footnotes and provided with a date.

Chapter one deals with the recent political developments in Libya. Chapter two describes developments related to the security situation in the country. Chapter three deals with nationality legislation and regulations and describes developments pertaining to documents in Libya. Chapter four describes the current status with regard to the observance of basic human rights in Libya, with a focus on the position of specific and vulnerable groups. Finally, chapter five details developments in Libya with respect to migration and repatriation.

1 Political situation

1.1 Recent political developments

For a general description of the background and the political developments in Libya up to April 2019, please refer to the country of origin information report on Libya issued in April 2019.¹

The country remained divided into two factions during this reporting period. The internationally recognised and UN-supported *Government of National Accord* (GNA), led by the *Presidential Council* (PC) headed by Prime Minister Faiez al-Serraj is seated in Tripoli. The GNA is supported by the *High State Council* (HSC, headed by Khaled al-Mishri), an advisory body mainly consisting of members of the former *General National Congress* (GNC).² During the reporting period, the *House of Representatives* (HoR, headed by Ageela Salah), the parliament that relocated to Tobruk in the east of the country due to the violence following the 2014 elections, was divided into an eastern and western part. A majority of the members were now based in Tripoli. Hamouda Sayala was elected chairman of the HoR in Tripoli on 21 February 2020. The Tripoli-based HoR seceded due to its dissatisfaction with the course taken by the Tobruk HoR and the military campaign waged by Haftar.³ A shadow government was installed in the east (headed by Abdullah al-Thinni), establishing itself in the eastern cities of Benghazi and Al-Bayda.⁴ Both the GNA and the ruling faction in the east received support from a variety of armed groups. The eastern factions were nominally unified in the *Libyan National Army* (LNA)⁵ under the control of the warlord Khalifa Haftar.⁶ The GNA received military support from a number of militias based in Tripolitania, particularly four powerful militias in the capital Tripoli, as well as militias from, for example, Misrata. During the reporting period, both power blocks received military, logistical and material support from international powers. More specifically, the GNA received support from Turkey and the LNA received support from the United Arab Emirates (UAE).⁷ A concise overview of the most significant political developments in and with regard to the Libyan conflict during the reporting period is provided below.

Since the publication of the last country of origin information report in April 2019, political and security developments in Libya have been dominated by an offensive

¹ Algemeen ambtsbericht Libië of April 2019, p. 6 et seq.

² The GNC constituted the government in Tripoli prior to the election victory of the liberal factions in 2014, who went on to establish the House of Representatives (HoR). The GNC refused to make way for the HoR, causing the latter to move to Tobruk in eastern Libya. The majority of the GNC recognised the UN installed GNA government in 2016, leading to the formation of the HSC.

³ Although the HoR in Tripoli and the HSC and PC were united in their opposition to Haftar, the HoR in Tripoli continued operating as an independent body.

⁴ Al-Thinni succeeded Ali Zeidan as Prime Minister in 2014 of the interim government elected at that time, following the victory of the liberal parties (later to become the HoR) over the Islamists in the General National Congress. For more information see Algemeen ambtsbericht Libië, May 2016, p. 7 et seq. Control Risks, *Libya Profile*, consulted on 31 March 2020.

⁵ The official name of Khalifa Haftar's military force is *Libyan Arab Armed Forces* (LAAF). LAAF is better known as the *Libyan National Army* (LNA). For consistency, this country of origin information report will use the term LNA. Although the name would suggest otherwise, the LNA is not the official national army of Libya. Even though Haftar was declared Army Chief by the House of Representatives (HoR) in Tobruk in 2015, this appointment was not officially ratified due to the governmental deadlock in Libya, and it was not recognised by either the *Government of National Accord* (GNA) in Tripoli or the international community.

⁶ Ministry of Foreign Affairs, *Algemeen ambtsbericht Libië*, April 2019, pp. 6-12; Control Risks, *Libya, overview*, consulted on 10 March 2020.

⁷ For more information see Algemeen ambtsbericht Libië of April 2019, p. 20 et seq. ('Kartel van militieën'); Chatham House, *Libya. The development of armed groups since 2014*, March 2020, p. 15; Lacher, W., *Who is fighting whom in Tripoli?* (*Small Arms Survey Briefing Paper*), August 2019, p. 7 et seq.

targeting Tripoli and other parts of north-western Libya, launched by Khalifa Haftar and his affiliated militias united in the LNA (see also Chapter 2). This offensive commenced on 4 April 2019. Both the peace process and the state-building process in Libya, already proceeding with great difficulty prior to Haftar's offensive, were placed in jeopardy and came to a virtual standstill during the reporting period.⁸

The *National Conference*, already referred to in the preceding country of origin information report, which was supposed to be held from 12 to 16 April 2019 in the western desert town of Ghadames,⁹ was postponed indefinitely due to Haftar's offensive. The conference's theme was to be the political unification process, particularly through the organisation of parliamentary and presidential elections and holding a constitutional referendum.¹⁰

On 16 June 2019, Faiez al-Serraj presented a political initiative for establishing a forum of which influential actors from all parts of Libya would be a member. This forum was supposed to pave the way to elections and get the reconciliation process in Libya on track. These elections were intended to take place before the end of 2019, but there was a mixed response to this proposal, both in Libya and abroad. The eastern-based government did not see anything viable in the plan, and while the UN and EU were cautiously optimistic, they remained receptive to other initiatives. However, the proposal contained virtually no elements for ensuring and safeguarding Libya's security structure.¹¹

The UN Envoy for Libya, Ghassan Salamé, proposed a new plan in late July 2019 in an attempt to bring the warring parties back to the table to engage in a political negotiation process. The plan was based on three pillars: a ceasefire that would go into effect on 10 August 2019 coinciding with the Islamic *Eid al-Adha* festival, the organisation of a new international peace conference (with the weapons embargo agreed upon in 2011 as the primary agenda item), and the resumption of plans for an inclusive national peace conference. Even though both parties agreed to the ceasefire for the duration of the three-day Eid festival, it was not long before the ceasefire was violated. According to a GNA spokesperson, the LNA shelled the Mitiga airport and the Souq-al Juma neighbourhood on 12 August 2019.¹² At the conclusion of the reporting period, no steps had yet been taken to organise a national peace conference. An international peace conference was held in Berlin in January 2020 (see below).

The first *Senior Official Meeting* (SOM) was held in Berlin on 17 September 2019. The SOM focused on the political crisis in Libya and was the start of a number of international conferences dealing with the conflict in Libya, culminating in an international peace conference to also be held in Berlin in January 2020 (see below). The key items on the agenda of this series of international meetings was a permanent ceasefire, raising the issue of the obligation of regional and international

⁸ UN Panel of Experts, *Final report of the Panel of Experts established pursuant to Security Council Resolution 1973* (2011), p. 8; Foreign Policy, *Khalifa Haftar's miscalculated attack on Tripoli will cost him dearly*, 10 April 2019.

⁹ Algemeen ambtsbericht Libië, April 2019, p. 11.

¹⁰ Security Council Report, *Libya November monthly forecast*, 31 October 2019; Confidential source, 10 April 2019.

¹¹ Confidential source, 18 June 2019; Libya Herald, *HoR head Saleh rejects Serraj June political peace initiative*, 10 July 2019; Aljazeera, *Libya's Fayez al-Serraj calls for elections in 2019 to end war*, 16 June 2019.

¹² Asharq al-Awsat, *Salame Offers Three-Point Plan to Bring Peace to Libya*, 30 July 2019; Libya Herald, *Ghassan Salame to UNSC: "Libyans are fighting wars of others". Proposes three-point peace plan*, 30 July 2019; France24, *Libya's Haftar, unity govt agree to UN-backed Eid truce*, 10 August 2019; The New Arab, *Haftar forces blamed as rocket fire hits Libya airport, breaking Eid truce*, 12 August 2019.

players to comply with the UN arms embargo¹³ on Libya imposed in 2011, and getting the political process back on track.¹⁴

On 17 October 2019, Libya was elected as a member of the UN Human Rights Council for a three-year term beginning 1 January 2020. By accepting membership on the Human Rights Council, the government in Tripoli committed itself to cooperating with all UN programmes dealing with improving human rights issues and promoting the operation of civil society organisations active in the area of human rights. In this context, Prime Minister Al-Serraj appealed for international support to establish a *Commission of Inquiry* (CoI), in line with the wishes of the UN and the international community in this respect. The envisioned CoI would be mandated with investigating human rights violations committed in the Libyan conflict.¹⁵

Following a joint call by Russia and Turkey, a negotiation process with respect to a ceasefire was agreed upon by the LNA and GNA on 12 January 2020. Haftar initially refused to comply with the call to negotiate a ceasefire, which was made during a meeting between Putin and Erdogan in Istanbul on Wednesday, 8 January 2020. On 13 January 2020 both Al-Serraj and Haftar visited Moscow separately at Putin's invitation. The purpose of their visits was to sign a ceasefire agreement. While Al-Serraj signed the conditions on behalf of the GNA, Haftar departed Moscow without signing the agreement.¹⁶

An international peace conference to resolve the conflict in Libya took place on 19 January 2020 in Berlin, at the invitation of the German government and under the auspices of the *United Nations Support Mission in Libya* (UNSMIL). The conference was attended by high-level representatives from Turkey, Russia, the United States, the United Kingdom, Egypt, the United Arab Emirates, China, Algeria, the Republic of Congo-Brazzaville, and France, as well as delegates from the United Nations, the European Union, the Arab League and the African Union. The participating parties agreed that foreign powers would abstain from interfering in the Libyan power struggle, that the weapons embargo in force since 2011 would be respected, and that steps would be taken to reach a permanent ceasefire deal. Haftar and Al-Serraj met separately with Federal Chancellor Angela Merkel during the conference in Berlin.¹⁷ However, towards the end of January 2020, UN Envoy Salamé observed that the warring parties in Libya were still receiving large shipments from their foreign allies.¹⁸ In late January, an LNA spokesperson stated that fighting was still taking place on all front lines, causing the permanent ceasefire to collapse for the time being.¹⁹

The first UN-brokered peace talks were held on 8 February 2020 in Geneva. The meeting, hosting five representatives each from both the GNA and LNA, was referred to as the 'military commission'. In addition to military discussions, political

¹³ United Nations Security Council resolutions 1970 and 1973.

¹⁴ Auswärtiges Amt, *Way to the Berlin Conference on Libya*, 16 January 2020; Confidential source, 20 September 2019; Confidential source, 21 September 2019.

¹⁵ UNOHCHR, UNHCHR, *Situation of human rights in Libya, and the effectiveness of technical assistance and capacity building measures received by the government of Libya*, 23 January 2020, p. 3.; Confidential source, 22 December 2019; Human Rights Watch, *Libya: Q&A on an International Commission of Inquiry*, 12 February 2020.

¹⁶ Financial Times, *Haftar bows to ceasefire calls in Libya*, 12 January 2020; Middle East Monitor, *Why Haftar refused to sign the Moscow ceasefire document*, 16 January 2020; Confidential source, 13 January 2020.

¹⁷ Aljazeera, *After the Berlin summit, what's next for Libya?*, 20 January 2020; Brookings, *The Berlin Conference on Libya: Will hypocrisy undermine results?*, 21 January 2020; Press release on website Bundesregierung, *The Berlin Conference on Libya - Conference Conclusions*, 19 January 2020.

¹⁸ Trouw, *'Bondgenoten Libië blijven bevoorraden'*, 31 January 2020; Bloomberg, *Libya Truce in 'Name Only' as Foreign Troops and Arms Pour In*, 30 January 2020.

¹⁹ The New York Times, *Cease-Fire in Libya Collapses Despite International Efforts*, 27 January 2020; Reuters, *Libya's Haftar makes push in western Libya*, 26 January 2020.

and economic negotiation processes were also discussed during the Geneva talks. The delegations for the political process would be comprised of HSC representatives (thirteen), HoR representatives (thirteen), and fourteen other persons appointed by UNSMIL, and a chair. Three working groups were established during the talks on 8 February 2020, focusing on the economic track. The key topics of these working groups were strengthening the private sector, promoting economic transparency, and the redistribution of revenue sources (distribution of oil revenues²⁰, the role of the Central Bank and the investment company).²¹ Ultimately, no agreements were made and the UN scheduled follow-up negotiations for 18 February 2020, also to be held in Geneva.²² However, on 19 February 2020 Prime Minister Al-Serraj announced that negotiations for a ceasefire and a peace agreement would be postponed indefinitely. His announcement was a response to an LNA attack on the port of Tripoli on 15 February 2020. Al-Serraj declared that he would not resume negotiations until there was a robust international response to the LNA's actions. He also announced countermeasures, but did not go into specifics. The LNA stated that the attack was conducted in order to destroy Turkish weapons that were being used in the battle against the LNA, but Turkey denied allegations of having a Turkish weapons depot in the port of Tripoli. In spite of Al-Serraj's announcement, the delegations resumed ceasefire negotiations in Geneva on 20 February 2020. However, in the following days, many of the representatives of the warring parties suspended their participation in the negotiations. The primary reasons given by the delegations were the scant progress made by the military commission and the lack of transparency regarding UNSMIL's appointments in the political track of the negotiation process.²³ The fighting continued in and around Tripoli even while ceasefire negotiations were under way in Geneva at the end of February 2020, with the LNA launching an air strike on Mitiga airport on 26 February 2020. Negotiations broke off without reaching any agreement on 29 February 2020, but it was agreed that the parties would meet again in the next month. UNSMIL had presented a ceasefire plan to both parties, and the idea was for this plan to serve as a foundation for continued negotiations.²⁴

In the meantime, a follow-up conference (*International Follow-up Committee*) to the Berlin conference of 19 January 2020 was held in Munich, Germany, on 16 February 2020. This meeting was attended by the Foreign Affairs ministers of various countries. During this conference, which was entirely dedicated to enforcing a permanent ceasefire in Libya, the UN deputy special envoy for Libya, the American diplomat Stephanie Turco Williams, once again reiterated that international parties were violating the arms embargo on a massive scale.²⁵

On 2 March 2020, the UN envoy for Libya, Ghassan Salamé of Lebanon, announced he would be stepping down from his position due to health reasons. On 12 March 2020, UN Secretary-General Guterres presented the former deputy special envoy Stephanie Turco Williams as Acting Special Representative for Libya and Head of the

²⁰ A blockade on exporting oil imposed by the LNA has been in place since January 2020. The LNA was in control of most oil fields during the reporting period.

²¹ Confidential source, 15 February 2020; Confidential source, 29 February 2020; Confidential source, 8 March 2020.

²² Middle East Eye, *Libya ceasefire talks in Geneva end with no agreement*, 9 February 2020;

²³ Confidential source 7, 29 February 2020; Confidential source, 8 March 2020.

²⁴ The Washington Post, *Libya cease-fire talks in crisis as U.N.-backed government pulls out after sea port attack*, 19 February 2020; Aljazeera, *Libya: LNA says Tripoli port attack targeted Turkish weapons*, 19 February 2020; Bloomberg, *Libya cease-fire talks resume after Tripoli port attack*, 20 February 2020; VOA News, *UN-Mediated Political Talks on Libya End in Disarray*, 29 February 2020.

²⁵ The Guardian, *Libya arms embargo is a joke, says UN envoy as ceasefire talks continue*, 16 February 2020; Euractiv, *In Munich, diplomats reaffirm push for peace in Libya*, 16 February 2020; Auswärtiges Amt, *Co-Chair's Statement on the launching of the International Follow-up Committee on Libya*, 16 February 2020.

United Nations Support Mission in Libya (UNSMIL), until a successor was found to replace Salamé.²⁶

On 26 March 2020, the Foreign Affairs ministers of various EU countries agreed to launch a new naval mission called 'Irimi' (Greek for 'peace') to patrol the central Mediterranean Sea route. The main objective of the mission was to police the arms embargo on Libya along this sea route. The Irimi mission replaces the EU support mission *Sophia* for the Libyan coastguard.²⁷

On 2 April 2020, the second IFC meeting was held by video-conference as part of the Berlin peace talks. During this conference, chaired by UNSMIL, participants discussed the lack of progress made in the peace process, the poor security situation (which deteriorated further due to developments related to the coronavirus, see below), and the ongoing oil blockade imposed by the LNA. There was also a renewed call for the parties in the conflict to adhere to the outcomes of the Berlin conference and respect the weapons embargo.²⁸ Another matter discussed during the conference was the co-chairmanship of the four working groups operating in the Berlin peace process. The four working groups address security, economic, political and international humanitarian law/human rights issues.²⁹

The international community continued to call on the warring parties to agree to a ceasefire, in part due to the necessity of addressing the consequences of the coronavirus pandemic. The warring parties were strongly urged to not carry out attacks on medical facilities in the country and allow the population safe passage to access hospitals and medical stations.³⁰ In spite of this, there was no sign of a drop in the violence, and offensives and counter-offensives by the LNA and GNA increased significantly over the course of the reporting period. In a television address on 27 April 2020, Haftar declared himself the leader of the country and stated that he renounced the *Libyan Political Agreement* (LPA) signed in 2015. Haftar's declaration effectively sidelined the HoR. On 29 April 2020, the LNA declared that it wanted a ceasefire during the month of Ramadan. The GNA refused this declaration and rejected the unilaterally imposed ceasefire.³¹

Corona-crisis (COVID-19)

On 17 March 2020, the ambassadors to Libya from a number of countries, including the Netherlands, along with the EU and UNSMIL, issued a joint call for the GNA and LNA to declare a humanitarian truce to give medical authorities the opportunity to implement adequate measures against the spread of the global coronavirus pandemic (COVID-19). A day later, the LNA imposed a curfew from six in the evening to six in the morning. This was followed by further curfew restrictions on 25 March 2020, prohibiting all movement of persons for a period of ten days. On 14

²⁶ NRC, *VN-gezant Libië stopt ermee*, 4 March 2020; BBC, *Libya conflict: 'Stressed' Ghassan Salame resigns as UN envoy*, 2 March 2020; Oxford Analytica, *UN envoy departure will undermine Libya peace talks*, 10 March 2020.

²⁷ Politico, *EU launches naval mission to police Libya arms embargo*, 26 March 2020; Bloomberg, *Europe reaches Libya breakthrough with naval mission deal*, 26 March 2020.

²⁸ Security Council Report, *Libya: May 2020 monthly forecast*, 30 April 2020; Libya Herald, *Haftar's war on Tripoli: One year on, no progress and no resolution. EU and UNSMIL continue call for truce – but without any effective action*, 4 April 2020;

²⁹ Since the end of April 2020, the Netherlands is co-chair of the working group dealing with international humanitarian law/human rights issues. Confidential source, 4 April 2020.

³⁰ The LNA carried out multiple attacks on hospitals during the reporting period, including an attack on the Al-Khadra hospital in Tripoli on 6/7 April 2020.

³¹ Aljazeera, *UN condemns rocket attack on Tripoli hospital*, 7 April 2020; Aljazeera, *Libya's al-Sarraj rules out future negotiations with Haftar*, 15 April 2020; Confidential source, 8 April 2020; Bloomberg, *Besieged airbase shows Turkey turning the tide in Libya's war*, 17 April 2020; Aljazeera, *Libya: GNA says it has taken Haftar's stronghold*, 19 April 2020; Confidential source, 22 March 2020; Economist Intelligence Unit, *Khalifa Haftar declares himself ruler of Libya*, 30 April 2020; Deutsche Welle, *Libya: Khalifa Haftar declares 'popular mandate,' end to 2015 UN agreement*, 27 April 2020; Economist Intelligence Unit, *LNA declares ceasefire, but GNA rejects truce*, 1 May 2020.

March 2020, the Tripoli-based Al-Serraj government had already announced the closure of the country's borders and halted all air traffic in western-Libya until further notice. Schools had already been closed a week earlier in the GNA-controlled part of Libya, in an attempt to curb the spread of the virus. On 22 March 2020, the GNA *Presidential Council* declared a nationwide curfew between six in the evening and six in the morning. This curfew was expanded on 30 March, now beginning at two in the afternoon and lasting until seven in the morning. The GNA's weak central authority and strongly fragmented governance structure in Libya meant that it was difficult to enforce these measures adequately. Many regions and cities implemented local measures.³²

Acquiescing to the appeal issued by the World Health Organisation (WHO) and UNSMIL to halt hostilities, both the GNA and LNA unilaterally agreed to a (provisional) ceasefire on 22 March 2020, in order to deal with the impending corona-crisis more effectively. But only a few hours after the agreement, hostilities resumed as LNA militias launched an attack on *Bab bin-Ghashir*, a district in southern Tripoli, and the fighting continued in the ensuing days. During the fighting, LNA militias carried out air strikes on the Ain Zara district in Tripoli, hitting the *Al-Rwemi* prison on 24 March 2020. There was also heavy fighting in Tripoli between LNA and GNA militias, starting on the night of 24 March and continuing on throughout the day on 25 March 2020. Battles in north-western Libya increased in intensity at the end of March and on through April 2020.³³

The GNA reported the first case of coronavirus infection in Libya on 24 March 2020, followed by the first LNA reported coronavirus infection case on 7 April 2020. On 30 April 2020, the GNA confirmed 61 cases of the coronavirus and two confirmed coronavirus-related deaths. The LNA reported four confirmed cases of the infection on 30 April 2020. It should be noted here that medical facilities were badly damaged by the fighting, particularly in and around Tripoli. This made testing for the virus difficult, especially in the south where medical facilities are not as well-equipped as those found in Tripolitania.³⁴

The measures taken to contain the virus had a negative impact on Libyan citizens (especially vulnerable groups such as displaced persons) and migrants. The measures caused a deterioration in their living conditions, economic situation, and security situation, and restricted their freedom of movement. The containment measures resulted in militias and de facto ruling factions dealing harshly with offenders or suspected offenders. These developments exacerbated the already dire living conditions and security situation Libyans and migrants have had to contend with due to the ongoing hostilities. According to reports, during the final months of the reporting period, the Libyan population had an increasingly negative opinion of migrants. This was possibly related to the assumption that migrants were responsible for the coronavirus outbreak. There were instances where landlords

³² Aljazeera, *UN urges Libyans to halt fighting, instead battle coronavirus*, 18 March 2020; Euractiv, *UN urges Libyans to halt fighting, battle virus*, 18 March 2020; Libyan Express, *Libya on lockdown from 6.00 PM to 6.00 AM amid Coronavirus preventive measures*, 22 March 2020; Confidential source, 31 March 2020; Aljazeera, *More coronavirus cases in Libya as fighting rages*, 29 March 2020; Reuters, *East Libya imposes full curfew over coronavirus*, 23 March 2020.

³³ Libya Observer, *Haftar's militias bomb Bab Bin Ghashir of Tripoli hours after a ceasefire announcement*, 22 March 2020; Reuters, *Prison shelled in Libyan capital despite ceasefire pleas to focus on coronavirus*, 24 March 2020; Nederlands Dagblad, *Corona bereikt Libië, burgeroorlog laait op*, 27 March 2020; Confidential source, 20 April 2020.

³⁴ Aljazeera, *Libya battles escalate as coronavirus arrives in country*, 25 March 2020; The Independent, *Libya war left unimpeded by coronavirus outbreak; Conflict escalates as first case of Covid-19 reported*, 25 March 2020; Libya Observer, *Eastern Libya reports first case of Covid-19*, 8 April 2020; Confidential source, 4 May 2020.

evicted migrant tenants and incidents involving violence against migrants. In some cases, migrants were reportedly denied access to shops and medical posts.³⁵

Economic developments

During the reporting period, a number of developments compounded each other to cause the economic situation in Libya to deteriorate. The already fragile economy was under mounting pressure due to the LNA offensive on Tripoli and Tripolitania from the beginning of the reporting period. The fighting damaged or destroyed parts of the infrastructure and an oil production and export blockade imposed by LNA militias in January 2020 created a large fuel shortage throughout Libya³⁶ in 2020. This also resulted in the loss of billions of dollars in oil export revenues. The LNA, controlling most of the oil fields during the reporting period, used the blockade to weaken the GNA's position.³⁷ As a result of the blockade, the GNA was forced to import oil in order to make up for the fuel shortages. This led to a substantial additional expenditure and economic decline. The worsening economic situation caused a dramatic hike in the prices of food, fuel, services and medicines. Closing the borders in mid-March 2020 as part the measures for combating the spread of the coronavirus (see above) made the situation even worse, particularly due to a strong drop in the flow of import goods. Furthermore, during the reporting period, there was an internal division within the Central Bank of Libya³⁸ which led to major problems in paying out salaries, distributing the remaining oil revenues and credits, and finding a solution to lifting the oil blockade. The fuel shortage also resulted in an ongoing threat of power outages. This in turn had a variety of consequences such as disruptions in the supply of potable water, especially in cities in Tripolitania and vicinity, as well as in southern Libya. There was also an incident involving an attack by an armed faction on a water pumping station of the 'Great Man-Made River' project in Shwerif, temporarily disrupting the water supply to cities such as Tripoli, Gharyan, Bani Walid and Tarhouna.³⁹

As a result of the developments outlined above, the situation for the Libyan population continued to deteriorate during the reporting period. The prices for foodstuffs and fuel increased to such an extent that many Libyans experienced financial problems as a result. The dire economic situation led to a drop in employment, causing suffering among both Libyan citizens and migrants. The latter category was especially hard hit by the poor economic situation since they typically experienced more difficulties in earning a living as day labourers. During the reporting period, the effects of the ongoing fighting, declining economy and the consequences of the measures to combat the coronavirus compounded and amplified each other, resulting in a worsening of the security situation for Libyans along with increased difficulties in their ability to earn a living and further restrictions on their freedom of movement.⁴⁰

³⁵ Confidential source, 4 May 2020; Confidential source, 20 April 2020; Confidential source, 4 April 2020;

³⁶ The approximately 700,000 people living in the province of Fezzan had to endure serious fuel shortages as a result of the blockade of oil production, in spite of the fact that some of the largest oil fields in Libya are located in Fezzan. Anadolu Agency, *Is liberation of Libya's south from Haftar's grip in the pipeline?*, 6 May 2020.

³⁷ The National Oil Company (NOC) in Tripoli is responsible for the distribution of oil and oil revenues. In late March, the LNA attempted to sell crude oil through the eastern NOC to countries supporting the LNA and thus circumvent dependency on the western NOC. S&P Global, *Libya's eastern region eyes crude sales in defiance of Tripoli*, 24 March 2020.

³⁸ As a result of the power struggle, Libya has two competing central banks; an internationally recognised central bank in Tripoli under the control of the GNA, and a central bank based in Benghazi, run by the authorities in power in the east of the country.

³⁹ Economist Intelligence Unit, *Massive fuel shortages threaten Libya*, 16 March 2020; Confidential source, 4 April 2020; Confidential source, 8 April 2020; Confidential source, 20 April 2020.

⁴⁰ Confidential source, 4 April 2020; Confidential source, 20 April 2020; Confidential source, 19 April 2020.

2 The security situation

2.1 General

Developments in the area of security in Libya during the reporting period were dominated by an attack carried out by Khalifa Haftar and his affiliated militias united in the LNA on Tripoli and the GNA-allied militias stationed there. Haftar launched his offensive on the capital on 4 April 2019.⁴¹ Militias and armed groups, who, prior to the LNA offensive, had been fighting each other in Libya, including in Tripoli, now aligned themselves to fight either on the side of the UN-supported GNA or the LNA. This alignment caused the situation between both sides to escalate during the reporting period, and due to their aversion to Khalifa Haftar, the offensive had the effect of galvanising the militias fighting against the LNA.⁴² The intensifying antagonism between eastern and western Libya resulting from the battle for Tripoli was reflected in the opposing groups and divisions in Libyan society between supporters of Haftar and supporters of the GNA. These divisions could be found between regional communities or even within a community itself. A good example is the community of Zintan where the population is more or less equally divided between GNA supporters and LNA supporters. The community itself is under LNA control.⁴³

Libya's security situation during the reporting period was subject to a variety of mutually interacting and interrelated factors. The effects of the ongoing fighting, the declining economy and the consequences of the measures to combat the coronavirus compounded and amplified each other, resulting in a continued worsening of the security situation for Libyans during the reporting period. This was especially true in areas where much fighting was taking place, such as parts of Tripolitania and Fezzan (see also 2.5.2 and 2.5.3). Shortages of fuel, water, electricity and services intensified tensions further and influenced the security situation and the conflict. For example, LNA militias had a blockade on oil production and exports in place since January. This was a way for the LNA to place pressure on the GNA, but at the same time it denied itself the necessary oil revenues. Due to the shortages, many Libyans were forced to turn to the black market for necessities, where they were charged extremely high prices for goods such as fuel. Any fuel reserves still available were mostly used in the fighting between the GNA and LNA militias.⁴⁴

Haftar's 4 April 2019 attack on Tripoli killed hundreds of civilians and resulted in tens of thousands of displaced persons. During the entire reporting period, the LNA shelled Tripoli, in particular the southern city districts of Salah-al-Din, Ain Zara,

⁴¹ Algemeen ambtsbericht Libië, April 2019, p. 23.

⁴² Most of the militias siding with the GNA during the reporting period were formed during the 2011 revolution that ousted Muammar Qadhafi. Even though Haftar was considered a dissident during Qadhafi's reign, these militias see him as a dictator along the same lines as Qadhafi, and as someone who would undo all the progress made by the revolution. Furthermore, during the reporting period, Haftar made extensive use of former Qadhafi loyalists in his armed forces.

⁴³ UN Panel of Experts, *Final report of the Panel of Experts established pursuant to Security Council Resolution 1973* (2011), p. 8; Lacher, Wolfram, *Who is fighting whom in Tripoli? (Small Arms Survey Briefing Paper)*, August 2019.

⁴⁴ Confidential source, 4 April 2020; Confidential source, 20 April 2020; Confidential source, 19 April 2020; Middle East Eye, *Running on empty: Oil-rich Libya hit by extreme fuel shortages*, 24 March 2020; ABC News, *Libya say losses from oil blockade surpass \$4 billion*, 14 April 2020; OCHA, *OCHA Libya: Communal Violence in Murzuq - Flash Update (As of 30 August 2019)*, 30 August 2019; Confidential source, 16 April 2020.

Mashroa al-Hadba, Assaba, Bab bin-Ghashir, Ras Hassan, Abu Salim and Tariq al-Soor. The LNA showed that it would not hesitate to carry out attacks targeting densely populated areas and infrastructure. In addition to civilian casualties, these attacks also destroyed critical infrastructure and caused fear among the population.⁴⁵ In Haftar's own words, the military offensive was meant to liberate western Libya, especially Tripoli, from a corrupt regime and corrupt and criminal militias.⁴⁶ On 7 April 2019, the GNA announced a counter-offensive which it called 'Volcano of rage'.⁴⁷

Most civilian deaths were caused by air strikes as well as by the shelling of populated areas by artillery, a practice used by both the LNA and GNA, bombings carried out by both parties and by improvised explosive devices (IEDs) and mines. The battleground in and around Tripoli was characterised by the use of both old weaponry, often stemming from the Qadhafi era, and modern weapons and (laser-guided) technology such as unmanned drones and advanced fighter jets. The new weapons and technology were provided by various international parties who supported the respective Libyan parties with, in particular, coordination, target acquisition, and air superiority. On the one hand, these modern weapons had the effect of relatively limiting the number of indiscriminate deaths (including civilian casualties) per attack due to the precision⁴⁸ of their targeting systems, but they also gave the fighting a new impetus.⁴⁹

In addition to Tripoli, violence also occurred in other locations in Tripolitania during the reporting period. These places include Misrata, Sirte, Zuwara, Tarhouna, Gharyan and Sabratha. There was also violence in a number of areas in the southwestern province of Fezzan, including the town of Murzuq in August 2019. Just as in previous reporting periods, violence erupted between tribes and groups living in the southwestern region, such as the Tubu, the Tuareg and Al-Zuway. These tribes, at times affiliated with the GNA or LNA, participated in the hostilities to gain power and control over natural resources, and drug trafficking and human trafficking networks. The LNA offensive also involved fighting in the central Jufra district (where the key town is Hun).⁵⁰ ISIS also carried out a number of attacks, taking advantage of the power vacuum created by the fighting to gain control of Tripoli and other areas. Attacks took place near Sebha and Ghudwa in May 2019 and near Taraghin (approximately 140 kilometres south of Sebha), Umm al-Aranib (near Murzuq) and the *Tamanhint* airbase near Sebha in May 2020.⁵¹

⁴⁵ Human Rights Watch, *Libya: Reckless fighting endangers civilians*, 14 January 2020; Foreign Policy, *With the Help of Russian Fighters, Libya's Haftar Could Take Tripoli*, 5 December 2019; Confidential source, 15 May 2020.

⁴⁶ Aljazeera, *Timeline: Haftar's months-long offensive to seize Tripoli*, 19 January 2020; The Arab Weekly, *Haftar to press campaign against Tripoli rivals despite ceasefire call*, 10 January 2020.

⁴⁷ Aljazeera, *Timeline: Haftar's months-long offensive to seize Tripoli*, 19 January 2020; Alwasat, *GNA forces launch operation "Volcano of Anger" against LNA*, 8 April 2019.

⁴⁸ The UN Panel of Experts stated that air strikes using unmanned drones meant that the number of indiscriminate civilian casualties resulting from air strikes was lower than expected. Regardless, most civilian casualties were caused by air strikes. UN Panel of Experts, *Final report of the Panel of Experts established pursuant to Security Council Resolution 1973 (2011)*, p. 2.

⁴⁹ Euromed Human Rights Monitor, *Escalating hell. Tripoli civilians under indiscriminate attacks*, January 2020, p. 7; Lacher, Wolfram, *Who is fighting whom in Tripoli? (Small Arms Survey Briefing Paper)*, August 2019; UN Panel of Experts, *Final report of the Panel of Experts established pursuant to Security Council Resolution 1973 (2011)*, p. 2.

⁵⁰ UNOHCHR, UNHCHR, *Situation of human rights in Libya, and the effectiveness of technical assistance and capacity building measures received by the government of Libya*, 23 January 2020, p. 2.; Euromed Human Rights Monitor, *Escalating hell. Tripoli civilians under indiscriminate attacks*, January 2020; AP News, *Fighting rages as Libya force pushes toward key western city*, 26 January 2020; Libya Observer, *Heavy clashes in southern Libya's Gharyan as Haftar's forces advance under air cover*, 25 August 2019.

⁵¹ OCHA, *Humanitarian needs overview Libya*, January 2020; The Libya Observer, *Armed clashes continue in Murzuq despite local and international calls for truce*, 15 August 2019; Associated Press, *UN agency: Rival tribes clash in southern Libya; 90 killed*, 20 August 2019; Eye on ISIS Libya, *ISIS in action, May 2020*, May 2020; Address Libya, *ISIS claims responsibility for the terrorist attack on LNA in Ghudwa south of Sebha*, 9 May 2019; Reuters, *Nine soldiers killed in south Libya attack on Haftar camp: hospital*, 4 May 2019.

No large-scale fighting took place in the eastern province of Cyrenaica during the reporting period. The main reason for this is that this region was firmly under LNA control. There was a certain sense of satisfaction among the population in this part of Libya, due to the increased stability and normalisation of day-to-day life. At the same time, there was also a culture of fear in Cyrenaica which was caused by the operations of numerous armed groups and criminal gangs. A number of these groups were affiliated with the LNA, including many Salafi brigades and militias. These armed groups and gangs were guilty of arbitrary arrests and detentions, abductions, violence and sometimes murder. LNA militias arbitrarily abducted and imprisoned individuals due to their political profiles, religious background and (alleged) unislamic behaviour, or for ransom or (suspected) ties to opponents of the LNA. During the reporting period, persons in the east of the country who expressed criticism of or (allegedly) opposed Haftar, the LNA or the eastern government ran a high risk of being targeted for reprisals carried out by militias and armed groups who (nominally) were part of the LNA (see also 4.4.2 through 4.4.6). These at-risk individuals included journalists, human rights activists, and members of the judiciary. ISIS was also able to mount attacks in Cyrenaica, such as a car bomb in Derna on 2 June 2019 that wounded eleven people.⁵²

There were incidents of both targeted violence as well as violence that resulted in indiscriminate casualties. In this context, many civilians were killed indiscriminately by LNA air strikes on populated areas of Tripoli, for example, or during ground battles between the LNA and GNA (see below). Targeted violence was used against individuals opposed to a militia, a de facto ruling faction, or armed faction. During the reporting period, there were various reports of illegal detentions, disappearances and abductions of journalists, human rights activists and members of the judiciary throughout Libya. These acts were committed by militias, some of whom were affiliated with either the GNA or LNA. According to human rights organisations, there were also incidents of extrajudicial executions and assassinations perpetrated by these militias. Abductions for ransom also often occurred, often ending with the execution of the abductee if the ransom was not paid. There were also instances of violence targeting migrants in the detention centres run by the Directorate for Combatting Illegal Migration (DCIM, organised under the GNA), in various illegal detention centres run by armed groups, and by human traffickers operating in various parts of the country.⁵³

2.2 Restrictions on civilians' freedom of movement due to the conflict

The fighting and acts of violence in various parts of Libya resulted in severe restrictions being placed on the freedom of movement of civilians during the reporting period. Civilians were stopped by various armed groups at numerous checkpoints and interrogated about their reasons for travelling. During these stops, their proof of identity and background (including tribal background) were also checked. At these checkpoints, civilians were at risk of being extorted, arrested or detained on suspicion of being affiliated with an oppositional group or leader. For the most part, civilians chose to travel outside of their immediate vicinity as little as

⁵² See also Algemeen ambtsbericht Libië of April 2019, including p. 25 et seq. This situation was unchanged in the current reporting period; Euromed Human Rights Monitor, *Escalating hell. Tripoli civilians under indiscriminate attacks*, January 2020; Middle East Eye, *Libya: Strict security and disciplined forces boost local support for Haftar's LNA*, 23 February 2020; The National, *ISIS claims car bomb attacks against Haftar's forces in Libya's Derna*, 4 June 2019.

⁵³ Aljazeera, *Libyan armed groups accused of human rights abuses*, 4 January 2020; Human Right Watch, *World report 2020 (events of 2019): Libya*; Amnesty International, *Human rights in the Middle East and North Africa: Review of 2019: Libya*, 18 February 2020; Confidential source, 3 April 2020.

possible, out of fear of encountering violence, or being abducted or extorted. Moreover, the fighting between armed groups sometimes resulted in civilians being trapped between the warring parties, making it impossible for them to travel. This was the case in the fighting that took place in populated city districts in or near Tripoli. By the end of March 2020, the LNA had practically completely surrounded the western city of Zuwara, which meant there were severe restrictions on the freedom of movement of the Amazigh population living there (a Berber minority, see also 4.3.9). In some areas there were also restrictions on the free passage of persons coming from opposition-held territories. An example of this was when the administration of the city of Misrata implemented strict security checks for civilians coming from Sirte or points further to the east who wished to enter the city. Individuals from these zones were first required to undergo security checks with the police in Abu Grain, a town located between Misrata and Sirte, before they were permitted to enter Misrata.⁵⁴

During the reporting period, there were poor security controls along transit routes and infrastructural networks throughout Libya. This lack of oversight and the lawless situation allowed crimes to be committed with impunity. Persons travelling between regions thus ran the risk of being attacked, robbed or abducted by bandits and armed criminal gangs.⁵⁵

Freedom of movement was further restricted by measures adopted in different parts of the country related to combating the coronavirus. This further hindered travel both between cities and within cities, and militias used the situation to place even more restrictions on the freedom of movement of civilians by dealing harshly with offenders and suspected offenders.⁵⁶

2.3 Civilian casualties

2.3.1 *General*

From 4 April 2019 on, citizens were frequently the victims of indiscriminate violence due to the armed hostilities that erupted in Libya, especially in Tripoli and other places in Tripolitania. The same was true in the province of Fezzan, for example in and near the town Murzuq. Civilian casualties were often caused by air strikes launched by jet fighters or unmanned drones, and other causes of civilian deaths were combat operations in populated areas such as urban districts and neighbourhoods. At the end of 2019, the UN reported that the number of civilian casualties had risen by 25% compared to the previous year. This increase was chiefly caused by air strikes (usually conducted by the LNA) during the battle for Tripoli starting on 4 April 2019, despite the frequent use of (foreign) military equipment with precision targeting capabilities. On 20 December 2019, UNSMIL reported that in 2019, at least 284 civilians were killed and at least 363 injured as a result of combat operations. According to a source, by the end of March 2020, the count since April 2019 is 328 civilian deaths and 453 civilians wounded as a result of the violence in and around Tripoli.⁵⁷ UNSMIL stated that in addition to air strikes, civilian casualties in 2019 were also caused by improvised explosive devices (IEDs),

⁵⁴ US Department of State, *Libya human rights report 2019*, 11 March 2020, p. 18; OCHA, *Libya: Tripoli Clashes Situational Report No. 22 As of 7 May 2019 (covering 5 - 7 May)*, 7 May 2019, Algemeen ambtsbericht Libië of April 2019, p. 54; Confidential source, March 2020.

⁵⁵ US Department of State, *Libya human rights report 2019*, 11 March 2020, p. 18; Control Risks, *Libya travel*, update 31 March 2020.

⁵⁶ Confidential source, 3 April 2020; Confidential source, 20 April 2020; Euronews, *Libya now caught between bombs, bullets and now COVID-19*, 16 April 2020.

⁵⁷ Confidential source, March 2020.

abductions and murders.⁵⁸ A report released in early June 2020 by the American thinktank New America states that the LNA launched the most air strikes during the reporting period, making the LNA responsible for the largest number of civilian casualties (between 67 and 125 deaths in 2019 and fifteen or sixteen deaths in January 2020). New America further reports that GNA air strikes were responsible for between 39 and 54 civilian deaths in 2019, and a single civilian death was attributed to the GNA in January 2020.⁵⁹

2.3.2

Civilian casualties in Tripoli and Tripolitania

The number of civilian casualties in Tripoli and the surrounding areas increased during the reporting period, especially after the attack launched on the capital by the LNA in April 2019. A description of incidents during the reporting period that resulted in civilian casualties is provided below. The list is not exhaustive and is primarily meant to serve as an illustration of the number of times civilians have been put at risk due to attacks and shelling in Tripolitania.

The GNA launched a number of air strikes on LNA positions in April 2019. One such attack on the most southern district of Qasr bin Ghashir in Tripoli resulted in the deaths of at least eight civilians. On 13 April 2019, four civilians were killed by a GNA air strike on the LNA in the Al-Swani district in Tripoli. On 16 April, at least five civilians were killed in an LNA attack on the GNA in Tripoli's Abu Salim district. GNA air strikes on the LNA in Qasr bin Ghashir claimed the lives of at least six civilians on 14 May 2019. At least five civilians were killed in LNA air strikes on GNA positions in the western town of Zawiya in mid-May 2019. On 18 June 2019, a civilian was killed during a GNA air strike targeting the LNA in Gharyan. Two civilians were killed on 1 July 2019 when the LNA attacked the GNA in the Mashroa al-Hadba district and Mitiga airport, both in Tripoli. A GNA air strike targeting the LNA killed two civilians in the Sidi as Sa'is district in Tripoli on 3 July 2019.⁶⁰

On 5 August 2019, civilians attending a wedding party in Marzak, a town to the south-west of Tripoli, were attacked by helicopters suspected of belonging to the LNA. The attack killed forty civilians and left another thirty-seven wounded. The International Committee of the Red Cross and the Red Crescent evacuated the remains of twelve persons in the town of Tarhouna to Tripoli and Misrata in August 2019. These casualties consisted of both fighters and civilians. The twelve individuals had been imprisoned in a detention facility run by the LNA-affiliated *Kani* brigade. According to reports, their bodies showed signs of having been tortured. A civilian was killed in attacks carried out by the LNA on the GNA in Misrata on 11 August. A GNA air strike on the LNA in Tajoura claimed the life of a civilian on 2 September. Members of the *Kani* brigade reportedly killed dozens of people in Tarhouna on 15 September 2019. The brigade suspected the victims of being GNA supporters. The killings occurred two days after a GNA drone aircraft attack on three LNA members. Two of them were important commanders and the third was a senior member of the brigade. A civilian was killed on 30 September when the LNA attacked the GNA both in the city districts of Ain Zara and Al-Ramla and the Mitiga airport. Attacks by the LNA on the GNA in multiple southern districts of Tripoli in early October were responsible for three civilian deaths. Three children from the same family were killed, and the mother and a fourth child were severely injured on 14 October 2019 when their home was hit and destroyed in an LNA air strike on the Al-Farnaj district in southern Tripoli. Other homes in the vicinity and the local mosque were also damaged. At least three civilians were killed on 5 November 2019

⁵⁸ OHCHR, *Press briefing on Libya*, 20 December 2019.

⁵⁹ New America, *Airstrikes, proxy warfare en civilian casualties in Libya*, June 2020.

⁶⁰ New America, *Airstrikes, proxy warfare en civilian casualties in Libya*, June 2020.

when the LNA attacked GNA positions in the Tripoli districts of Ain Zara and Tajoura. A GNA air strike on the LNA in the southern Tripoli district of Salah al-Din claimed the life of a civilian on 12 December 2019. Two civilians were killed on 30 December 2019 when the LNA attacked the GNA at the Wali al-Ahed street in Tripoli. A civilian was killed on 1 January 2020 when LNA forces attacked the GNA in the Tripoli districts of Al-Farnaj and Salah al-Din. On 28 January 2020, the Rajab al-Naab school in Tripoli was hit by an LNA air strike, resulting in the deaths of four children. The Libyan Ministry of Public Health (GNA) reported that a woman was killed in the Mashroa Al-Hadba district in Tripoli and four other civilians were wounded in an LNA air strike on Tripoli's southern city districts on 13 February 2020. On the previous day, a café in eastern Tripoli was hit by misdirected artillery fire, resulting in the death of one man and injuries to fourteen others.⁶¹

The LNA attacked the port in Tripoli on 15 February 2020, resulting in the deaths of three civilians and injuries to five others, according to a GNA spokesperson.⁶²

When LNA militias attacked parts of Tripoli on 18 March 2020, there were incidents of indiscriminate shelling of residential areas which resulted in the deaths of three girls in the Ain Zara city district.⁶³

On 2 April 2020, an LNA attack on Airport Road and the Mitiga airport killed two civilians and wounded another one.⁶⁴

In late March and early April 2020, medical personnel and civilians were wounded in attacks on medical facilities carried out by the LNA.⁶⁵ At least six hospital employees of the Al-Khadra hospital were wounded in LNA attacks using 'Grad' rockets⁶⁶ on 6 and 7 April 2020. The rocket attacks wounded another three civilians in the Abu Salim district where the hospital is located.⁶⁷

Confidential sources reported at least 29 civilian casualties in the fighting that erupted in and around Tripoli on 18 April 2020 due to a GNA offensive against LNA positions in southern Tripoli and in and around the city of Tarhouna. It was not clear if there were deaths among the civilian casualties or what the death toll may have been. Intensified fighting in April 2020 in Tripolitania reportedly led to the deaths of more than thirty civilians, while an additional 75 civilians were wounded. Dozens of fighters from both sides were also killed in these battles.⁶⁸

2.3.3 *Civilian casualties in Murzuq*

Dozens of civilians were killed on 4 August 2019 while scores of others were injured in a drone attack launched by the LNA on the south-western town of Murzuq. The air strike hit a building where a number of tribesmen of the Tubu tribe were meeting to discuss the tribal warfare that had recently flared up in the Murzuq district. The LNA denied targeting civilians and stated the attack was meant to neutralise Chadian

⁶¹ The Washington Post, *Officials: Eastern forces bomb Tripoli neighborhood, 1 dead*, 13 February 2020; Euromed Human Rights Monitor, *Escalating hell. Tripoli civilians under indiscriminate attacks*, January 2020; Human Rights Watch, *World report 2020 (events of 2019): Libya*; Asharq al-Awsat, *LNA-members killed in drone-strike near Tripoli*, 14 September 2019; Libya Herald, *Serraj government condemns reported Tarhouna mass murder by pro Haftar forces*, 16 September 2019; US Department of State, *Libya human rights report 2019*, 11 March 2020; The Libya Observer, *Libya's Presidential Council condemns mass killings in Tarhouna*, 15 September 2019; New America, *Airstrikes, proxy warfare en civilian casualties in Libya*, June 2020; Airwars, *Civilian casualties, Rajab al-Naab school*, 28 January 2020.

⁶² Anadolou Agency, *Haftar forces kill 3 civilians in attack on Libyan port*, 19 February 2020; The Washington Post, *Libya cease-fire talks in crisis as U.N.-backed government pulls out after sea port attack*, 19 February 2020.

⁶³ Confidential source, 22 March 2020.

⁶⁴ Libyan Express, *Renewed attacks on Tripoli by Haftar's forces kill two civilians*, 2 April 2020; Libya Observer, *Two civilians killed during rocket attack on Tripoli*, 2 April 2020.

⁶⁵ During the reporting period, the LNA demonstrated it had no qualms about launching attacks on populated areas and infrastructure in its bid to weaken the position of the GNA. Confidential source, 15 May 2020.

⁶⁶ Grad rockets are rockets fired from Russian-made Grad rocket launcher systems, frequently mounted on trucks.

⁶⁷ UNSG, *Statement attributable to the Spokesman for the Secretary-General on Libya*, 7 April 2020; ECHO, *Daily flash*, 7 April 2020; AP News, *Eastern Libyan Forces attack Tripoli hospital for second day*, 7 April 2020; Confidential source, 12 April 2020.

⁶⁸ Confidential source, 18 April 2020; Confidential source, 20 April 2020; Confidential source, April 2020.

fighters.⁶⁹ A UN briefing on 30 August 2019 reported that in the previous month, at least ninety civilians had been killed in the violence that erupted between tribal armed groups affiliated with the LNA and GNA. The tribes caught up in the hostilities were the Al-Zuwayy tribe and the Al-Ahali people⁷⁰ (LNA) and the Tubu tribe (GNA). The UN also reported that at least two-hundred civilians had been wounded and thousands more displaced.⁷¹

2.3.4 *Migrants*

Dozens of migrants were also killed in the armed hostilities between the LNA and GNA. For example, an LNA attack on the GNA's Daman building complex in Tajoura (approximately 14 kilometres east of Tripoli) on 2 July 2019 killed at least 53 migrants and wounded 87 more. One of the facilities at the complex was a detention centre housing hundreds of migrants, primarily from sub-Saharan countries. The complex is controlled by the Daman Brigade, operating under GNA flag and comprised of local militias from Tajoura. The detention facility located there falls under the auspices of the Libyan Directorate for Combatting Illegal Migration (DCIM, GNA). The DCIM reports that air strikes were solely responsible for the fatalities, but a number of migrants in the detention centre who were interviewed by UN personnel stated that three deaths were caused by gunfire.⁷²

On 18 November 2019, an LNA air strike hit a biscuit factory in the southern Tripoli suburb of Wadi Rabea, killing at least seven⁷³ and wounding 35. Most of the casualties were migrant labourers from Bangladesh and sub-Saharan Africa. Two Libyan civilians were also killed in the attack. On 29 April, Human Rights Watch stated that an investigation showed that the attack was carried out by a UAE drone. It is not known why the biscuit factory was targeted.⁷⁴

2.4 **Warring factions and areas under their control**

2.4.1 *General*

A multitude of groups and armed factions were in control of different parts of the country during the current reporting period. Towards the end of the reporting period, there was evidence that areas under control of the LNA and GNA had shifted due to a series of consecutive offensives launched by both groups since the end of March in north-western Libya.

2.4.2 *The GNA in Tripoli*

The UN-backed GNA in Tripoli was nominally in control of parts of Tripolitania, which included the cities of Tripoli, Misrata, Khoms, Zliten and Zawiyah. Since June 2019, the GNA was also in control of the strategically located town of Gharyan, situated to the south of Tripoli, after the GNA had retaken the city from the LNA. The coastal city of Sirte had been in GNA hands until January 2020, when it was captured by the

⁶⁹ Reuters, *Drone strike on town in southern Libya kills at least 43: official*, 5 August 2019; The Guardian, *Libya drone strike heightens fears of air war and risk of civilian deaths*, 11 August 2019.

⁷⁰ Al-Ahali is a collective term for tribeless Arabs, who, together with the Tubu, form the majority of the population in the southern city of Murzuq. Clingendael, *Libya's Hafta and the Fezzan. One year on*, January 2020.

⁷¹ Reliefweb, *OCHA Libya: Communal Violence in Murzuq - Flash Update (As of 30 August 2019)*, 30 August 2019.

⁷² UNSMIL/OHCHR, *The airstrikes on the Daman building complex, including the Tajoura Detention Centre*, 2 July 2019; Volkskrant, *Tientallen doden na inslag op detentiecentrum voor migranten in Tripoli*, 3 July 2019.

⁷³ The UN reported that at least ten civilians had been killed in the attack.

⁷⁴ Middle East Monitor, *Airstrike hits biscuit factory in Libyan capital, killing 7*, 18 November 2019; Daily Sabah, *10 civilians killed as airstrike hits factory in Libya's Tripoli*, 18 November 2019; Human Rights Watch, *Libya: UAE Strike Kills 8 Civilians*, 29 April 2020; Reuters, *Air strike hits biscuit factory in Libyan capital, killing 10*, 18 November 2019.

LNA.⁷⁵ During an offensive on 12 and 13 April 2020, the GNA recaptured the towns of Sorman, Sabratha Ajeilat, Al-Jamil and Regdalin from the LNA. This offensive allowed the GNA to retake virtually full control of the entire narrow coastal region in the north-west, leaving the LNA in control of the area to the south of this region between Tarhouna and Tripoli and between Zintan and Sabratha. Boosted by these territorial gains from the LNA, the GNA launched an attack on the LNA-controlled strategically important city of Tarhouna on 18 April 2020.⁷⁶ On 18 May 2020, the GNA recaptured the important Watiya air base, located approximately 125 kilometres southwest of Tripoli. The recapture was reportedly completed without any violent confrontations. In the last weeks of May 2020, the GNA also recaptured territory in southern Tripoli from the LNA, causing the LNA to retreat further and further.⁷⁷ The GNA was highly dependent on (local) militias when it came to control over these areas, including areas in the capital Tripoli, as a result of which the GNA had limited effective authority. Although the militias were nominally loyal to the GNA, in practice they operated independently with no accountability towards the central authorities in Tripoli.⁷⁸

The four militias responsible for the security structure in Tripoli and fighting off the attacks by the LNA were the *Tripoli Revolutionaries Brigade* (TRB), led by Haithem al-Tajouri, the *Nawasi Battalion*, led by the Qaddour family, the *Special Deterrence Force* (SDF, also known as the 'Rada' militia), led by Abd al-Rauf Kara, and the *Abu Salim Central Security Directorate* (ASCSD), led by Abdelghani al-Kikli (also known as 'Ghaniwa').⁷⁹ The last-named militia was the largest of the militias in terms of numbers and suffered the greatest losses in the battle against the LNA, particularly in the fighting that took place in the vicinity of the international airport and in the Abu Salim district. The SDF was the most powerful militia in terms of military strength. The SDF controlled the area around Mitiga Airport, including the airport and the prison located there. The composition of the TRB has changed since the previous reporting period. The TRB commanders who commanded the militia in 2017, 2018 and early 2019 had been killed or forced into exile in an internal purge by the time Haftar staged his attack on Tripoli. These commanders were guilty of, in particular, large-scale corrupt dealings in Tripoli. Many of their replacements were the revolutionary commanders from the outset of the revolution against the Qadhafi regime in 2011. These commanders brought many fighters with them from the Nafusa region, especially the town of Nalut⁸⁰ in western Libya.⁸¹

In addition to the four main Tripoli militias, militias from Zintan, commanded by Osama al-Juwaili, a number of militias from Zawiya led by different commanders, fighters from Sabratha (usually added to the Zintani militias) and The National

⁷⁵ Political Geography Now, *Libya map and timeline*, November 2019; Libyan Civil War map, consulted on 27 March 2020.

⁷⁶ For the GNA, control of Tarhouna and the outskirts of the town would mean being able to cut off an important LNA supply line to Tripoli. Libya Observer, *GNA launches offensive to retake last foothold of Haftar's forces in west Libya*, 18 April 2020; Confidential source, 19 April 2020; Confidential source, 13 April 2020; Confidential source, 18 April 2020.

⁷⁷ Political Geography Now, *Libyan Civil War Map & Timeline - May 2020*, 29 May 2020; The Guardian, *UN-backed Libyan forces take key airbase from rebel general*, 18 May 2020; Bloomberg, *Libya forces capture key airbase from mercenaries*, 18 May 2020; Confidential source, 18 May 2020.

⁷⁸ For more information on this situation, see Algemeen ambtsbericht Libië of April 2019, p. 16 et seq. This situation continued into the current reporting period.

⁷⁹ The 2011 revolution was the origin point of all these militias when they fought as revolutionary brigades against Qadhafi's troops. Part of their dislike of Haftar's LNA was the fact that Haftar recruited extensively among former Qadhafi supporters and fighters, including highly-ranked commanders.

⁸⁰ This was the place where the TRB had been formed in 2011 and it was here they engaged in battle against Qadhafi's forces.

⁸¹ Lacher, Wolfram, *Who is fighting whom in Tripoli? (Small Arms Survey Briefing Paper)*, August 2019; Chatham, *Libya. The development of armed groups since 2014*, March 2020, p. 15 et seq.; Algemeen ambtsbericht Libië, April 2019, p. 20 et seq.

Mobile Force, a group of militias hailing from the Amazigh areas in the Nafusa region, joined the fight against Haftar. However, the largest group of militias outside of Tripoli who were involved in the war against the LNA came from Misrata. During the reporting period, fighters from Misrata were deployed against the LNA on practically all fronts in the west of Tripoli.⁸²

In January/February 2020, Turkey started providing support to the GNA, mainly in terms of military coordination. Additionally, Turkey had reportedly recruited mercenaries from Syria⁸³ to provide ground support to the GNA. Territorial gains made by the GNA in April and May 2020 (see above) by capturing LNA-held regions and cities around Tripoli were mainly made possible by Turkish air support using unmanned drones.⁸⁴

2.4.3 *The LNA and the HoR in Tobruk*

Khalifa Haftar's LNA was by far in control of most of Libya's territory during the reporting period. The east of the country (the province of Cyrenaica) was entirely in the hands of the LNA. The LNA also held parts of western Libya, including the city of Sirte (since January 2020) and a border area along the border with Algeria and Tunisia, near Ghadames. Control of the city of Ghadames was divided between the LNA and the GNA. Sources report that the LNA advanced towards the border crossing between Libya and Tunisia in March 2020, where heavy fighting broke out in that month to gain control of the area, especially near the city of Zuwara (heartland of the Berber Amazigh minority) and the Ras Ajadir border crossing in particular. On 26 March 2020 the LNA unilaterally declared that it had gained control of the border town of Ras Ajadir.⁸⁵ According to a confidential source in early April 2020, Haftar had actually not succeeded in gaining control of the border crossing.⁸⁶ Furthermore, the LNA had control of a contiguous territory in Libya ranging from Sabratha in the northwest to Quatrun situated in the southwest of the country. This changed when the GNA launched an offensive on 12 and 13 April 2020, causing the LNA to lose control over Sabratha, Sormon, Ajeilat, Al-Jamil and Regdalin in northwestern Libya. In the second half of April the GNA besieged the LNA-held city of Tarhouna and its immediate vicinity,⁸⁷ and on 18 May 2020, the LNA lost the key Watiya air force base to the southwest of Libya.⁸⁸ In the last week of May 2020, the LNA retreated to positions a few kilometres outside of Tripoli's southern suburbs. Russian mercenaries of the *Wagner Group* who had fought alongside the LNA were evacuated out of the conflict areas near Tripoli, Al-Watiya and Bani Walid and brought to an LNA base near Al-Kufra in southeastern Libya.⁸⁹

Starting at the southwestern border city of Ghat, the LNA controlled a contiguous territory from Sebha (capital city of the province of Fezzan) to its eastern home base

⁸² Lacher, Wolfram, *Who is fighting whom in Tripoli? (Small Arms Survey Briefing Paper)*, August 2019; Digital Journal, *Op-Ed: Commander Haftar demands Misrata militia withdraw from Tripoli*, 21 December 2019.

⁸³ According to reports, those recruited were primarily Syrian rebels who had fought against the forces of President Assad, and who were frequently deployed by Turkey in the fight against Kurdish forces in northern Syria. Foreign Policy, *It's Syrian vs. Syrian in Libya*, 5 May 2020; The Guardian, *Idlib tot Tripoli: Turkey moves to dominate eastern Mediterranean*, 26 May 2020;

⁸⁴ Deutsche Welle, *Turkey begins deploying troops to Libya, says Erdogan*, 5 January 2020; Deutsche Welle, *Libya: Turkish strategy leaves Haftar on the defensive*, 7 May 2020; Crisis Group, *Turkey wades into Libya's troubled waters*, 30 April 2020; Syrian Justice and Accountability Centre, *Driven by poverty, Syrians are paying the ultimate price in Libya*, 23 April 2020; Confidential source, 19 April 2020.

⁸⁵ Confidential source, 26 March 2020; Confidential source, 3 April 2020; Confidential source, March 2020. Address Libya, *LNA announces control over Ras Ajadir border town with Tunisia*, 26 March 2020.

⁸⁶ Confidential source, 4 April 2020.

⁸⁷ Confidential source, 18 April 2020; Libya Observer, *GNA launches offensive to retake last foothold of Haftar's forces in west Libya*, 18 April 2020.

⁸⁸ The Guardian, *UN-backed Libyan forces take key airbase from rebel general*, 18 May 2020; Bloomberg, *Libya forces capture key airbase from mercenaries*, 18 May 2020; Confidential source, 18 May 2020.

⁸⁹ Confidential source, 25 May 2020; Reuters, *Russian fighters flown out of western Libya after Haftar retreat*, 24 May 2020.

and seat of government in Tobruk. LNA-controlled territory expanded over the course of the reporting period, growing westwards until it included the largest portion of central Libya by the end of the reporting period. In the southwestern province of Fezzan, the LNA used LNA-affiliated southern militias to control a number of areas including the strategically located towns of Murzuq and Ubari, and the capital city of Sebha. The important El-Feel oil field was also in the hands of the LNA. In the north of the country, the LNA controlled, among other things, the important Brega and Ras Lanuf oil fields in the 'Oil Crescent' to the south of Sirte. The city itself was likewise under LNA control. It should be stated that practically all the important oil fields in Libya were controlled by the LNA. This includes the Wafa and El-Sharara oil fields in the west. The degree to which the LNA had de facto control of the territory it nominally held is unclear, especially in the more southern situated areas of Fezzan. In many cases, de facto control of the oil fields in the east and south of Libya (where the vast majority of the fields are located) was exercised by (tribal) militias who had allied themselves with the LNA.⁹⁰ Since January 2020, these militias were responsible for enforcing an oil production and oil export blockade which cost Libya billions in oil revenues and exacerbated the already dire economic situation in the country.⁹¹

During the reporting period, Khalifa Haftar's LNA consisted of a mix of tribal militias, former Qadhafi loyalists and commanders, and armed groups professing Salafi beliefs, augmented with foreign fighters. The largest and best-equipped division in the LNA is the 106th Brigade led by Haftar's son, Khaled. Initially, the LNA was comprised mainly of eastern-based militias, but groups from the west and south joined up with the LNA over the course of the offensive on Tripoli. Chief among these groups is the *Kani* brigade (also referred to as 'Kaniyat') from Tarhouna, a militia commanded by the *Kani* brothers who had previously been loyal to the GNA. Many men from Tarhouna had been recruited into the Qadhafi regime's security services in the past. Consequently, the *Kani* Brigade is viewed as loyal to Qadhafi. Once incorporated into Haftar's forces, this militia was officially designated as the 9th Brigade. Many of the eastern militias in the LNA, such as the 106th Brigade, the 73rd Brigade commanded by Saleh al-Quta'ani and the *Tareq bin Ziyad* Brigade commanded by Omar Mraje, come from Benghazi and Ajdabiya and the surrounding areas. Some of the members of these eastern militias are Madkhali Salafis, ultra-conservative Salafis influenced by the Saudi cleric Rabae al-Madkhali.⁹² Another important militia in eastern Libya is the *Saeqa Special Forces* (SSF). Haftar frequently deployed this brigade in the offensives mounted against the eastern cities of Derna and Benghazi in 2017 and 2018, as well as during the LNA's southern campaign carried out at the end of 2018 and early 2019.⁹³ During the reporting period, however, the SSF did not get involved in the battle for Tripoli, but the reasons for this are unclear.⁹⁴

Armed forces from southern Libya were also active in the LNA during the reporting period. The militias from the south (and southwest) recruited by Haftar for the LNA were usually stigmatised by revolutionary brigades as Qadhafi loyalists. Some

⁹⁰ The revenues from oil and gas production are distributed throughout the country by the National Oil Company in Tripoli. The LNA accused the NOC of making the GNA the primary beneficiary of these revenues. The LNA asserts that despite most of the sources being located in the east and south of Libya, the revenue was disproportionately allocated to western Libya.

⁹¹ Political Geography Now, *Libya map and timeline*, November 2019; Aljazeera, *Libya: National Oil Corporation says blockade losses near \$2.6bn*, 4 March 2020; Al Masdar, *Complete map of Libyan Civil War: February update*, 4 February 2020; Libyan Civil War map, consulted on 27 March 2020; Confidential source, 13 April 2020.

⁹² For an account of the influence of Madkhali Salafism on the Libyan conflict, see: Crisis Group, *Addressing the rise of Libya's Madkhali-Salafis*, 25 April 2019.

⁹³ For more information see Algemeen ambtsbericht Libië of April 2019, p. 25 et seq.

⁹⁴ Lacher, Wolfram, *Who is fighting whom in Tripoli? (Small Arms Survey Briefing Paper)*, August 2019; Chatham, *Libya. The development of armed groups since 2014*, March 2020, p. 22 et seq.

examples of these militias are the Si'an tribe and the Magarha tribe in southern Libya, and the Warshefana tribe in southwest Libya. Chadian and Sudanese militias are reportedly also integrated in the LNA (particularly those belonging to the *Janjaweed*, or *Rapid Support Forces*).⁹⁵ The LNA also recruited fighters from the influential Awlad-Suleiman tribe in the south, mainly from Sebha and the surrounding area. Additionally, over the course of 2019, the Russian *Wagner Group* provided military and logistical support and military advisers to the LNA, and the LNA could also count on military and logistical support from the UAE, which included sophisticated air strike systems. The *Wagner Group* also allegedly recruited Syrian fighters to fight on the LNA's side in the conflict.⁹⁶

2.4.4 *Control of other areas in Libya*

The region to the south of the El-Feel oil field up to the border with Niger and Chad (near the town of Tummo) was under the control of the Tubu tribe's militias. The southeastern oasis city of Al-Kufra was primarily under the control of the Al-Zuway tribe which is loyal to the LNA. There has been an ongoing power struggle there for many years with the Tubu tribe (see also 2.5.4).⁹⁷ The Tuareg controlled the territory bordering on Algeria to the south of the Wafa oil field and between the town of Ghat and the Salvador pass in southwestern Libya. While ISIS had a presence in the region to the south of the western and northwestern towns of Abu Grain and Harawa, and in the thinly populated central and southern desert areas, it did not control any cities or extended territory in the country. Various militias, tribal militias and armed factions were in control of large areas of southern Libya and parts of western Libya where neither the GNA nor the LNA held any power. The balance of power in these sparsely populated areas, with few cities or towns and consisting mainly of desert, was very unclear during the reporting period.⁹⁸

2.5 **Security situation in the provinces**

2.5.1 *General*

A description is provided below of the security situation in the three provinces of Libya, i.e. Tripolitania, Fezzan and Cyrenaica, as well as in a number of major cities and their surrounding areas located in these provinces.

2.5.2 *Province of Tripolitania*

Haftar's offensive on Tripoli and other parts of Tripolitania

As a result of the LNA offensive launched on 4 April 2019, most of the violence in Libya during the reporting period was concentrated on the capital and areas in its vicinity. The LNA initially anticipated that GNA militias and militia members would defect if the city was taken rapidly. However, GNA-affiliated militias from both Tripoli and surrounding towns, especially Misrata, united in their resistance to the LNA.⁹⁹ Haftar's troops succeeded in advancing to within a few kilometres of the centre of Tripoli in the first days of the offensive. Following the start of the counter-offensive 'Volcano of Rage' (see above) by the united militias from the north and northwest

⁹⁵ Janjaweed are Arabic paramilitary fighters active in the Darfur region of Sudan.

⁹⁶ Lacher, Wolfram, *Who is fighting whom in Tripoli? (Small Arms Survey Briefing Paper)*, August 2019; Chatham, *Libya. The development of armed groups since 2014*, March 2020, p. 22 et seq. TRT, *The key militias who fight alongside Haftar in Libya*, 23 December 2019; Crisis Group, *Turkey wades into Libya's troubled waters*, 30 April 2020; Syrian Justice and Accountability Centre, *Driven by poverty, Syrians are paying the ultimate price in Libya*, 23 April 2020; Bloomberg, *U.S. Accuses Russia of Deepening Libya's War With Haftar Support*, 7 May 2020.

⁹⁷ Confidential source, March 2020; Clingendael, *Libya's Haftar and the Fezzan. One year on*, January 2020.

⁹⁸ Political Geography Now, *Libya map and timeline*, November 2019; Al Masdar, *Complete map of Libyan Civil War: February update*, 4 February 2020; Libyan Civil War map, consulted on 27 March 2020.

⁹⁹ Institute for Security Studies, *Libya's conflict*, 4 November 2019; Lacher, Wolfram, *Who is fighting whom in Tripoli? (Small Arms Survey Briefing Paper)*, August 2019.

who were loyal to the GNA, fighting between the warring parties came to a deadlock by the end of April 2019. According to the LNA, it had initially managed to advance as far as the southern districts of Salah al-Din and Al-Khala. However, militias loyal to the GNA drove the LNA back to the (closed) Tripoli international airport in the Qasr bin-Ghashir district, twenty kilometres south of Tripoli's centre. Normal day-to-day life continued in the centre of Tripoli for most of the reporting period, with the sounds of the fighting audible in the distance. But by the end of March 2020, signs of the fighting were also evident in the city centre. In the densely populated districts in the south of the city, such as Salah-al-Din, Ain Zara, Mashroa al-Hadba, Assaba, Bab bin-Ghashir, Ras Hassan, Abu Salim and Tariq al-Soor, the situation was different and the civilians living there were exposed to combat operations between the warring parties at various times during the reporting period. These operations involved air strikes carried out by fighter jets and drones, and artillery shelling (see also 2.3.2).¹⁰⁰

The situation shifted somewhat on 27 June 2019 when the GNA ousted the LNA from the city of Gharyan, located approximately one hundred kilometres south of Tripoli. This city had been an important forward operating base for the LNA in the battle for the capital. The city had been in Haftar's hands since the offensive started in early April 2019.¹⁰¹ After the GNA took control of Gharyan, an unstable security situation emerged in the territory between Gharyan and Tripoli. At the end of February 2020, the LNA declared that it was in control of the road connecting both cities. To this end, a struggle ensued between the militias allied with the LNA and the militias allied with the GNA in Warshefana, to the southwest of Tripoli. It is unclear how many civilian casualties were caused by the fighting. Fighting between forces allied with the LNA and the GNA in Gharyan were ongoing at the end of the reporting period in late May 2020. The LNA reportedly captured the town of al-Asaba located near Gharyan on 20 May 2020 (the GNA had recaptured this town from the LNA the month before). The majority of the territory between Gharyan and Tripoli was under GNA control by the end of the reporting period, while the LNA still held territory between Tarhouna and Tripoli.¹⁰²

The LNA offensive to capture Sirte and Misrata

On 6 January 2020, the LNA succeeded in capturing the northern coastal city of Sirte from militias loyal to the GNA. The city had been under GNA control since ISIS had been forced out of this city by GNA-affiliated militias who had joined forces in the *Bunyan al-Marsous Operations Room*¹⁰³. Sirte is a strategically located city a few hundred kilometres from Tripoli, roughly on the border of the GNA-dominated zone in northwest Libya and the eastern zone controlled by the LNA. Sirte also offers convenient access to the oil-rich areas bordering the city (referred to as the 'Oil Crescent'). The LNA reportedly captured the city without bloodshed. According to Haftar's spokesmen, the capture of the city was preceded by LNA air strikes. In response to the airstrikes, the GNA militias by their own account retreated in order

¹⁰⁰ Libya Herald, *Serraj GNA launches "Volcano of Rage" anti-Haftar operation to defend Tripoli*, 8 April 2019; Lacher, Wolfram, *Who is fighting whom in Tripoli?* (Small Arms Survey Briefing Paper), August 2019; Human Rights Watch, *Interview: Libya's Chaos Explained*, 5 March 2020.

¹⁰¹ The Guardian, *Libyan government forces capture key town from warlord*, 27 June 2019; Lacher, Wolfram, *Who is fighting whom in Tripoli?* (Small Arms Survey Briefing Paper), August 2019; Foreign Affairs, *How to stop Libya's collapse*, 7 January 2020; Anadolu Agency, *Proposed Libya ceasefire would empower Haftar*, 8 May 2019; Reuters, *Libya's Haftar loses main base in Tripoli in surprise blow*, 26 June 2019.

¹⁰² Political Geography Now, *Libyan Civil War Map & Timeline - May 2020*, 29 May 2020; Address Libya, *LNA fully controls road linking Tripoli and Gharyan*, 29 February 2020; Confidential source, 1 June 2020.

¹⁰³ Bunyan al-Marsous translates roughly to 'the solid structure'. This coalition consisted mainly of militias originating from Misrata, and it played a key role in ousting ISIS from Sirte in 2016. See Algemeen ambtsbericht Libië of April 2019, p. 9 et seq.

to prevent civilian casualties. In a television broadcast after Sirte had been captured, the LNA declared that it had 'liberated the city from terrorists'.¹⁰⁴

Following the capture of Sirte, Haftar's troops advanced on the more westerly located Misrata, a coastal city where many of the militias supporting the GNA hail from. There was heavy fighting in and around Misrata on 10 February 2020. Media reports stated that three Turkish soldiers had been killed and six others wounded.¹⁰⁵ The bulk of the fighting took place in the town of Abu Grain, to the southeast of Misrata, and in Qaryat al-Qaddahiyahs, located to the east of Misrata. The LNA succeeded in capturing these towns in late January 2020, but both towns were retaken by GNA militias on 26 January 2020. Haftar's troops were forced to retreat to positions in the Al-Washeka region near Misrata.¹⁰⁶

The fighting escalates in and around Tripoli and other locations in Tripolitania

The fighting taking place in and around Tripoli escalated in late February 2020. On 26 February, the LNA mounted an offensive on the Mitiga airport which lasted for several days. During the fighting, residential areas in the vicinity also came under fire. Rockets fired by the LNA damaged the airport and there was frequent disruption of flights for several hours at a time during the attacks by the LNA. Patients being treated in a hospital near the airport had to be evacuated to other parts of the city. In its offensive, the LNA was allegedly supported by sophisticated air strike systems from the UAE. This technology made it possible for the LNA to escalate its attacks.¹⁰⁷

In the night of 24 March 2020 and into the next day on 25 March, the LNA bombed Tripoli's southern residential areas, particularly the neighbourhoods of Assaba, Bab bin-Ghashir, Mashroa al-Hadba, Ras Hassan, Abu Salim and Tariq al-Soor. The massive shocks caused by the bombings could be felt in the centre of Tripoli. An unknown number of civilians were wounded in the air strikes and the shelling caused a great deal of damage.¹⁰⁸

In response to the attacks by the LNA of Haftar, armed forces allied with the GNA launched 'Operation Peace Storm' (*Burkan al-Ghadab*) on 25 March 2020. According to the GNA, the reason behind the operation was to stop LNA attacks on civilian targets. The GNA military spokesman Mohamed Aqnono reported that the main aim of this new operation was to neutralise the LNA's military bases and weapons depots. According to Aqnono, the operation enjoyed almost immediate success on 25 March. In an assault commanded by Osama al-Juwaili and his Zintani militias targeting the LNA-controlled Al-Watiya air force base (125 kilometres west of Tripoli, on the border with Tunisia)¹⁰⁹ a jet fighter was disabled and a number of LNA fighters were taken prisoner. Additionally, Aqnono stated that parts of southern Tripoli had been retaken from the LNA, and LNA fighters and equipment had been seized in the fighting. Among the military equipment captured, the GNA allegedly

¹⁰⁴ BBC, *Libya conflict: Opposition forces 'seize strategic city Sirte'*, 6 January 2020; NRC, *Haftar veroverst Libische kuststad*, 8 January 2020; Deutsche Welle, *Libya: Haftar's forces capture strategic Sirte*, 7 January 2020.

¹⁰⁵ Ahval, *Three Turkish soldiers killed in Libya as Haftar's forces advance on Misrata*, 10 February 2020; Middle East Monitor, *Haftar takes Sirte, threatens Misrata, but wants Tripoli*, 9 January 2020.

¹⁰⁶ Middle East Monitor, *Libya GNA forces recapture Misrata town from Haftar forces*, 28 January 2020; Aljazeera, *Libya conflict: Government forces stop Haftar from taking Misrata*, 29 January 2020.

¹⁰⁷ Daily Sabah, *Haftar forces hit airport in Libyan capital Tripoli*, 27 February 2020; Aljazeera, *Tripoli bombardment forces evacuation of patients from hospital*, 29 February 2020; The Guardian, *Suspected military supplies pour into Libya as UN flounders*, 11 March 2020.

¹⁰⁸ Libya Observer, *Haftar's forces continue indiscriminate shelling on Tripoli's civilian neighborhoods*, 25 March 2020; Aljazeera, *Libya battles escalate as coronavirus arrives in country*, 25 March 2020; The Independent, *Libya war left unimpeded by coronavirus outbreak; Conflict escalates as first case of Covid-19 reported*, 25 March 2020; ACLED, *Covid-19 Disorder Tracker: Spotlight. Continued fighting in Libya*, 29 March - 4 April 2020.

¹⁰⁹ During the reporting period, the Al-Watiya air force base was one of the most important operating bases of the LNA for its attacks on Tripoli.

found combat vehicles that had been provided by the UAE. However, media reports stated that the LNA had fought off the attack and forced the GNA to retreat. In response, the LNA launched a counter-offensive in the border region, with Haftar's forces taking control of the towns of Ragdalin and Al-Jamil near Zuwara. This tightened the LNA's grip on this region and by late March 2020, Zuwara was practically surrounded by LNA troops. The air force base has major strategic importance for the LNA as this is the place from which the LNA defends the western areas under its control. Furthermore, the base plays a key role in Haftar's plans to take control of the border region with Tunisia (near the Ras Ajadir crossing).¹¹⁰ Over the course of the first week of April 2020, there were mounting concerns about the spread of the coronavirus in Libya and the UN and the international community emphatically called upon the warring parties to give priority to combating the spread of the virus. Instead of heeding these calls, the LNA carried out an attack on Tripoli on 6 and 7 April 2020. The Al-Khadra hospital was hit by Grad rockets during the attacks. The attacks injured at least six medical staff and parts of the hospital and medical facilities suffered damage. The rocket attacks also wounded at least three civilians in the Abu Salim district where the hospital is located. This hospital was one of the medical facilities treating coronavirus patients. During the escalation in the battle for Tripoli in late March, multiple medical facilities were hit, usually in attacks carried out by the LNA. In a statement on 7 April 2020, UN Secretary General Guterres condemned the attack on the Al-Khadra hospital and attacks on medical facilities and medical personnel in general. In late March, the UN reported that the fighting had damaged 27 medical facilities to varying degrees, causing fourteen of them to shut down.¹¹¹

The GNA counteroffensive

Starting 12 April 2020, the GNA launched an offensive in the coastal areas in the northwest. The offensive succeeded in retaking the cities of Sabratha, Sorman, Ajeilat, Al-Jamil, Regdalin, Al-Essa and Zelten from the LNA. LNA forces were forced to retreat to the Al-Watiya air force base. During the reporting period, this LNA stronghold was used to coordinate attacks on GNA targets in western Libya. The territorial gains made by the GNA were a harsh blow to the LNA. Just a short time earlier, the LNA had advanced towards the Tunisian border in northwest Libya. The GNA used Turkish air defence and attack systems and the associated deployment of advanced technology to their advantage in the offensive. In response to its losses in northwest Libya, the LNA launched new attacks using mortar grenades to shell Tripoli's suburbs, particularly the area in the vicinity of Mitiga airport. A number of civilian homes were allegedly hit by the shelling, but there were no reports of the number of casualties.¹¹²

The GNA initiated an attack on the LNA-controlled and strategically important city of Tarhouna on 18 April 2020. On 18 May 2020, the GNA recaptured the important Al-Watiya air force base, located approximately 125 kilometres southwest of Tripoli.

¹¹⁰ Libya Observer, *Libyan Army launches Operation Peace Storm against Haftar's attacks on civilians*, 25 March 2020; Aljazeera, *Libya battles escalate as coronavirus arrives in country*, 25 March 2020; The Independent, *Libya war left unimpeded by coronavirus outbreak*; Conflict escalates as first case of Covid-19 reported, 25 March 2020; The Arab Weekly, *Failure of GNA attack near Tunisian border marks a major setback for Fayez al-Sarraj*, 29 March 2020; ACLED, *Covid-19 Disorder Tracker: Spotlight. Continued fighting in Libya*, 29 March - 4 April 2020; Confidential source, March 2020.

¹¹¹ UNSG, *Statement attributable to the Spokesman for the Secretary-General on Libya*, 7 April 2020; ECHO, *Daily flash*, 7 April 2020; AP News, *Eastern Libyan Forces attack Tripoli hospital for second day*, 7 April 2020; UN News, *Course of coronavirus pandemic across Libya, depends on silencing the guns*, 7 April 2020.

¹¹² Confidential source, 13 April 2020; Reuters, *Forces aligned with Tripoli government advance along west Libyan coast*, 13 April 2020; Bloomberg, *Libya's Haftar dealt setback in fighting west of Tripoli*, 13 April 2020; Aljazeera, *Haftar forces suffer string of defeats in battle for Tripoli*, 14 April 2020; Crisis Group, *Turkey wades into Libya's troubled waters*, 30 April 2020; Syrian Justice and Accountability Centre, *Driven by poverty, Syrians are paying the ultimate price in Libya*, 23 April 2020; Confidential source, 19 April 2020; NRC, *Weekend van aanvallen op Tripoli, strijd om luchthaven*, 10 May 2020; De Standaard, *Turkse drones maat te groot voor generaal Haftar in Libië*, 8 May 2020.

The recapture was reportedly completed without any violent confrontations. The territorial gains made with Turkish support in the months of April and May 2020 allowed the GNA to gain the momentum in the battle being waged in Tripolitania. As a result, the most significant parts of northwest Libya were under the control of GNA-affiliated forces by the end of the reporting period.¹¹³

2.5.3

Fezzan

The security situation in the southwestern province of Fezzan was comparable to the situation in the previous reporting period. The ambiguous ties of loyalty found in this province made it difficult to ascertain the balance of power, and the province was without any central authority. During the reporting period, the security of civilians in Fezzan was primarily provided by the local security structures such as tribal and locally-based militias. As a rule, the situation for most civilians was relatively safe within their own neighbourhoods (except when violence flared up between militias, as described below), where the locally-based or tribal militias were responsible for security. Civilians nonetheless restricted their travel between different zones of influence in the south. This reluctance to travel was mainly due to armed groups and criminal gangs or ruling factions such as tribal militias running the checkpoints. These groups put civilians at risk with threats of extortion, violence, abduction and even murder, based upon an individual's alleged affiliations or clan background.¹¹⁴

Armed factions loyal to either the GNA or Haftar's LNA were both known to operate in the same areas. Following Haftar's offensive in the south, the LNA militias moved to the west of the country in the first months of 2019 to prepare for the assault on Tripoli.¹¹⁵ This resulted in the return of the power vacuum that had also affected many regions and cities in the south, including Murzuq, Ghat and Sebha, prior to the arrival of the LNA (early 2019). Large areas of Fezzan were thrown into a state of virtually complete lawlessness in which criminal gangs, armed groups, drug traffickers and human traffickers were able to operate freely. This was especially the case after the LNA-affiliated militias departed from the city in March 2019 to take part in the imminent assault of the LNA on Tripoli. These groups were also made up of armed factions from the southern neighbouring countries of Sudan and Chad. This created an unsafe situation for civilians in which they ran the risk of abduction, violence, and extortion at checkpoints, and were even in danger of being killed if they attempted to travel outside of their own neighbourhoods.¹¹⁶ Tensions and violence also flared up between the dominant factions and tribes in the south, such as the Tubu tribe, the Al-Zuway tribe, the Awlad-Suleiman tribe and the Al-Ahalis. When LNA militias advanced on Tripoli in March 2020 to fight in an offensive to take the capital city, violence between the Tubu tribe, the Al-Zuway tribe, the Awlad-Suleiman tribe and the Al-Ahalis escalated in Murzuq in the ensuing power vacuum. Much of the violence involved reprisals by the Tubu tribe affiliated with the GNA on the groups used by the LNA to fight against Tubu tribesmen during the LNA's advance into Fezzan.¹¹⁷ The tensions peaked in heavy fighting between the warring tribes and factions that took place on 17 and 18 August 2019. According to the UN, the August 2019 fighting between Tubu tribesmen and Al-Ahalis, Tubu tribesmen

¹¹³ The Guardian, *UN-backed Libyan forces take key airbase from rebel general*, 18 May 2020; Bloomberg, *Libya forces capture key airbase from mercenaries*, 18 May 2020; Confidential source, 18 May 2020; The Independent, *'No end in sight' for Libya war after Turkey's intervention corners rebel warlord: Turkey's involvement has changed battlefield dynamics. But the war continues unabated, writes Borzou Daragahi*, 15 May 2020; NRC Next, *Haftar loopt klappen op in Libië*, 12 May 2020.

¹¹⁴ Chatham House, *Libya: The development of armed groups since 2014*, March 2020; Clingendael, *Libya's Haftar and the Fezzan. One year on*, January 2020.

¹¹⁵ For information on Haftar's campaign in southern Libya, refer to Algemeen ambtsbericht Libië of April 2019, p. 29.

¹¹⁶ OCHA, *Humanitarian needs overview Libya*, January 2020; Clingendael, *Libya's Haftar and the Fezzan. One year on*, January 2020; UN Panel of Experts, *Final report of the Panel of Experts on Libya established pursuant to Security Council Resolution 1973 (2011)*, 9 December 2019, p. 9 et seq.

¹¹⁷ See Algemeen ambtsbericht Libië of April 2019, p. 28 et seq.

and Al-Zuway tribesmen, and Tubu tribesmen and Awlad-Suleiman tribesmen resulted in more than ninety civilian deaths and more than two hundred civilians wounded. The hostilities also displaced a further 26,000 people.¹¹⁸

ISIS also staged a number of attacks in Fezzan. For example, a local hospital reported that an attack on an LNA training camp in Sebha on 4 May 2019 claimed the lives of at least nine soldiers. The group itself reported sixteen fatalities. A few days later, on 9 May, an ISIS attack on an LNA position killed three civilians south of Sebha in the town of Ghudwa. ISIS also abducted a civilian in the attack.¹¹⁹ In May 2020, ISIS claimed a number of attacks on LNA positions in southern Libya. On 17 May ISIS launched an attack on the *Tamanhint* military base (near Sebha), on 18 and 23 May ISIS attacked the 628th LNA battalion in Taraghin (approximately 140 kilometres south of Sebha), and on 19 May ISIS attacked the *Khalid bin Walid* battalion at Umm al-Aranib (near Murzuq). No information was available regarding casualties.¹²⁰

2.5.4

Cyrenaica

Haftar's LNA retained a tight grip on the eastern province of Cyrenaica during the reporting period. The control exerted by the LNA militias ensured that no large-scale fighting occurred in this province. The enforced peace and order the LNA brought to this eastern region of Libya won Haftar much support among the population. Conversely, there was also a culture of fear in Cyrenaica that was caused by the presence of the numerous militias, gangs and armed groups, most of whom were under the LNA flag. These groups perpetrated unlawful detentions and were responsible for abductions, torture, disappearances and killings. Their victims were primarily individuals or groups who were openly critical of the LNA, Haftar, or the eastern government. Other victims were individuals that armed groups suspected of being affiliated with, or having ties to the opposition. Because the violations were arbitrary in nature, this also caused a sense of insecurity among the part of the population that was not openly opposed to the LNA and its affiliated militias. Because of the significant influence exerted by the Salafi groups (such as the Madkhali Salafi) on the day-to-day life of civilians¹²¹ in Cyrenaica during the reporting period, the population also feared repressive measures enacted by the armed Salafi groups. These groups, affiliated with the LNA, were wont to carry out assaults and abductions, threaten people and unlawfully detain people if they perceived what they considered unislamic behaviour or suspected anyone of allegedly expressing criticism of the LNA.¹²² According to the *Defender Center for Human Rights* (CHRDA), an NGO investigating human rights violations against human rights activists in Libya, in 2019 it was individuals defending human rights who faced the most repression in eastern Libya, especially in Benghazi, Derna, Jalu and Al-Kufra.¹²³ The LNA threatened doctors and other medical personnel who challenged Haftar by expressing criticism of the approach used to curtail the spread of the coronavirus in eastern Libya. For example, in early April 2020, the LNA

¹¹⁸ OCHA, *Humanitarian needs overview Libya*, January 2020; The Libya Observer, *Armed clashes continue in Murzuq despite local and international calls for truce*, 15 August 2019; Associated Press, *UN agency: Rival tribes clash in southern Libya; 90 killed*, 20 August 2019.

¹¹⁹ Address Libya, *ISIS claims responsibility for the terrorist attack on LNA in Ghudwa south of Sebha*, 9 May 2019; Reuters, *Nine soldiers killed in south Libya attack on Haftar camp: hospital*, 4 May 2019; Clingendael, *Libya's Haftar and the Fezzan*, January 2020; Chatham House, *Libya: The development of armed groups since 2014*, March 2020.

¹²⁰ Eye on ISIS in Libya, *ISIS in action, May 2020*, May 2020.

¹²¹ They monitored, among other things, the day-to-day activities in mosques and religious media content.

¹²² New York Times, *A police state with an Islamic twist: Inside Haftar's Libya*, 20 February 2020; Crisis Group, *Addressing the rise of Libya's Madkhali-Salafis*, 25 April 2019.

¹²³ The Libya Observer, *Cyrenaica Society deplors crimes of Haftar's forces*, 9 October 2019; *Defender Center for Human Rights, Human rights defenders in Libya. Lack of protection and absence of legislation. Annual report 2019*, p. 36.

arrested a doctor in Benghazi who had been critical of how the eastern authorities handled the virus. General Abdel-Raziq al-Nadhuri threatened to take action against Libyan citizens in Cyrenaica, including medical personnel, if they did not toe the line and accept the LNA's approach. Nadhuri declared that anyone who expressed dissent with government policy should be considered a traitor.¹²⁴

Tubu and Al-Zuway in Al-Kufra

The tensions between the Al-Zuway and the Tubu tribes (allied with the GNA) in and around Al-Kufra continued to exist during the reporting period.¹²⁵ Al-Zuway militias (formally organised under the LNA) are the strongest de facto ruling faction there. Consequently, many of the important facilities in Al-Kufra, such as medical facilities, are in the hands of the Al-Zuway tribe. Some of the services and facilities, such as police stations and hospitals, are strictly segregated along ethnic lines. This contributed to the hostile and strained relationship between both tribes, especially given the increasing pressure placed on these facilities during an economic crisis while trying to combat the coronavirus crisis.¹²⁶

Tensions between the two tribes flared up on 15 April 2020 when an Al-Zuway tribesman attacked a Tubu tribesman in Al-Kufra's Sossi district, reportedly in retaliation for the murder of his father in violence perpetrated by the Tubu in 2015. In response, the Tubu tribesman retaliated by attacking another Al-Zuway tribesman, and the situation threatened to spiral out of control. The actions of the commander of the LNA's Al-Kufra military zone¹²⁷, Abu al-Qasem al-Aba'aj, and a declaration made by the local LNA commander were instrumental in averting a further outbreak of tribal violence. A 24-hour curfew was imposed and the Tubu and Al-Zuway districts involved in the incidents were closed off. Ultimately, the tense situation was resolved after mediation between the police stations of each tribe, the municipal councils and the respective tribal councils. The perpetrators involved in the clash, both from the Tubu tribe and the Al-Zuway tribe, were transferred to the custody of the commander of the military zone. The incident resulted in the establishment of multiple LNA checkpoints in Al-Kufra in order to prevent any further violence between the Tubu and the Al-Zuway. This development resulted in severe restrictions on the freedom of movement of the local population.¹²⁸

Fighting also broke out between the Tubu and Al-Zuway militias in the Fezzan town of Murzuq in August 2019 (see 2.5.3). Haftar, a member of the Al-Zuway tribe, used the Al-Zuway militias to engage in battle with the GNA-affiliated Tubu militias.¹²⁹

2.5.5

Airports

During the reporting period, the airports located in various Libyan cities were under the control of the de facto ruling faction or militia in a given region. The airports in Cyrenaica, such as *Benina* in Benghazi and the airport of Al-Kufra, were under the control of LNA units. Air bases in the south and southwest of Libya such as the *Tamanhint* airbase near Sebha were also controlled by the LNA during the reporting period. During the reporting period, security at the various airports was heavily

¹²⁴ International New York Times, *Will the Virus Trigger a Second Arab Spring?*, 8 April 2020; Carnegie Endowment for International Peace, *Libya and the coronacrisis*, 14 April 2020; Libya Observer, *Doctor goes missing in Benghazi after criticizing coronavirus response*, 2 April 2020; Confidential source, March 2020.

¹²⁵ See for more information also Algemeen ambtsbericht Libië of April 2019, p. 27. The feud between the two tribes dates all the way back to the first half of the nineteenth century when Al-Zuway and Tubu militias fought each other in a bid to rule Al-Kufra.

¹²⁶ Confidential source, March 2020; Clingendael, *Libya's Haftar and the Fezzan. One year on*, January 2020.

¹²⁷ The region around Al-Kufra which is under the military control of the LNA based in this city.

¹²⁸ Confidential source, 16 April 2020.

¹²⁹ Clingendael, *Libya's Haftar and the Fezzan. One year on*, January 2020; Italian Institute for International Political Studies (ISPI), *Libya: Haftar's 'divide and rule' plans on the edge of the Sahel*, 9 September 2019.

dependent on the location of the airport. For example, in the east of the country where the LNA had a tight grip, the airports as a rule operated according to proper procedures. However, the airports in Tripoli and Misrata, where armed hostilities between the LNA and GNA took place during the reporting period, the airports experienced security incidents on multiple occasions as a result of the fighting.¹³⁰ Air traffic to and from the south and southwest of Libya was more or less suspended during the reporting period, based on information provided by a source. Air traffic to and from the capital of the province of Fezzan, Sebha, was unreliable. According to the source, the reason for disruptions in flights in the south was the pervasive high levels of criminality in the region.¹³¹

During a part of the reporting period, Mitiga airport was the only operational airport in the capital Tripoli and open for civilian air traffic. The airport shut down operations in February 2020 and remained closed for the rest of the reporting period. This airport was under the control of the GNA-affiliated *Special Deterrence Force* (SDF, also referred to as the *Rada Special Deterrence Force* or *Rada Brigade*). The SDF is a Salafi militia nominally under the control of the GNA's Ministry of the Interior and is responsible for police and enforcement duties (see also 2.4.2).¹³² During the reporting period, flights were available from Mitiga to Tunis, Istanbul and Niamey through Afriqiya Airways and Libyan Wings Airlines.¹³³

Since the start of Haftar's assault on Tripoli on 4 April 2019, Mitiga has been closed for brief periods on multiple occasions due to the violence. For example, on 22 January 2020, all air traffic departing and arriving at Mitiga was suspended following a mortar grenade attack on the airport. At the time, Mitiga had just been reopened for a few days following a shutdown due to earlier shelling.¹³⁴ On 7 February 2020, Mitiga was shut down for a few hours due to an LNA rocket attack on the airport. There were no reports of any casualties.¹³⁵ On 26 February 2020, the LNA mounted a fierce offensive on the Mitiga airport which lasted for several days. During the fighting, residential areas in the vicinity also came under fire. Rockets fired by the LNA damaged the airport and there was frequent disruption of flights for several hours at a time during the attacks by the LNA. Patients being treated in a hospital near the airport had to be evacuated to other parts of the city.¹³⁶ A source reported that in March 2020, the airport was hit several times a day by LNA attacks.¹³⁷

The airport in Misrata was operational during the reporting period and conducted passenger flights to Tunis, Alexandria and Istanbul (operated by the carriers Buraq, Libyan Wings Airlines, Tunisair and Afriqiya Airways).¹³⁸ The LNA did, however, carry out air strikes on the airport. For example, on 4 November 2019, a flight operated by the carrier Afriqiya Airways that had taken off from Tripoli was unable to land at Misrata Airport due to shelling by the LNA. There were also reports of drone strikes on Misrata Airport carried out by the LNA on 5 October 2019, in which an airport

¹³⁰ Foreign Policy, *Who controls Libyan airports controls Libya*, 24 April 2019; Flight Radar 24, consulted on 6 April 2020; Confidential source, 3 April 2020.

¹³¹ Confidential source, 3 April 2020.

¹³² Tripoli's international airport, *Tripoli Idris International Airport* (TIP), suffered heavy damage in the fighting between militias in 2014 and has been closed ever since.

¹³³ Flight Radar 24, consulted on 11 February 2020.

¹³⁴ The Defense Post, *Libya suspends operations at recently reopened Tripoli airport after rocket fire*, 22 January 2020;

¹³⁵ Anadolu Agency, *Libya: Haftar forces target Tripoli's Mitiga Airport*, 7 February 2020; The Libya Observer, *Mitiga resumes flights after shutdown for rocket attacks*, 8 February 2020.

¹³⁶ Daily Sabah, *Haftar forces hit airport in Libyan capital Tripoli*, 27 February 2020; Aljazeera, *Tripoli bombardment forces evacuation of patients from hospital*, 29 February 2020; Anadolu Agency, *Libya: Haftar militias target Tripoli's Mitiga Airport*, 3 March 2020.

¹³⁷ Confidential source, March 2020.

¹³⁸ Flight Radar 24, consulted on 11 February 2020; Confidential source, 12 March 2020.

worker was injured. The strikes primarily caused damage to the airport and delayed flights.¹³⁹

During the reporting period, it was reported that at Benghazi Benina International Airport, flights to and from Zintan, Dubai and Tunis were in any case possible with a number of carriers, including Afriqiya Airways.¹⁴⁰

In response to the threat of the spread of the coronavirus, the GNA closed the Libyan airspace on 16 March 2020. This measure was initially in place for a period of three weeks, but the airspace was still closed at the conclusion of the reporting period.¹⁴¹

2.5.6 *Border posts*

As a result of the fragmented security situation in Libya that developed in the wake of the 2011 revolution, a situation has emerged where local ruling factions, in the form of militias and other armed groups, are in charge of various parts of the country. Consequently, during the reporting period, determining who was in control of various border posts depended on who the dominant armed group was in a given border region. Sources report that the LNA advanced towards the border crossing between Libya and Tunisia in March, where heavy fighting broke out in that month between LNA units and GNA-affiliated militias from Zuwara (heartland of the Berber Amazigh minority) and the Ras Ajadir border crossing to gain control of the area.¹⁴² In November 2019, the GNA recaptured a number of territories from the LNA along the border with Tunisia, including the border town of Nalut. The tribes living there reportedly switched their allegiance from the LNA to the GNA, thus enabling the GNA to take the town.¹⁴³ In late November 2019, the LNA captured a border crossing with Niger from the Tubu militias near the town of Tummo.¹⁴⁴ In the southern border regions between Libya and Algeria, Chad, Niger and Sudan, there was an extremely nebulous situation with regard to which ruling faction was in charge of the border crossings. This was due to the presence of numerous militias, armed groups, criminal gangs and terrorist groups in this region. During the reporting period, this long, outstretched border region was extremely porous and was frequently used for smuggling drugs, weapons and people into the country.¹⁴⁵ Due to the measures implemented to curb the spread of the coronavirus, the GNA closed all the border crossings under its control at that time in the west on 16 March 2020.¹⁴⁶ On 18 March 2020, the LNA announced the borders with neighbouring countries would be closing down in the regions under its control at that time.¹⁴⁷

2.5.7 *Recruitment*

There is very little insight into the recruitment practices of armed factions. Based on the information available, all the warring parties in Libya recruit young men who frequently come from an economically disadvantaged background.¹⁴⁸ Op 10 April

¹³⁹ Libya Observer, *Libyan passenger plane returns to Tunisia over airspace shutdown at Misrata Airport*, 4 November 2019; Libya Observer, *Libya complains to Security Council about Haftar's airstrikes on Mitiga, Misrata Airports*, 6 October 2019; Libya Observer, *Foreign drones of Haftar's forces strike Misrata Airport causing casualties, damage*, 5 October 2019.

¹⁴⁰ Flight Radar 24, consulted on 11 February 2020.

¹⁴¹ The North Africa Journal, *Libya wants Covid-19 out, closes its borders and airspace*, 15 March 2020;

¹⁴² Confidential source, 26 March 2020; Confidential source, 3 April 2020; Confidential source, March 2020; Address Libya, *LNA announces control over Ras Ajdir border town with Tunisia*, 26 March 2020.

¹⁴³ Political Geography Now, *Libya Civil War Map & Timeline - November 2019*, 20 November 2019.

¹⁴⁴ Political Geography Now, *Libya Civil War Map & Timeline - December 2019*, 28 December 2019.

¹⁴⁵ Control Risks, *Libya War*, update 31 March 2020; Confidential source, 3 April 2020.

¹⁴⁶ The North Africa Journal, *Libya wants Covid-19 out, closes its borders and airspace*, 15 March 2020.

¹⁴⁷ Al Marsad, *LNA General Command Closes Borders to Prevent Spread of Coronavirus*, 18 March 2020; Address Libya, *LNA announces closure of Libyan borders with 4 countries*, 18 March 2020.

¹⁴⁸ See also Algemeen ambtsbericht Libië of April 2019, p. 14. It is believed that to date, this situation has not changed.

2019, a GNA spokesman accused Haftar's LNA of recruiting children to participate in combat operations. The spokesman did not specify whether the GNA believed the recruitment practices involved the forced conscription of minors.¹⁴⁹ Similar to previous periods, during this reporting period, militias nominally allied with the GNA were also suspected of recruiting minors.¹⁵⁰

According to a source, recruitment for tribal militias usually occurred on a voluntary basis. Other aspects played a role here, such as safeguarding the security of communities, families and social networks. In many cases, individuals joined such militias for ideological reasons or because they were under pressure from their social environment. As a rule, there was no active recruitment of minors, but if a minor volunteered to join a militia, most militias would allow the minor to join. For many young people, joining a militia meant an opportunity to improve their economic situation. There were instances where young people (adolescents) joined the fighting on the front lines.

A source reported that militias often forcibly conscripted people from migrant communities. In many cases they were used as forced labourers rather than as front-line fighters, although this was occasionally known to occur.¹⁵¹

¹⁴⁹ Anadolu Agency, *Libya's Haftar recruiting child fighters: Tripoli gov't*, 10 April 2019; Middle East Monitor, *Libya UN-backed gov't accuses Haftar forces of recruiting children*, 11 April 2019.

¹⁵⁰ US Department of State, *2019 Trafficking in persons report: Libya*, June 2019; See also Algemeen ambtsbericht Libië of April 2019, p. 14; Middle East Eye, *Libya: Strict security and disciplined forces boost local support for Haftar's LNA*, 23 February 2020.

¹⁵¹ Confidential source, 3 April 2020.

3 Documents and nationality

3.1 Documents

To the extent that this could be ascertained, compared to the information provided in the previous country of origin information report, there were no changes made during this reporting period with respect to applying for or issuing documents.¹⁵²

Applications for documents such as the national identity card and a Libyan passport were required to be made in person by the applicant. Applications for identity cards and documents from the civil registry could only be made in Libya. Applications for identity cards and passports had to be submitted to the *Department of Passports and Nationality*. According to reports, waiting times for obtaining an identity document or a passport are extremely long. Applications for records from the civil registry can only be submitted at offices of the *Civil Registry Authority (CRA)*, the civil registry in Libya. Sources reported that the CRA's registration offices continued to function during the reporting period, although in some cases capacity was severely reduced due to the ongoing conflict.¹⁵³

Based on the information available, it was theoretically possible to apply for a passport abroad during the reporting period. The application would have to be sent from the relevant Libyan embassy or consulate abroad to the Ministry of the Interior in Tripoli. Here, once the passport application was approved and the passport produced, it would be sent back. On 11 February 2020, the GNA announced a system that made it possible to apply for a Libyan passport abroad in 22 countries. A passport application could be submitted with a Libyan diplomatic mission in these countries.¹⁵⁴ According to a source, during the reporting period, passports could only be applied for from the Netherlands via the Libyan diplomatic missions in France (the consulate in Marseilles), Sweden, or Spain. The applicant had to appear in person at the embassy in one of the three countries, after completing any administrative groundwork in the Netherlands.¹⁵⁵ It is not known to what extent this procedure was actually a viable option during the reporting period.

According to law, applications for identity cards and other official documents could only be made if an individual was registered in the *National Identity Number System (NINS)*. This system contained personal data compiled from the regional offices of the CRA. All CRA offices in Libya are connected to the NINS central database, and the CRA's headquarters are located in Tripoli. Normally, registration with the local CRA office occurs at birth. But a source stated that there were instances during the reporting period where newborns were not registered due to registration problems stemming from the conflict.¹⁵⁶

Sources stated that in the period under review, there were still individuals in Libya without identity documents. An example of this is the tribes in the south (such as the Tuareg and Tubu) near the borders with Niger, Mali and Chad. Part of the reason

¹⁵² Algemeen ambtsbericht Libië of April 2019, p. 36 et seq.; Confidential source, 20 April 2020.

¹⁵³ Confidential source, 3 April 2020; Confidential source, 20 April 2020; Algemeen ambtsbericht Libië of April 2019, p. 36 et seq., as far as can be ascertained, this situation has not changed.

¹⁵⁴ Libya Herald, *System launch for Libyan passports to be issued abroad in 22 countries*, 13 February 2020.

¹⁵⁵ Confidential source, 20 April 2020.

¹⁵⁶ Confidential source, 20 April 2020; Immigration and Refugee Board of Canada (IRBC), *Libya: Civil Registry Authority (CRA), including current areas of operation and leadership; types of documents produced by the registry, including ability to access the documents; service levels, disruptions and attacks (November 2015 - November 2016)*, 21 December 2016; see also Algemeen ambtsbericht Libië of April 2019, p. 37.

for this situation was that these people encountered many problems related to registering with the NINS. These people had a lower social status compared to people with a registered identity. According to a Libyan organisation, this involved persons who had no access to Libyan nationality because they were not registered with the NINS¹⁵⁷, who had not been able to register as a stateless person with the UNHCR, and who are subject to severe restrictions on their freedom of movement and opportunities. It was reported that many of these individuals with an *Undetermined Legal Status* (ULS) encountered problems in obtaining medical care, finding employment or education for their children. The organisation states that some of these people turned to illegal and criminal practices such as human trafficking or drug smuggling as a way to earn a living.¹⁵⁸ The *US Department of State* reports that there were groups of people with a Tubu background who were able to cross into Libya through the largely unguarded southern border with Sudan, Chad and Niger. A few of these individuals reportedly succeeded in obtaining documents as proof of Libyan nationality, such as the national identity card.¹⁵⁹ A source stated that it was possible that individuals had not been registered in the NINS due to a lengthy stay abroad based on expired documentation.¹⁶⁰ It is unknown to what extent these individuals had the opportunity to register in the NINS if so desired based on documentation demonstrating their Libyan background.

Document fraud

The information regarding the practical instances of document fraud stated in the previous country of origin information report on Libya is still applicable. The Libyan authorities have been issuing new (blue) electronic passports since 2014. Since that time, the old (green) passports dating from the Qadhafi era were no longer renewed, but these passports were still recognised by the international community for a number of years thereafter due to the difficult transition to the new passport system in Libya.¹⁶¹ Sources report that in the years between the 2011 revolution and the introduction of the new passports in 2014, the old green passports were still issued.¹⁶² A source stated that during the reporting period, there were isolated cases where the old green passport was renewed. The reason given was that this would allow the passport holder to return to Libya, for example, from a neighbouring country. The period of validity of these expired passports was set to ten to twenty days, according to the source. This was specifically meant to enable travelling to Libya.¹⁶³ A practical example illustrating that green passports were issued after 2011 and were still valid is the fact they could be used to apply for a visa for the Netherlands.¹⁶⁴

A source reported that corruption was rampant within the regional offices of the *Civil Registry Authority* (CRA), the agency where civilians could apply for their documents.¹⁶⁵ It was allegedly possible to pay to obtain documents that could be used to prove Libyan citizenship, such as the national identity card or a family

¹⁵⁷ In the aftermath of the conflict with Chad over the Aouzou region, Qadhafi revoked the citizenship of numerous people living in Libya's Saharan region, which included many Tuaregs and Tubus. As a result, many were not registered with the *Civil Registry Authority* (CRA) offices on which the NINS is based.

¹⁵⁸ Confidential source, 3 April 2020; See also Algemeen ambtsbericht Libië of April 2019, p. 37. As far as could be ascertained, this situation has not changed.

¹⁵⁹ On our part, it is unknown how they managed to obtain these documents. *US Department of State, Libya human rights report 2019*, p. 18, 19.

¹⁶⁰ Confidential source, 20 April 2020.

¹⁶¹ The old passports were written out by hand. *Libya Herald, System launch for Libyan passports to be issued abroad in 22 countries*, 13 February 2020; Algemeen ambtsbericht Libië of April 2019, p. 38 et seq.

¹⁶² Confidential source, 20 April 2020; Confidential source, 18 February 2020.

¹⁶³ Confidential source, 20 April 2020.

¹⁶⁴ Confidential source, 18 February 2020.

¹⁶⁵ Confidential source, 3 April 2020; Confidential source, July 2019.

booklet. Libyans abroad who had lost their citizenship¹⁶⁶ and needed returnee documents to return to Libya to renew their Libyan citizenship were reportedly able to purchase these on the black market in neighbouring countries (such as Egypt). They could subsequently use this forged document to submit an application to the CRA, and the local official could be bribed to authenticate the document.¹⁶⁷ Furthermore, the CRA offices in many regions were under the control or severe influence of or prone to intimidation from militias who sometimes tried to change data in the databases, such as data related to salary payments or bank transactions.¹⁶⁸

3.2 Nationality

The current Libyan law on nationality was passed on 28 January 2010 and came into force that same day. This means that the law dates from before the outbreak of the armed conflict in 2011 that ousted Muammar Qadhafi, and the law has not been amended since. According to this legislation, the following provisions are in force with respect to Libyan nationality. It should be noted here that in light of the current constitutional uncertainty in Libya, it is not clear to what extent these provisions could be enforced in practice.¹⁶⁹

According to Article 2 of this law, a person is a Libyan citizen by operation of law if he resided legally in Libya on 7 October 1951¹⁷⁰ and did not hold foreign nationality, provided that one of the following conditions is fulfilled:

the person was born in Libya;
the person was born outside of Libya but one of his parents was born in Libya;
the person was born outside Libya but regularly resided there for a period of no less than ten consecutive years before 7 October 1951.

Additionally, pursuant to Article 3 of the law, a person is considered a Libyan citizen by operation of law if:

he was born in Libya to a Libyan father, if his father's nationality was acquired by virtue of birth or naturalisation;
he was born outside Libya to a Libyan father. In this case, the birth should be recorded within one year from the date thereof with the Libyan civil registry. If the person acquires a foreign nationality by virtue of his birth abroad, his Libyan nationality shall not be revoked, but he has the right to choose the Libyan nationality or the foreign nationality that he acquired upon reaching the age of majority;
he is born in Libya to a Libyan mother and an unknown father or a father who is a stateless person, or if both parents are unknown.

Libyan nationality can also be acquired through naturalisation or registration. A person may choose Libyan nationality provided that he is of Libyan origin and was

¹⁶⁶ For example, as a result of not being included in the registration of the *National Identity Number System* (NINS) after it was implemented (see Algemeen ambtsbericht Libië of April 2019, for more information about the NINS, p. 39 et seq.), for example, as a result of not being registered in the CRA, on which the NINS is based.

¹⁶⁷ Confidential source, July 2019; European Institute for Peace (EIP), *Citizenship on hold: Undetermined legal status and the implications for Libya's peace process*, July 2019, p. 10.

¹⁶⁸ Confidential source, July 2019.

¹⁶⁹ Law No. 24, 28 January 2010 (1378 in the Islamic calendar), *VIND Burgerzaken* (Online Civil Affairs knowledge base), Libya, consulted on 5 December 2019; see also Algemeen ambtsbericht Libië of April 2019, p. 43.

¹⁷⁰ The date upon which the Libyan constitution came into force. In that year, on 21 December 1951, Libya was transformed from an Italian colony to an independent state.

born before 7 October 1949, and did not reside in Libya on that date, if either of the following two conditions is met: He was born in Libya or his father or paternal grandfather was born in Libya.¹⁷¹

Pursuant to Article 9 of the Libyan Law on Nationality, Libyan nationality may be granted to persons who apply, provided that:

he is fully legally competent;
he has entered Libya legally by virtue of a valid travel document issued by the competent authorities in the individual's country of origin;
he has been a continuous resident of Libya for ten consecutive years prior to submitting the application, and had a legal source of income during that period;
he is of good character and conduct, and has never been guilty of committing a felony or an act of moral turpitude that undermines Libya or Libyan security;
he must be free of infectious or communicable diseases and be no older than fifty years of age at the time the application is submitted.

Exemption from the conditions in Article 9 applies to:
persons with special expertise or qualifications needed in Libya;
foreign women who are married to Libyan citizens, provided that the marital relationship has continued for a period of no less than two years at the time the application is submitted;
widows and divorcees of Libyan citizens;
children who are not listed on their father's citizenship certificate and who have attained the age of majority;
persons who have provided distinguished services to the state of Libya.

Palestinians cannot become naturalised Libyan citizens, with the exception of Palestinian women who are married to Libyan citizens.¹⁷²

A person's Libyan nationality can be revoked by operation of law if he voluntarily acquires another nationality without the permission of the Libyan authorities. Libyan law also allows Libyan nationality to be revoked if a person is granted political asylum in another country, abandons Islam, fails to return to Libya when work or studies abroad have concluded, has acquired his nationality on the basis of false information, or if the person harms Libyan interests.¹⁷³

Article 8 of the Law of Nationality stipulates that Libyan emigrants who have acquired the citizenship of the country to which they emigrate through naturalisation, have the opportunity to recover Libyan nationality upon submitting the necessary documents to the Libyan authorities confirming their Libyan origin. This implies that a Libyan who submits a naturalisation application abroad (with the agreement of the Libyan authorities) thus renounces (or has the option of renouncing) his Libyan nationality. The law does not contain specific provisions concerning the possibility of renouncing Libyan nationality abroad.¹⁷⁴

¹⁷¹ Article 4 of the Law on Nationality; see also Algemeen ambtsbericht Libië of April 2019, p. 43.

¹⁷² Article 9 of the Law on Nationality; see also Algemeen ambtsbericht Libië of April 2019, p. 43.

¹⁷³ *VIND Burgerzaken* (online Civil Affairs knowledge base), Libië, *Verlies van nationaliteit*, consulted on 10 January 2020; Libyan Law on Nationality, Articles 1, 5, 12 and 13; see also Algemeen ambtsbericht Libië of April 2019 p. 44.

¹⁷⁴ see also country of origin information report on Libya of December 2014, sub-report *Nationality, registration and documents*, p. 6, and Algemeen ambtsbericht Libië of 20 May 2016, p. 44.

4 Human rights

4.1 General

4.1.1 *General*

During the reporting period, the violent and politically unstable situation in Libya meant an almost complete absence of national and local monitoring of whether human rights were being respected. De facto ruling factions in Libya, such as local militias, not only failed to monitor whether human rights were being respected, in many cases they themselves contributed to a deterioration of the human rights situation by perpetrating abductions and acts of violence, and illegally imprisoning opponents or persons they perceived as opponents. In the fighting that took place between militias at various times during the reporting period, heavy armaments such as mortar grenades, Grad rockets, artillery shells and mines were used. Due to the fact that these weapons were also used in populated areas, hundreds of civilians were indiscriminately killed in the violence when they would become trapped between warring parties who put civilians at risk when fighting each other. This happened most frequently in battles between LNA militias and GNA militias in Tripolitania, and when violence erupted in and around the town of Murzuq in the summer of 2019 (see also 2.3.2, 2.3.3, 2.5.2 and 2.5.3).¹⁷⁵

As a result of the ongoing fighting, the humanitarian situation in Libya deteriorated during the reporting period. Other contributing factors included a worsening economic situation, fighting between rival ruling factions for oil reserves, revenues and goods, and the measures implemented to deal with the coronavirus (COVID-19). While the situation deteriorated throughout Libya during the reporting period, Tripolitania and southern Libya were especially hard hit. An oil blockade imposed by the LNA since January 2020 led to a significant drop in revenues. The negative effects of this could be seen in a number of developments such as a sharp rise in the price of goods, food, and fuel, especially in Tripolitania and in the south of the country. This led to hardships for many civilians when it came to the availability of food, fuel and goods and access to services and medical care. This was especially true for those belonging to vulnerable groups in the population, such as displaced persons and migrants. The dire economic situation resulted in a drop in employment, and many people ended up jobless. Once again, the situation was worse for displaced persons and migrants. Measures implemented to combat the spread of the coronavirus made the economic situation even worse, and this had a negative impact on the country's humanitarian situation. Militias exploited the situation created by the coronavirus by imposing even tighter restrictions on civilians, including curtailing their freedom of movement.¹⁷⁶

4.2 Monitoring and legal protection

¹⁷⁵ UN Panel of Experts, *Final report of the Panel of Experts established pursuant to Security Council Resolution 1973 (2011)*, p. 8 and p. 14 et seq.; Algemeen ambtsbericht Libië, April 2019, p. 45 et seq.

¹⁷⁶ Confidential source, 4 April 2020; Confidential source, 20 April 2020; Confidential source, 19 April 2020; Middle East Eye, *Running on empty: Oil-rich Libya hit by extreme fuel shortages*, 24 March 2020; ABC News, *Libya say losses from oil blockade surpass \$4 billion*, 14 April 2020.

4.2.1 *Legislation*

The laws formally in use during the reporting period were all passed before the 2011 revolution. In some cases, laws dated from the time when Libya was a kingdom (1951-1969). It is unclear to what extent the legislation was observed in practice, and this also applied to the family law and penal law set out below. Since 2011, Libya has been in a political transition phase and consequently still does not have a new constitution. The *Constitution Drafting Assembly* (CDA), a body established in 2014 after the elections won by the HoR, had a draft constitution under preparation during the current reporting period as well, but was unable to reach a consensus for a definitive version.¹⁷⁷ The development of new legislation pertaining to the human rights situation was subordinated to the creation of a new constitution. Based on the information available during the reporting period, no new legislation was enacted. The Constitutional Declaration of 2011, enacted during the interim government period of the *National Transitional Council* (NTC), was still the de facto (interim) constitution in force in Libya during the reporting period.¹⁷⁸

4.2.2 *Family law and penal law*

There is no uniform code of family law in Libya. Family law is governed by a number of laws all dating from before the 2011 revolution. The most important legislation pertaining to family law is the Libyan Law of Personal Status of 1984.¹⁷⁹ This law codifies provisions concerning marriage, and for example, rights and duties with regard to divorce. This law is based on Islamic law (sharia). In addition to this law, a law was passed in 1972 concerning the rights of women in relation to marriage and divorce (Law No. 176 of 1972), and a law was passed in 1991 regulating polygamy¹⁸⁰ in Libya (Law No. 22 of 1991, amended in Law No. 9 of 1994). In 1973, civil courts and sharia courts were merged. Since that time, matters pertaining to family law are now heard in civil courts.¹⁸¹ Requests for family law documents such as a family booklet or marriage and divorce certificates in Libya could be submitted at the offices of the CRA. Each region of Libya has one or more local CRA offices. Most of these offices were operating during the reporting period, but functionality and capacity varied significantly from region to region as the capacity of some offices was severely reduced due to the fighting. In practically all regions, CRA offices were influenced by and under pressure from local militias, armed groups and de facto ruling factions. Civilians frequently encountered corrupt practices at CRA offices.¹⁸²

The Penal Code and the Code of Criminal Procedure came into force on 1 January 1954 and 28 November 1953, respectively. These laws are formally still the guiding principle in Libyan criminal cases, but it is unclear to what extent this legislation was

¹⁷⁷ See Algemeen ambtsbericht Libië of April 2019, p.42, for the developments up to the end of 2018. After this time, as far as can be ascertained, there have been no new developments with regard to the creation of a new constitution; Libya Observer, *Tabu and Tuareg representatives in CDA call for review of draft constitution*, 4 September 2019.

¹⁷⁸ For more information, see *VIND Burgerzaken* (Online Civil Affairs knowledge base), Libya: *wetgeving* (legislation), consulted on 31 January 2020; see also the Swiss DCAF (*Geneva Centre for Security Governance: Libya*), consulted on 4 March 2020; see also Algemeen ambtsbericht Libië of April 2019, p. 41 et seq.; Confidential source, 27 November 2018.

¹⁷⁹ Law No. 10 of 1984, amended in Law No. 14 of 2015. In the amended legislation, the Islamic interim government at the time, the General National Congress, deleted a stipulation granting a woman the right to be a witness to the drawing up of the marriage contract.

¹⁸⁰ Polygamy, while not prohibited by law, is uncommon in Libya.

¹⁸¹ Carlisle, Jessica, *Muslim divorce in the Middle East: Contesting gender in the contemporary courts*, p. 27, 28 June 2018; The Legal Agenda, *Women's rights in Libya: Preserving past gains, fearing for the future*, 18 December 2015; Scholar blogs, *Islamic family law: Libya*, undated, consulted on 4 March 2020; Gender Index, *Libya data sheet*, undated, consulted on 4 March 2020.

¹⁸² Confidential source, April 2019, p. 35; European Institute of Peace, *Citizenship on hold*, July 2019, p. 10; Confidential source, 3 April 2020.

observed in practice. Due to deficiencies in the judicial process resulting from the conflict situation, many criminal cases were not tried in court (see also 4.2.5).¹⁸³

4.2.3 *Freedom of movement and conditions imposed for entering and leaving the country*
The provisional constitution provides for the freedom of movement of Libyan citizens. Based on the information available, Libyans are permitted to enter and leave the country upon presenting their passport. No special procedures were in place if a citizen wished to enter or leave Libya.¹⁸⁴ During the conflict, domestic travel was a complicated undertaking when travelling between regions controlled by different de facto ruling factions. Identity documents were checked frequently at the boundaries between various zones of influence. The risk of being stopped, extorted or detained was high when in transit from one zone to another if these zones were controlled by different ruling factions. This was even the case in some districts within the same city. For this reason, many Libyans chose to travel outside their own residential areas as little as possible out of fear of arbitrary interrogations or detention by a militia. Sporadic outbreaks of violence in some places in Libya were also an obstacle to travel. Moreover, airports were regularly shut down for brief periods of time due to attacks or fighting going on in the vicinity. In eastern Libya, the HoR introduced an official requirement in February 2017 making it mandatory for men and women between the ages of 18 and 45 to request permission from the authorities when travelling by land, sea or air. In the period under review, this obligation was still in force. In addition, since 18 March 2020, a curfew was in effect from six in the evening to six in the morning in the territory ruled by the eastern government. This curfew was imposed to curtail the spread of the coronavirus. A full curfew came into effect on 25 March 2020 and was in place for ten days. On 16 March 2020, the Tripoli-based Al-Serraj government had already announced the closure of the country's borders and halted all air traffic in western Libya until further notice. Schools had already been closed a week earlier in the GNA-controlled part of Libya, in an attempt to curb the spread of the virus. The GNA *Presidential Council* instituted an expanded curfew on 30 March 2020, from 14:00 to 07:00 (see also the passage regarding the coronavirus in 1.1).¹⁸⁵

4.2.4 *Recourse to the judiciary and the role of the police*
Based on the information available, the situation concerning the options available to Libyans for reporting to the police have not changed from what was described in the previous Country of Origin Information report. Throughout Libya, the police force and the public prosecutors, especially at the local level, were either comprised of, or subject to intimidation by local de facto ruling factions such as militias and armed groups. Therefore, in practice, arrests were also conducted by militia members. This made it a practically useless endeavour to file a complaint with the police. During the reporting period, there were instances where complaints were heard by the GNA Ministry of Justice and Public Prosecutor, but in these cases, a follow-up investigation was seldom initiated. This was often what happened when the complaint dealt with politically sensitive cases such as violations perpetrated by de facto ruling factions such as the state or armed groups.¹⁸⁶

¹⁸³ US Department of State, *Libya human rights report 2019*, 11 March 2020, pp. 7-9.

¹⁸⁴ It should be noted here that in light of the security situation at the border crossings, the situation for Libyans entering or leaving the country could be unpredictable at times (for more information, refer also to 2.5.5 and 2.5.6). Confidential source, 3 April 2020; Confidential source, 20 April 2020.

¹⁸⁵ Algemeen ambtsbericht Libië of April 2019, p.54, based on the information available, this situation was also applicable in the current reporting period; Aljazeera, *UN urges Libyans to halt fighting, instead battle coronavirus*, 18 March 2020; Euractiv, *UN urges Libyans to halt fighting, battle virus*, 18 March 2020; Libya Observer, *Curfew hours in Libya extended, cross-country travel prohibited amid Coronavirus outbreak*, 29 March 2020; Reuters, *East Libya imposes full curfew over coronavirus*, 23 March 2020.

¹⁸⁶ US Department of State, *Libya human rights report 2019*, pp. 2, 10 and 11, March 2020; *International Commission of Jurists, Accountabilities for serious crimes under international law in Libya: An assessment of the criminal justice system*, 2019, p. 17 et seq., see also Algemeen ambtsbericht Libië of April 2019, p. 45 et seq.

While civil-law complaints dealing with more minor issues had some chance of being processed when filed with the police, the more serious, primarily politically sensitive and criminal cases harmful to the direct interests of the de facto ruling factions, did not. Reports to the police concerning criminal cases mostly served as evidence for future investigations, for example those carried out by an accountability or reconciliation committee. It is worth noting here that the Libyan population has little trust in the police, and in some cases fears the police. This has its background in the repressive and often violent methods used by the police in the Qadhafi era. Another factor is that the regular police force, in Tripoli, for example, consisted of both trained police officers and in large part of militia members who primarily represented the interests of their militia.¹⁸⁷ While these militia members did receive a salary from the Ministry of the Interior, they were not properly trained and usually had no knowledge of or insight into proper legal procedure. This made civilians very cautious when it came to reporting matters to the police. They feared indiscriminate violence or unjust treatment at the hands of these militias.¹⁸⁸

NGOs and international organisations can be helpful in submitting civilian cases to international legal bodies such as the UN's Human Rights Council or the International Criminal Court. But personnel of international organisations and Libyan aid organisations, along with their families, run the risk of becoming victims of targeted violence at the hands of militias or armed groups who have been charged with violations.¹⁸⁹

4.2.5

Legal procedure and the status of detainees during interrogation and detention

Similar to previous reporting periods, there was virtually no evidence of a proper legal procedure set up in compliance with international standards during this reporting period. Courts in the country functioned poorly and in some parts of the country, particularly in parts of the south, no courts were operating. Throughout the country, legal procedure was controlled by or subject to severe pressure from armed groups, militias, and de facto ruling authorities who primarily represented their own interests. Judges and other officers of the court were subjected to intimidation, threats and violence by armed groups, especially when cases dealt with the actions of these groups. Security of courts was usually inadequate, frequently resulting in obstructions to proper legal procedure. The operation of the courts also suffered greatly from the violence in places subjected to almost continuous fighting since April 2019, especially along the western fronts in the conflict between the GNA and LNA.¹⁹⁰

There were numerous arbitrary arrests perpetrated by militias and armed groups. While these groups formally operated under the flag of the GNA or the LNA, they acted with impunity and disregarded prevailing legislation and regulations. There were many instances of torture and inhumane treatment of prisoners perpetrated by these groups, especially in the pre-trial detention and interrogation phase. Perpetrators of these human rights violations were almost never prosecuted because

¹⁸⁷ In practice, since the GNA arrived in 2016, maintaining law and order in Tripoli has been ceded to a number of large militias due to the fact that the state has no properly functioning police force. Please refer to the Algemeen ambtsbericht Libië of April 2019, p. 20 et seq., for a more detailed explanation of these militias ('Kartel van militias').

¹⁸⁸ See also Algemeen ambtsbericht Libië of April 2019, p. 55; *US Department of State, Libya human rights report 2019*, 11 March 2020, pp. 2 and 10.

¹⁸⁹ Algemeen ambtsbericht Libië of April 2019, p. 47; *US Department of State, Libya 2019 human rights report*, pp. 25, 26.

¹⁹⁰ *US Department of State, Libya human rights report 2019*, 11 March 2020, p. 8 et seq.; *International Commission of Jurists, Accountabilities for serious crimes under international law in Libya: An assessment of the criminal justice system*, 2019, p. 19 et seq.; See also Algemeen ambtsbericht Libië of April 2019, p. 55 et seq.;

they themselves were part of the de facto ruling faction. There was a complete absence of a forceful central government capable of acting against these abuses.¹⁹¹

Even though the law stipulates that suspects have a right to legal counsel, such legal representation was frequently not provided during the reporting period. Lawyers and legal aid personnel also were subjected to intimidation, threats and violence by armed groups. This was all the more likely if they had taken on legal cases that could harm the interests of these armed groups. This made it extremely difficult for lawyers to provide suspects with adequate legal representation. Suspects were often held in detention for lengthy periods of time at locations that were not disclosed to the family or associates of the prisoner. Particularly people who were held in detention due to their political profile, such as alleged opponents of militias, were subjected to torture and inhumane treatment. Acts of torture were employed on suspects in detention to obtain confessions or obtain information about rival groups.¹⁹²

Many detention facilities nominally under GNA control were actually under the de facto control of militias. Many militia members made up the ranks of the *Judicial Police*, a governmental body in charge of the prisons of the Ministry of Justice and the Ministry of the Interior. The detention facilities for migrants are organised under the auspices of the Directorate for Combatting Illegal Migration (DCIM), an agency of the GNA's Ministry of Interior. These facilities were also often under the de facto control of armed groups, nominally allied with the GNA, but largely operating independently. Additionally, a large number of illegal prisons were operating during the reporting period. Run by militias and armed groups, there was practically no monitoring of the conditions within these illegal prisons. The situation differed from prison to prison, but conditions in general were very poor. The facilities were overcrowded, with poor hygiene and sanitation, and food was inadequate and of poor quality. Torture and cruel and inhumane practices occurred in both the detention facilities nominally under the control of the Libyan government (Ministry of Justice and Ministry of Interior), and in the illegal prisons. During the reporting period, there were reports of sexual assaults, forced labour, corporal punishment, and prisoners being deprived of food and water. There were also reports of extrajudicial executions of prisoners, such as migrants held in DCIM facilities.¹⁹³ A source also stated that individuals abducted by armed gangs for ransom were often imprisoned in illegal detention facilities. These abductees were ultimately executed if the ransom demands were not met.¹⁹⁴ According to reports, the conditions in the illegal detention facilities run by the many armed groups, militias and gangs were worse than the conditions in the detention facilities run by the Ministry of Justice and the Ministry of Interior.¹⁹⁵

4.2.6 *Protection of civilians*

During the reporting period it was extremely difficult for Libyans to find adequate protection from acts of violence. De facto ruling authorities were able to operate

¹⁹¹ DCAF, Libyan Security Sector Legislation, *Penal code* and *The code of criminal procedure*, consulted on 4 March 2020; US Department of State, *Libya human rights report 2019*, 11 March 2020, pp. 4-7.

¹⁹² US Department of State, *Libya human rights report 2019*, 11 March 2020, pp. 7-9; International Commission of Jurists, *Accountabilities for serious crimes under international law in Libya: An assessment of the criminal justice system*, 2019, p. 68 et seq.; Confidential source, 3 April 2020; Algemeen ambtsbericht Libië of April 2019, p. 58.

¹⁹³ Aljazeera, *Migrant in Libya relives brutal detention through sketches*, 31 December 2019; The Guardian, *Migrants detained in Libya for profit, leaked EU report reveals*, 20 November 2019.

¹⁹⁴ Confidential source, 3 April 2020.

¹⁹⁵ International Commission of Jurists, *Accountabilities for serious crimes under international law in Libya: An assessment of the criminal justice system*, 2019, p. 17 et seq.; US Department of State, *Libya human rights report 2019*, p. 4 et seq.; UN News, *Libya: Renewed commitment to Mediterranean rescues encouraging, but 'overriding priority' must be 'lasting peace'*, say UN officials, 23 July 2019; Aljazeera, *40,000 people living in makeshift detention centres in Libya*, 25 January 2020;

with impunity in different parts of Libya, in part due to the absence of a proper and independently functioning judiciary and police force (see 4.2.4 and 4.2.5). The central authority based in Tripoli was powerless to such an extent that the state was not always able to offer protection. The security structures in the LNA-controlled eastern part of Libya were in the hands of a multitude of militias and armed groups, all of whom operated under the flag of the LNA. These militias usually operated independently and were guilty of numerous cases of arbitrary arrests, illegal detentions and acts of violence. These cases frequently involved civilians suspected of having ties with opposing groups or individuals perceived by the militias to be engaged in unislamic conduct. With the militias either controlling or participating in almost all security structures in Libya, civilians had little reason to seek protection with other or higher authorities if the police failed in their duties. According to the UN, there was an uptick in the number of reported human rights violations perpetrated by militias and other warring parties, particularly in the period when violence erupted in and around Tripoli on 4 April 2019. They were able to commit these abuses without fear of being exposed or prosecuted.¹⁹⁶ Just as in the previous reporting period, civilians chiefly sought protection in their familiar social structures such as tribes and families. In many cases, tribal and local militias provided local protection for civilians.¹⁹⁷ According to a source, NGOs and international organisations could offer civilians little protection against the violence. This was often because they lacked the expertise to do this and because in Libya, protection often goes hand in hand with a social network. NGOs and international organisations commonly have insufficient knowledge of and insight into specific local social networks.¹⁹⁸

Civilians additionally had limited options of finding alternative shelter when violence erupted, and many of them were forced to flee their homes when violence broke out in Tripoli. These civilians either sought shelter with family in other parts of the city or they fled to locations outside of Tripoli. The UN also reported that thousands of civilians sought shelter in medical clinics and hospitals. Some found shelter in abandoned school buildings and other vacant buildings, sometimes after having first spent a night on the streets. In other cases, displaced citizens used public areas such as city parks and gardens as a place to stay, or they set up tents on the seashore. The facilities available in such improvised accommodations were often poor and lacked clean drinking water and other basic services. Civilians fleeing the violence were sometimes able to find temporary shelter and relief through UN agencies (such as OCHA and IOM). UNHCR and its Libyan partner *LibAid* distributed essential relief items to displaced families who had fled because of the fighting. Internationally operating organisations such as the *Danish Refugee Council* (DRC) and the *Norwegian Refugee Council* (NRC) were also active during the reporting period, providing emergency relief to displaced civilians. It is not known if there were any official GNA reception sites during the reporting period^{199, 200}

¹⁹⁶ UNOHCHR, UNHCHR, *Situation of human rights in Libya, and the effectiveness of technical assistance and capacity building measures received by the government of Libya*, 23 January 2020, p. 2.; ICJ, *Accountability for Serious Crimes under International Law in Libya: An Assessment of the Criminal Justice System*, July 2019; Cairo Institute for Human Rights Studies (CIHRS), *Libya: A complete failure to implement UPR recommendations since 2015*, 2 April 2020.

¹⁹⁷ Confidential source, 3 April 2020; Algemeen ambtsbericht Libië of April 2019, p. 46.

¹⁹⁸ Confidential source, 3 April 2020.

¹⁹⁹ The government in Tripoli has a public body specifically intended for receiving displaced persons, but this body has minimal capacity.

²⁰⁰ UN, *Libya: Thousands seek shelter in health clinics from Tripoli fighting, UN warns*, 23 April 2019; UNOCHA, *Libya 2019 (Humanitarian response plan)*, undated, consulted on 24 March 2020; LiveuMap, *UNHCR and partner Libaid continued their distribution to forcibly displaced families and assisted 49 households with core relief items in Garabulli, east of Tripoli*, 19 April 2019; Reuters, *Libya's displaced struggle for shelter as fighting drags on*, 10 September 2019; Algemeen ambtsbericht Libië of April 2019, p. 73.

4.3 Compliance and violations

4.3.1 *Internet and mobile telephone services*

Control of the infrastructure for internet and mobile telephone services was officially in the hands of the *Libyan Post Telecommunications and Information Technology Company* (LPTIC), a body that is organised under the GNA's *Presidential Council*. Libya's largest telecom provider *Al-Madar Aljalid* is owned and operated by the Libyan (GNA) government and there are no private internet providers or mobile telephone service providers in the country.²⁰¹ In late October 2019, Al-Madar announced the launch of a 5G network for mobile internet, the first in North Africa, according to the company.²⁰² However, during this reporting period as well, the electricity grid and the telecommunications systems in the country remained unstable due to the ongoing armed conflict and the damage this has caused to the ICT infrastructure.²⁰³

According to the information at hand, internet activity and telephone calls were not centrally monitored by state agencies such as ministries due to a lack of capacity and the low priority assigned to this work. However, militias and regional de facto ruling factions (sometimes affiliated with the GNA or LNA) did engage in monitoring internet activity. For example, they would monitor the Facebook and Twitter accounts of opposition groups or individuals. Individuals posting content critical of a (de facto) ruling faction on social media such as Facebook, Twitter or Viber, or publicly expressing negative opinions by other means, were at risk of becoming targets for violence or abduction by the ruling faction in question.²⁰⁴

Social media such as Facebook was utilised by various armed groups allied with either the GNA or LNA to post disinformation in order to sow confusion among enemy groups and to project a more positive image of their own units. For example, disinformation was regularly disseminated on LNA-affiliated social media accounts regarding the progress of fighting for control of a specific area or town, while observers in the field and the local population reported a completely different situation. In another instance, in August 2019, the GNA's Twitter account was hacked, allowing an LNA-affiliated group to post fake messages stating that the GNA had retreated and that the complete security apparatus was under the control of the LNA. Or, in the aftermath of fighting that also resulted in the deaths of civilians, both parties would post on social media accusing the opposing party of being responsible for the civilian casualties.²⁰⁵

4.3.2 *The death penalty*

The death penalty is laid down in statute in more than thirty articles of the Libyan Penal Code. The death penalty can be imposed by law for offences such as murder, high treason, and espionage. The military Penal Code also contains stipulations for imposing the death penalty. This concerns offences such as assisting enemies of the state, undermining the defence of the state or Libya's territorial integrity, and taking up arms against the Libyan state. In addition, after Qadhafi was ousted, a number of new laws were enacted allowing the death penalty to be imposed for conduct prohibited by sharia law, such as adultery. This legislation was primarily introduced

²⁰¹ See also Algemeen ambtsbericht Libië of April 2019, p. 48. Based on the information available, this situation has not changed.

²⁰² Libya Herald, *Al Madar launches Libya's first 5G mobile internet service – first in North Africa*, 30 October 2019.

²⁰³ Libya Herald, *Libya internet prices reduced by 50 percent*, 23 February 2020;

²⁰⁴ Stanford Internet Observatory, *Libya presidential and parliamentary elections scene setter*, 2 October 2019; Confidential source, 3 April 2020; See also Algemeen ambtsbericht Libië of April 2019, pp. 48-50.

²⁰⁵ Arab Tyrant Manual, *In Libya, traditional and social media are used to fuel war*, 14 April 2019; Institute for Security Studies (ISS), *Libya's war becomes a tech battleground*, 8 October 2019; France24, *Fake news war: in Libya, battles also rage on social media*, 18 April 2019.

by the Islam-oriented transitional government, the *General National Congress* (GNC)^{206, 207} However, no executions were carried out in Libya since 2010, even though the death penalty was still handed down as a sentence.²⁰⁸ In August 2018, forty-five members of a militia belonging to the Qadhafi regime were sentenced to death in a Tripoli court for shooting and killing protesters in the capital in 2011.²⁰⁹ In December 2018, for the first time, Libya became a signatory to a UN resolution calling for a worldwide moratorium on the death penalty.²¹⁰ According to the information available, there are still hundreds of persons in prison who have been sentenced to death.²¹¹ The 2019 Amnesty International and Human Rights Watch annual reports on human rights in Libya state that military and civil courts continued to hand down death sentences throughout 2019. In June and July 2019, two former Qadhafi regime prime ministers who had been sentenced to death in 2015 were released from prison for health-related reasons.²¹²

4.3.3

Acts of violence and abductions committed by armed groups

Militias and armed groups throughout Libya, in some cases affiliated with the de facto ruling factions such as the GNA or the LNA, were guilty of illegal imprisonment, abductions, torture and killings during the current reporting period as well.²¹³

In May 2019, UNSMIL expressed its concern regarding the rise in abductions, arbitrary imprisonment and enforced disappearances since violence erupted in Tripoli on 4 April 2019. According to the organisation, this indicated an overall deterioration of legal procedure in Libya. UNSMIL reiterated its concerns on 18 March 2020 regarding the increasing number of abductions and enforced disappearances occurring throughout Libya. The organisation spoke of hundreds of abductions and disappearances that had come to light since April 2019, in addition to incidents of torture, killings and involuntary displacement of families. In particular, UNSMIL referred to the worrying developments in Tarhouna where according to UNSMIL, the *Kani* Brigade was responsible for numerous human rights violations such as abductions and killings. UNSMIL stated that the victims of the violations perpetrated by the brigade included civilians, fighters, government personnel, and human rights activists.²¹⁴

There were incoming reports during the reporting period that described violations perpetrated by armed groups against individuals who expressed criticism of these groups. For example, on 12 June 2019, the mayor of the Qasr bin-Ghashir district of

²⁰⁶ The GNC lost the 2014 elections to a liberal coalition which was subsequently forced to flee in the face of violent intimidation in Tripoli, and establish itself under the name 'House of Representatives' (HoR) in the eastern cities of Tobruk and al-Bayda. The GNC recognised the *Libyan Political Agreement* (LPA) in April 2016 which provided a foundation for the current GNA, and was largely incorporated in a newly formed advisory body known as the High State Council (HSC). See also Algemeen ambtsbericht Libië of April 2019, p. 7.

²⁰⁷ Hassan Rezaei, *Death penalty in the Libyan context after 2011*, 10 September 2018.

²⁰⁸ Human Rights Watch, *World report Libya 2020 (events 2019)*, 14 January 2020;

²⁰⁹ See Algemeen ambtsbericht Libië of April 2019, p. 61

²¹⁰ Death Penalty Information Center, *A record 120 nations adopt UN death penalty moratorium resolution*, 18 December 2018.

²¹¹ See Algemeen ambtsbericht Libië of April 2019, p. 61; as far as could be ascertained, this situation has not changed.

²¹² Amnesty International, *Human rights in the Middle East and North Africa: Review of 2019*; Libya, 18 February 2020; Human Rights Watch, *World report 2020 (events of 2019): Libya*.

²¹³ Amnesty International, *Libya 2019*; Human Rights Watch, *World report 2020 (events of 2019): Libya*; US Department of State, *Libya human rights report 2019*, p. 2, 11 March 2020.

²¹⁴ UNSMIL, *UNSMIL expresses deep concern at increased abductions, arbitrary detention and enforced disappearance cases since the outbreak of fighting in Tripoli*, 8 May 2019; UNSMIL, *UNSMIL expresses concern about increased enforced disappearances in Libya*, 18 March 2020; UN News, *'Violence, atrocities and impunity' reign throughout Libya*, ICC prosecutor tells UN Security Council, 6 November 2019; Amnesty International, *EU: Borrell must steer Foreign Ministers to draw a line under Libya abuses*, 6 December 2019; Chatham, *Libya. The development of armed groups since 2014*, March 2020.

Tripoli was kidnapped by the *Kani* Brigade, presumably for refusing to step down and make way for an LNA candidate.

In another incident, on 17 July 2019, legislative draftsman Siham Sergewa, who was also a member of the *House of Representatives* (HoR), was abducted from her home in Benghazi. In a television broadcast earlier on the *Al-Hadath* news channel, she had spoken out against violence committed by the LNA. This television broadcaster is widely known for its ties with the LNA. During the abduction, Sergewa's husband and son were both wounded. The abductors had arrived in vehicles with 'Military Police' markings and they sprayed graffiti in the house with the words "Don't cross the line of the armies". Sergewa's fate and whereabouts were still unknown at the conclusion of this reporting period.

The LNA abducted a lawyer in Benghazi on 29 February 2020, reportedly for posting an anti-LNA video online. The lawyer was transferred to the military wing of the Al-Kuweifya prison in Benghazi.

Another instance involved the abduction on 1 March 2020 of the General Manager of Afriqiya Airways. He was abducted by the *Special Deterrence Force* (SDF, a GNA militia in Tripoli) and released on 5 March, and then abducted again by the SDF two days later.

On 2 March, armed assailants belonging to the LNA abducted the Director General of the Al-Harish hospital in Derna from his home in Al-Sahil al-Shargi. He was reportedly released a short time later.

On 11 March, an engineer working on the The Great Man-Made River²¹⁵ project was abducted near Brak al-Shati by armed assailants, presumed to be part of the LNA anti-terrorism unit. The engineer was brought to a secure location in Benghazi where according to UNSMIL reports he was tortured. UNSMIL reported that as of 17 March 2020, the fate of the abducted and still missing persons was still unknown.²¹⁶

4.4 Specific groups

4.4.1 General

During the reporting period, various groups of persons were under pressure from militias and armed groups, who in some cases were the de facto ruling factions in different regions of Libya. The following is a brief description of the position of a few of the vulnerable groups in Libya.

4.4.2 Opponents

During the reporting period, individuals who were opposed to the de facto ruling faction in a given area or region were at risk of abduction, intimidation, targeted violence or killings. The same applied to persons considered by the de facto ruling factions, such as militias, to be supporters of opposing groups. In this context, the LNA-affiliated *Kani* Brigade in Tarhouna was guilty of the extrajudicial execution of dozens of civilians and fighters for their alleged ties with the GNA, or because they were suspected of having an oppositional stance or because of their conduct towards the brigade itself or the LNA (see also 4.3.3). On 15 September 2019, brigade members opened fire on a home in Tarhouna, killing sixteen members of the same

²¹⁵ The Great Man-Made River is a large-scale water supply project started by Qadhafi. The project involves building infrastructure to utilise a massive underground aquifer for consumption. One of the results of the project was to provide the capital of Tripoli with purified drinking water.

²¹⁶ UNSMIL, *UNSMIL expresses concern about increased enforced disappearances in Libya*, 18 March 2020; France24, *Concerns mount for abducted Libyan lawmaker, Amnesty says*, 16 August 2019; UNSMIL, *Six months following the enforced disappearance of Siham Sergewa, UNSMIL calls for her immediate release*, 17 January 2020; UN News, *'Violence, atrocities and impunity' reign throughout Libya, ICC prosecutor tells UN Security Council*, 6 November 2019; OHCHR, *Press briefing on Libya*, 20 December 2019; Amnesty International, *EU: Borrell must steer Foreign Ministers to draw a line under Libya abuses*, 6 December 2019; US Department of State, *Libya human rights report 2019*, 11 March 2020, p. 4; Chatham, *Libya. The development of armed groups since 2014*, March 2020.

family (eleven men, two women and three children). This attack was reportedly in retaliation for an earlier attack on members of the LNA in which a senior member of the brigade was killed.²¹⁷

During the reporting period, there were also reports of abductions of and acts of violence against members of the GNA committed by members of the LNA. For example, in May 2019, Mohammed Abu Ghamja, a member of the GNA *High State Council* (HSC) was abducted from his home in the southern Qasr bin-Ghashir district of Tripoli by an LNA-affiliated group. In early October, HSC member Mustafa al-Treki was abducted outside his home in Zawiya. Once again, a militia allied with the LNA was responsible for the abduction. Al-Treki was released on 3 October 2019. The whereabouts of Abu Ghamja were still unknown at the conclusion of the reporting period.²¹⁸

4.4.3 *Demonstrators*

During the reporting period, multiple demonstrations were held by citizens in Tripoli to protest the rise in violence resulting from the LNA assault on the capital. These demonstrations, which were predominantly held on *Martyr's Square* in Tripoli, usually occurred without any significant incidents. Demonstrations were held in June and July 2019 in different parts of Tripoli to protest the frequent power cuts in the city. During these demonstrations, civilians blocked streets and set tires alight. The GNA attributed the power cuts to the fighting in the southern districts of Tripoli between the LNA and GNA.²¹⁹

The freedom to organising peaceful assemblies was generally severely restricted during the reporting period. This was partially attributable to the intolerant and often violent stance taken by de facto ruling factions towards any persons or groups who opposed them. Due to the GNA's almost total lack of properly trained and motivated police officers, the demonstrators who protested against the conduct of a specific militia or armed group then ran the risk of eliciting a violent response from the militia or armed group in question. In April 2020, a civilian was shot dead in a Tripoli suburb by a member of the *General Security and Security Concentration Agency* (GSSCA, from Zintan) militia for violating a curfew that had been imposed to combat the spread of the coronavirus.²²⁰ The victim, a young man, was shot dead when he attempted to flee to avoid arrest. In response, there was a local uprising against the militia, in which civilians set tires alight. The militia responded by closing off the roads leading to the area and the demonstration was dispersed when the GSSCA fired warning shots into the air.²²¹

4.4.4 *Journalists and human rights activists and lawyers*

Similar to the previous reporting period, the activities of journalists and human rights activists and lawyers continued to put them at risk of abduction, violence and sometimes murder by armed groups and militias. Journalists and activists who

²¹⁷ US Department of State, *Libya human rights report 2019*, 11 March 2020, p. 3; UNHCHR, UNHCHR, *Situation of human rights in Libya, and the effectiveness of technical assistance and capacity building measures received by the government of Libya*, 23 January 2020, p. 6; Libya Herald, *Serraj government condemns reported Tarhuna mass murder by pro Haftar forces*, 16 September 2019.

²¹⁸ US Department of State, *Libya human rights report 2019*, 11 March 2020, p. 12; Libya Observer, *Gunmen kidnap member of Libya's High Council of State in Al-Zawiya city*, 2 October 2019; Xinhua, *Kidnapped member of Libya's state council released*, 3 October 2019.

²¹⁹ Libya Observer, *Protests in Tripoli continue in rejection of the military rule*, 19 October 2019; Libya Observer, *Tripoli protest, April 19, 2019*, 22 April 2019; Anadolu Agency, *Protests demand Haftar stop attacks in Libya*, 28 December 2019; Libya Herald, *Protests in Tripoli against power shortage as GECOL warns of total shutdown within days*, 16 June 2019; Libya Observer, *Protests in Tripoli over long hours of power outages*, 16 July 2019.

²²⁰ Similarly, the LNA was also guilty of executing civilians who violated the measures against the coronavirus implemented by the government in the east of the country.

²²¹ Control Risks, *Libya, travel security*, update 31 March 2020; Confidential source, 15 April 2020; Confidential source, 20 April 2020.

published content in the media or online expressing criticism of armed groups, de facto ruling authorities and Salafi militias could expect reprisals from these groups. Activists and journalists who reported on human rights issues commonly faced similar risks. Threats against journalists and human rights defenders and human rights lawyers were frequently made online, for example by posting a threat on a journalist's Facebook page. In general, it was very dangerous for activists and journalists to report on security issues and politically sensitive topics. In April 2020, the LNA declared that anyone who dared to criticise the actions taken by the LNA with respect to the measures to curtail the spread of the coronavirus would be considered a traitor and risked imprisonment.²²²

For example, on 2 May 2019, the journalists Mohamed al-Qurj and Mohamed al-Shibani were arrested in Tripoli by the *Kani* Brigade from Tarhouna (also referred to as the 9th Brigade or *Kaniyat*, named after the *Kani* brothers).²²³ At the time of their arrest, both journalists were reporting on the fighting between LNA- and GNA-affiliated militias in Tripoli. Al-Qurj and Al-Shibani were released by the militia after 23 days.²²⁴

In addition to the abovementioned risks to their safety, human rights and other lawyers and personnel working for NGOs active in legal matters also faced negative sentiments from society directed against individuals who worked in legal professions. Lawyers were commonly viewed as puppets of the authorities²²⁵ and the authorities were viewed with deep suspicion in Libya.²²⁶

On 14 December 2019, journalist and human rights defender Reda Fhail Al-Boom was arrested at Mitiga airport in Tripoli, presumably by the GNA-affiliated *Nawasi* battalion. The arrest occurred as the journalist returned from Tunisia where he had participated in activities related to International Human Rights Day. For two days, Al-Boom's whereabouts were unknown to this family and lawyer. The GNA's security service subsequently announced that an arrest warrant had been issued for Al-Boom because he stood accused of accepting funds from foreign organisations and for working as a journalist without credentials. A smear campaign had been mounted against Al-Boom on social media since 2017 in connection with a report he had authored on the human rights situation in Libya. In spite of being released on 26 December 2019 on the orders of the Public Prosecutor in Tripoli, the charges against him were not withdrawn.²²⁷

Almost all armed groups monitored social media traffic, looking for any comments criticising or opposing them. Militias checked Facebook accounts and Twitter profiles to ascertain the social background and affiliation of the user and at checkpoints throughout Libya, armed groups confiscated the personal mobile phones of civilians to check their content. Many militias aligned with the GNA or LNA maintained databases of persons being sought for their alleged opposition activities or due to

²²² Confidential source, 15 April 2020.

²²³ The *Kani* Brigade was initially part of the GNA-affiliated militias, but after the *Kani* Brigade carried out unsuccessful attacks on allied GNA militias in early 2019, due to dissatisfaction with the distribution of revenues from Tripoli, the brigade switched sides and rallied around Haftar's LNA. Lacher, Wolfram, *Who is fighting whom in Tripoli (Small Arms Survey)*, August 2019.

²²⁴ Human Rights Watch, *World report 2020 (events of 2019): Libya*; US Department of State, *Libya human rights report 2019*, p. 3 and p.14; Committee to protect Journalists, *Libyan journalists Mohamed al-Qurj and Mohamed al-Shibani missing since May 2*, 9 May 2019.

²²⁵ In this case, the term authorities refers to de facto ruling faction in a particular area, so it could refer to both the GNA and the LNA.

²²⁶ Algemeen ambtsbericht Libië of April 2019, pp. 62 and 63. Based on the information available, this was still the case in the current reporting period.

²²⁷ Defenders Center for Human Rights, *Annual report 2019*; EEAS, *EU Local Statement on the arbitrary arrest of Libyan journalist and human rights defender Ridha Fheel Al-Boom*, 17 December 2019; Panapress, *Libyan journalist Ridha Fhail al-Boum released after 12 days of detention*, 27 December 2019.

their identity.²²⁸ This occurred at practically all border posts and checkpoints where civilians could come in contact with armed groups. During the reporting period, it was known that the *Special Deterrence Force* (SDF) in Tripoli and the Military Council in Misrata were checking personal profiles at their respective airports using a database. During the reporting period, the Salafi-aligned SDF, in charge of the Mitiga airport and the prison facility located there, detained individuals without any due process or legal counsel. Detention was based on the detainee's (alleged) oppositional profile or behaviour that deviated from the norm. Individuals with numerous social media followers or persons who posted political or critical content with regard to the conduct or ideology of armed groups ran the highest risk of being targeted for reprisals by these groups.²²⁹

4.4.5 *Members of the judiciary*

Persons working in Libya's judiciary during the reporting period, just like in the previous period, were in a very difficult position as they faced major obstacles in practising their profession. While the judiciary in Libya was organised under the national *Supreme Judicial Council* (SJC), there was no uniformity in the administration of justice. This situation meant there were discrepancies, for example, in how courts functioned and operated, depending on the location of the court. According to the *International Commission of Jurists* (ICJ) NGO, judicial bodies in western Libya had a slightly higher capacity compared to the courts in the east and the south of the country where most courts were closed. The capacity of courts in the west was also significantly reduced due to the conflict.²³⁰ Members of the judicial system faced threats and intimidation and were at risk of being abducted or killed. If they interfered in legal proceedings against members of militias, the judges and other judicial staff were in acute danger of reprisals from these armed groups who were usually the de facto ruling factions in many parts of Libya. The families of judges and prosecutors were also threatened. Many prosecutors were consequently unwilling to prosecute politically sensitive cases. As a result, during this reporting period, public prosecutions came to a virtual standstill in eastern and southern Libya. Judges, public prosecutors and other judicial staff faced significant risks, particularly in the LNA controlled eastern region of the country. Here, they ran the risk of being arrested and detained if they expressed negative sentiments regarding the LNA or Khalifa Haftar. This was made apparent when legal consultant Salah Beltamer was arrested by LNA units on 7 March 2020 in the town of Al-Marj, presumably for criticising the detention of judiciary staff by the LNA. The pressure faced by judicial staff varied from region to region. Judiciary staff who were working on civil law cases instead of prosecution proceedings usually did not face the same degree of harassment as those involved in criminal cases.²³¹

4.4.6 *Apostates, moderate Muslims and Muslim converts to Christianity*

The vast majority of the Libyan population consists of Sunni Muslims, with the rest of the population made up of Ibadi Muslims, Ahmadi Muslims, Hindus, Baha'i and Christians. The Christian community in Libya is almost entirely made up of migrants or migrant workers; most of them are people who were already of the Christian faith

²²⁸ Some examples include being a member of a tribe that is known for its opposition to a militia, (alleged) members of opposing militias, or persons engaged in certain activities considered to be a threat by a militia, such as activists.

²²⁹ Confidential source, 3 April 2020; Algemeen ambtsbericht Libië of April 2019, p. 49 et seq., p. 54.

²³⁰ *International Commission of Jurists (ICJ), Accountability for serious crimes under international law in Libya: An assessment of the criminal justice system*, 2019, p. 9.

²³¹ Freedom House, Libya, *Freedom in the world report 2019*; *International Commission of Jurists (ICJ), Accountability for serious crimes under international law in Libya: An assessment of the criminal justice system*, 2019; Middle East Monitor, *Libya rights group slams Haftar's violations against judiciary officials*, 9 March 2020; *US Department of State, Libya human rights report 2019*, p. 10; See also Algemeen ambtsbericht Libië of April 2019, pp. 61 and 62.

prior to arriving in Libya, such as Egyptian Copts. The Ibadi Muslim community consists almost exclusively of Amazighs. This is a Berber community that primarily resides in Zuwara and in the region of the Nafusa mountains.²³²

Based on the information available in the reporting period, no significant changes occurred in how the (de facto) authorities view the possible conversion of Muslims to Christianity. There is no explicit legislation that establishes apostasy (*kufir*) as a criminal offence in Libya, but the Penal Code does impose a penalty of a maximum of two years imprisonment for blasphemy against the Supreme Being, Islam, or the prophet. Based on the information available, there were no criminal cases initiated due to apostasy from Islam or converting to Christianity in particular. Just as in previous reporting periods, Muslims were unlikely to publicly convert to Christianity due to the taboo surrounding this issue. Muslim converts to Christianity would face social exclusion from their family and social circle. Libyans who may have wanted to convert to Christianity or another faith, or who were otherwise apostates from Sunni Islam, had to conceal such information and not communicate it publicly. Individuals who publicly professed their apostasy from Islam ran a high risk of being socially excluded. As far as could be ascertained, this was the case regardless of which religion or faith converts chose. Any social issues they may have faced were chiefly as a result of their apostasy from Islam. In theory, there is somewhat more tolerance for Libyan atheists because they do not have to conceal attending a church. That said, when their apostasy becomes known publicly, Libyan atheists reportedly face the same problems as converts to Christianity or converts to other faiths and belief systems.²³³

In addition to social exclusion, there was also a risk of apostates being subjected to intimidation (for example through social media), threats, detention or illegal detention, and violence from Salafi armed groups, either affiliated with the government or not. During the reporting period, Salafi groups, some of whom are adherents of the Madkhali doctrine (see below), arrested and detained individuals based on a wide range of charges such as 'unethical behaviour', 'wearing flamboyant attire', or because of social media postings that were not in line with what they considered to be true Islamic tenets. All of these things could also happen to Muslims who were not apostates from Islam, but whom strictly religious (armed) groups considered to be unislamic or not sufficiently Islamic.²³⁴

In both this reporting period and the previous reporting period, Madkhali Salafism gained increasing influence in Libya; an ultra-conservative form of Islam, Madkhali Salafism is based on the writings and preaching of the Saudi cleric Rabae al-Madkhali.²³⁵ Madkhali Salafi groups and armed groups were particularly influential in eastern Cyrenaica²³⁶, but also in other parts of Libya, for example in the ranks of the Tripoli militias such as the SDF. Since the region was completely taken over by the LNA in 2018, Madkhali Salafis in Cyrenaica have gained control of the central religious authority in the east of the country, the *General Authority of Religious Endowments (Awqaf) and Islamic Affairs* (GAAIA). This body manages all religious matters and mosques, including control of the content of proclamations. During the reporting period, there were incidents of the GAAIA instructing mosques to praise Haftar in the congregations. Religious freedoms for non-Muslims and Muslims who

²³² Algemeen ambtsbericht Libië of April 2019, p. 51.

²³³ Algemeen ambtsbericht Libië of April 2019, p. 52. As far as could be ascertained, this situation has not changed.

²³⁴ Algemeen ambtsbericht Libië of April 2019, p. 52. As far as could be ascertained, this situation has not changed.

²³⁵ Madkhali publicly expressed support for the Madkhali armed groups in eastern Libya in 2018 and issued a religious decree (fatwa) in which he supported Khalifa Haftar's campaign.

²³⁶ In the east of Libya, for example, both the Tariq Ibn Ziyad Brigade, and an armed group known as the Salafi Brigade are Madkhali adherents and Madkhalis are also present in the ranks of the Saiqa Special Forces. Crisis Group, *Addressing the rise of Libya's Madkhali-salafis*, 25 April 2019, p. 10 et seq.

practice a form of Islam that is not strict enough in the opinion of the Madkhali Salafis were curtailed, especially in Cyrenaica. The GAAIA frequently cast opponents of the LNA as apostates from the 'correct form of Islam' by issuing fatwas. The GAAIA, influenced by Madkhali Salafis, issued a fatwa against Ibadi Muslims (Amazighs) in 2017, declaring them apostates.²³⁷

4.4.7

Individuals involved in honour-based violence and killings and blood feuds

Issues involving honour-based violence and killings and blood feuds in Libya are commonly considered personal or intercommunal matters and as a result they are often not reported or publicised.²³⁸ The de facto local authorities in Libya seldom interfered in matters related to blood feuds or the honour code, unless these had an impact on larger interests such as security. Additionally, when cases involve sexual or honour-related violence, female victims greatly fear reprisals from the police or other law enforcement officials. In cases where the honour code was a motive and in cases of sexual violence, there was a high risk of men and women being condemned for having extramarital sexual relations by the de facto ruling faction when filing a complaint. In many cases, the de facto authorities force those involved to enter into marriage with each other as a way of removing the social shame associated with having an extramarital affair. Some of the women incarcerated in Libyan prisons are actually victims of sexual violence, and as a result they had been sentenced for having extramarital sexual relations.²³⁹

During the reporting period, members of a tribe involved in blood feuds were usually from tribes that were considered loyal to Qadhafi, and during the revolution, (allegedly) played a role in trying to quell the uprising. Following the 2011 revolution, age-old tribal feuds remained, rooted in ideological, political or economic and territorial disputes. Some examples of these feuds include the feud between the Awlad Suleiman and Qadhadfa tribes, the feud between the Tubu and Al-Zuway tribes in the south and southeast of Libya, and the feud between the Warshefana and Zawiya tribes in the west of the country. The blood feud between the Misrata tribe and the residents of Tawergha also continued on into the reporting period. This feud was related to alleged Tawergha support for Qadhafi in his attack on Misrata (see also 4.4.10). Tribal anti-Qadhafi sentiments with respect to tribes considered to be pro-Qadhafi also continued to play a role during the reporting period, although this sentiment had diminished in intensity compared to the time directly after the 2011 revolution. Among the warring factions in the current conflict, antagonisms escalated again between brigades and militias who considered themselves the 'true revolutionaries' and the allegedly pro-Qadhafi factions. This was due to the fact that Khalifa Haftar had recruited many fighters who had served under the old regime, including high-ranking officers (see also 4.4.8).²⁴⁰

There were disturbances in the Sossi district of Al-Kufra in southeast Libya in mid-April 2020 as a result of a blood feud reprisal perpetrated by an Al-Zuway tribesman on a Tubu tribesman. The Al-Zuway tribesman was avenging the murder of his father that had occurred during a conflict with the Tubu in 2015. Because the act of revenge led to the threat of a violent confrontation between both tribes, the military commander stepped in to pre-empt any violence. A number of agencies, including the police stations of each tribe and the respective tribal councils, acted as

²³⁷ Crisis Group, *Addressing the rise of Libya's Madkhali-Salafis*, 25 April 2019; Anadolou Agency, *ANALYSIS - Libya and the Salafi pawns in the game*, 9 January 2020; Amtsbericht Libië of April 2019, p.53.

²³⁸ Confidential source, 3 April 2020.

²³⁹ EU/VN, *Women, Peace & Security Brown Bag Lunch Discussions 2-6 March 2020*, Tunis; Algemeen amtsbericht Libië of April 2019, p. 61.

²⁴⁰ Middle East Monitor, *Libyan tribes: Part of the problem or a solution?*, 8 August 2018; Wolfram Lacher, *Who is fighting whom in Tripoli?* Small arms survey briefing paper, August 2019.

intermediaries and made it possible to intervene in this feud. The tribesmen of the Tubu and the Al-Zuway directly involved in the acts of violence were transferred by the tribes to the custody of the commander of the military zone in Al-Kufra (see also 2.5.4), and this allowed for calm to return to the communities and prevent any further disturbances.²⁴¹

4.4.8 *Qadhafi loyalists or alleged Qadhafi loyalists*

The position of Qadhafi supporters and former Qadhafi supporters (*azlam*) remained the same as in the previous reporting period. The prevailing anti-Qadhafi sentiment among the population that was prevalent among the population immediately after the 2011 revolution had diminished somewhat during the current reporting period. This development could be related to the people's growing dissatisfaction with the current chaotic situation and the overpowering influence of the militias. This may have given rise to a sense of nostalgia for the Qadhafi days when people could expect a certain order and predictability in their lives. There have even been reports of a pro-Qadhafi feeling among the population. Tribes and groups among the population known to be pro-Qadhafi include the Warfalla, Warshefana, Mashashya, Qawalish, Si'an, Tarhouna, and the population of the town of Tawergha.²⁴²

Qadhafi loyalists continued to attract the negative attention of militias and brigades, many of whom were formed in the period leading up to or during the 2011 revolution when Qadhafi was deposed. These are militias and brigades who consider themselves to be the 'true revolutionaries' (*thuwwar*).

There are a few tribes and militias that are still vehemently anti-Qadhafi, such as the militias from Misrata. Khalifa Haftar recruited extensively for the LNA among communities and armed groups who were viewed by the GNA revolutionary brigades as supporters of the Qadhafi regime, such as the community in Tarhouna. A former leading official during the Qadhafi regime, Mohamed Belgasse Zuway, was appointed as an adviser in the eastern Tobruk-based government in April 2017. When Haftar's forces advanced on Tripoli, anti-Qadhafi sentiment intensified among the armed groups who had fought against Qadhafi in the 2011 revolution and fought on the side of the GNA during the reporting period.²⁴³

Many Qadhafi supporters who had the means to do so have now fled Libya, and based on the information available, there are few or no cases against alleged Qadhafi loyalists currently before the courts. Many Qadhafi loyalists and suspected loyalists were still in detention, however, particularly in Tripoli. In practice, these detention facilities were run by militias, some of whom are allied with the GNA. These militias emerged in part from militias who had fought against Qadhafi's forces in the 2011 revolution, and consequently were inclined to be anti-Qadhafi. On 9 March 2020, the International Criminal Court in The Hague confirmed the admissibility of the case against Saif al-Islam al-Qadhafi, the son of the former dictator. Qadhafi stands accused of committing crimes against humanity related to his role during the 2011 revolution.²⁴⁴

²⁴¹ Confidential source, 16 April 2020.

²⁴² Algemeen ambtsbericht Libië of April 2019, pp. 63 and 64; Middle East Monitor, *Former Gaddafi official given senior position in Libyan eastern ruling body*, 3 April 2017.

²⁴³ Algemeen ambtsbericht Libië of April 2019, pp. 63 and 64; Lacher, Wolfram, *Who is fighting whom in Tripoli? (Small Arms Survey Briefing Paper)*, August 2019; Chatham, *Libya. The development of armed groups since 2014*, March 2020, p. 37 et seq.

²⁴⁴ Lawyers for Justice in Libya, *Admissibility of Gaddafi-case at the ICC renews prospect of accountability for grave human rights abuses in Libya*, 9 March 2020; US Department of State, *Libya human rights report 2019*, 11 March 2020, p. 9.

4.4.9 *Ibadi and Sufi Muslims*

During this reporting period, there was no change in the position of the Ibadi and Sufi Muslim religious minorities. The Ibadi community in Libya is comprised of the Amazigh (a Berber minority) and is found primarily in the Amazigh bastion of Zuwara, in western Libya, and in the Nafusa mountains in northwest Libya. It is estimated that there are 600,000 Amazigh living in Libya. Since July 2017, Ibadi Muslims have been confronted with a fatwa issued by the religious authority based in eastern Libya (the GAAIA). The fatwa has declared Ibadi Islam as a form of heresy and those who profess this faith should be regarded as apostates (from Sunni Islam).²⁴⁵ During the reporting period, there were no known cases of violence against Ibadi Muslims due to their cultural or religious identity. However, the Amazigh community faced a tense situation in late March 2020 when the LNA took control of the region around Zuwara. By mid-April, Zuwara was virtually surrounded by LNA forces. By the end of the reporting period however, this region was almost fully under GNA control following a counter-offensive in April and May 2020 (see also 2.5.2). Thanks to this development, the security threat to the Amazigh diminished. There are many Salafi-aligned groups operating within the LNA, including Madkhali Salafis, who wield a great deal of influence in the eastern-based GAAIA.²⁴⁶

Based on the information available, the position of the Sufi Muslim community has also remained the same. Since Qadhafi was deposed in 2011, Sufi Muslims have come under increasing pressure, especially from the Salafi groups and brigades who consider the Sufi Muslims to be apostates due to their mystical practice of Islam. In February 2020, an important Sufi shrine in the city of Sirte was destroyed, presumably by LNA-affiliated Salafis aligned with the ultra-conservative Madkhali school. In November 2019, the Sufi community started with the reconstruction of the Sidi Abdul Salam mosque in Zliten. This was an important site for Sufi Muslims and had been destroyed by Salafi militias in 2012.²⁴⁷

4.4.10 *Residents of Tawergha*

The population of the town of Tawergha²⁴⁸ has been living in abject circumstances since almost all the residents of this city fifty kilometres south of Misrata had been forcibly displaced. The forcible mass-displacement of the population of Tawergha occurred after Qadhafi was ousted in 2011. Militias from Misrata carried out reprisal attacks on the town for its (alleged) support of Qadhafi when his regime forces attacked Misrata in 2011. In August 2016, UNSMIL brokered an agreement between both cities to facilitate compensation and the return of almost forty thousand displaced residents of Tawergha. A peace agreement between both cities was signed on 3 June 2018, followed by negotiations led by UNSMIL to facilitate the return of Tawergha residents to their city. Return was made difficult by the fact that the violence had destroyed or damaged many homes in the city and by the presence of fighters from Misrata who blocked returning families from entering the city. In spite of the agreement in place, militias from Misrata continued attacking the Tawerghan communities, although the attacks were not as numerous as in preceding years.

²⁴⁵ Nationalia, *The Amazigh: Libya's third actor?*, 23 May 2019; Algemeen ambtsbericht Libië of April 2019, p. 65 et seq.

²⁴⁶ UNSG, *Statement attributable to the Spokesman for the Secretary-General on Libya*, 7 April 2020; ECHO, *Daily flash*, 7 April 2020; AP News, *Eastern Libyan Forces attack Tripoli hospital for second day*, 7 April 2020; Crisis Group, *Addressing the rise of Libya's Madkhali-salafis*, 25 April 2019, p. 11.

²⁴⁷ Reuters, *FEATURE-Sufi cultural sites caught in crossfire of Libya civil war*, 16 March 2020; Libya Observer, *Pro-Haftar Salafist group destroys Sufi shrine in Sirte*, 6 February 2020.

²⁴⁸ Tawerghans are a population group with a dark skin colour that comes from their sub-Saharan African origin. This aspect meant that Tawerghans also faced discrimination based solely on the colour of their skin. It is difficult to discern how the discrimination against this group based on the colour of their skin tied in with their alleged loyalty to Qadhafi. Revolutionary brigades frequently viewed dark-skinned people as supporters of the Qadhafi regime because many members of Qadhafi's security services were dark-skinned Libyans. For more information see Algemeen ambtsbericht Libië of April 2019, p. 67.

While Libyan courts did prosecute fighters from Tawergha for their alleged crimes committed while serving Qadhafi, until now, no militia member from Misrata has been prosecuted for crimes committed against the Tawerghan community. Tawerghans were subjected to arbitrary detention (sometimes for several years), torture and enforced disappearances. Some families returned to the city during the reporting period. In the beginning they faced difficult circumstances and a lack of basic services such as electricity as they attempted to rebuild their lives. Over the course of the period under review, services were restored with the help of the *United Nations Development Programme*, UNDP. By the end of the reporting period, the UNDP reported that electricity and street lighting had been restored and work was under way to rebuild a number of schools.²⁴⁹

4.4.11 *Palestinians and Syrians*

During the current reporting period, the situation of Palestinians remained the same as in the previous reporting period. Most of the Palestinian community in Libya came in the previous century during the seventies when many fled Gaza due to the Israeli occupation. Others came to Libya from Lebanon, where a large number fled the country following the Sabra and Shatila Beirut refugee camp massacres in 1982. Palestinians were welcomed to Libya as migrant workers and were usually able to earn a living in the service industry or as skilled labourers with Libyan or foreign companies in the oil and gas industry. Palestinians enjoyed many of the same rights as Libyan citizens, which was reflected in free education for Palestinian children and free medical care.²⁵⁰

Based on the information available, in the current reporting period, the HoR in Tobruk has maintained the entry ban imposed in January 2015 which applies to a number of groups, including Palestinians. Since 2015, it is virtually impossible for Palestinians to obtain a visa to enter Libya. The reason for the ban reportedly has to do with Palestinians possibly maintaining contacts with terrorist groups. According to reports, there were cases of Palestinians who already had a residency permit and a work permit being able to extend these depending on the stance of the (local) authorities. However, issuing new permits is something that seldom occurred during the reporting period. There have also been cases of arrests of Palestinians on suspicion of having ties with terrorist organisations. For example, in February 2019 four Palestinians were arrested for alleged ties with the Palestinian organisation Hamas. A number of countries, including the United States and the EU view Hamas as a terrorist organisation.²⁵¹ There were no known reports of arrests of Palestinians on charges of terrorist activities during this reporting period. There were reports during the reporting period of Haftar also recruiting Palestinians for the LNA. There is reportedly little or no recourse for Palestinians legally residing in Libya to raise the issue of the violation of their rights with the authorities, in light of the generally poor security situation and deficiencies in legal procedure.²⁵²

Compared to the previous reporting period, the positions of Syrians worsened during the current reporting period. This was chiefly related to the recruitment of Syrian mercenaries by parties allied with either the GNA or the LNA. The active role played by Syrian soldiers in the conflict generated negative feelings among opposing groups, and this was sometimes reflected in a hostile attitude towards or violence

²⁴⁹ UNDP, *When lighting brings hope to Tawergha*, 4 March 2020; Al Shahid, *UNSMIL meets with representatives of Tawergha and Misrata*, 6 July 2018; Algemeen ambtsbericht Libië of April 2019, p. 66.

²⁵⁰ For more information see also Algemeen ambtsbericht Libië of April 2019, p. 67 et seq.; and Algemeen ambtsbericht Libië of May 2016, p. 56.

²⁵¹ Middle East Monitor, *Hamas condemns conviction of 4 'innocent' Palestinians in Libya*, 27 February 2019; BBC, *Profile: Hamas Palestinian movement*, 12 May 2017.

²⁵² Algemeen ambtsbericht Libië of April 2019, pp. 67 and 68; Syria Direct, *As their fellow citizens fight on both sides of Libya's civil war, Syrian civilians pay the price*, 23 March 2020.

against individual Syrians. In one incident, the body of a young Syrian man was found in a suburb of LNA-controlled Tarhouna on 22 February 2020. The man was from Misrata, a city under GNA control. The Syrian man's body was found next to the bodies of two executed Libyans, and his body showed evidence of torture. As shown in a video which appeared on a local media broadcaster, the Syrian and Libyans had been previously arrested by Tarhouna's ruling *Kani* Brigade (9th Infantry Brigade of the LNA, also known as the Kaniyat). The brigade accused the man of fighting for the GNA. A month earlier, a young Syrian man was found dead in his vehicle in Tripoli. According to a spokesperson for the Syrian community in Tripoli, the man had been murdered for reasons related to his nationality.²⁵³

4.4.12 *Lesbians, Gays, Bisexuals, Transgenders and Intersexuals (LGBTI)*

Engaging in homosexual acts is punishable by law in Libya. There are no provisions in law that criminalise LGBTI individuals based on their sexual orientation. While the Libyan Penal Code (1953) does contain a number of provisions dealing with offences against freedom, honour and morals, it is difficult to clearly discern what the exact penalty is for homosexual acts. Article 408(1) of this law, for example, states that anyone committing an improper sexual act faces up to five years imprisonment. Article 408(4) stipulates that committing an improper sexual act with the consent of the other party is punishable by up to a year in prison.²⁵⁴

Based on the information available, Libyan society's stance towards LGBTI individuals has not changed from the situation described in previous country of origin information reports. In Libya, homosexuality is still considered taboo and publicly coming out as a homosexual is something that is unacceptable in Libyan society. Individuals who are openly LGBTI face social exclusion, threats, bullying, violence and are sometimes even killed. The climate for LGBTI individuals has deteriorated, particularly in the aftermath of the fall of Qadhafi, due to the fact that society became more conservative and Salafi groups acquired a more influential role.²⁵⁵ Amnesty International reports that it received numerous reports in 2019 of LGBTI individuals being subjected to abductions, extortion, torture and detention by security services, armed groups or militias because of their sexual orientation.²⁵⁶

4.4.13 *Women*

As far as could be ascertained, the position of women remained unchanged compared to the previous reporting period. Women in Libya are legally competent and officially have an equal status to men. They enjoy *de jure* the same rights as men with respect to performing official acts. In practice, during the reporting period, women faced social marginalisation and were subjected to discrimination and unequal treatment in relation to their fundamental rights such as freedom of movement and the right to work. It was very common that women had to have themselves be accompanied by a male family member (*mahram*) in the performance of an official act or when travelling, both domestically and abroad. This practice varied from region to region in Libya and was dependent on the attitude of the local ruling faction and authorities. In eastern Libya, an official requirement was introduced in February 2017 making it mandatory for men and women between the ages of 18 and 45 to request permission from the local ruling faction when travelling abroad by land, sea or air. During the reporting period, women were not permitted

²⁵³ Syria Direct, *As their fellow citizens fight on both sides of Libya's civil war, Syrian civilians pay the price*, 23 March 2020.

²⁵⁴ DCAF, *Penal Code Libya (1953)*, Article 408 (unofficial transcription/translation), from ilo.org, consulted on 6 March 2020.

²⁵⁵ US Department of State, *Libya 2019 human rights report*, 11 March 2020, p. 30; See Algemeen ambtsbericht Libië of April 2019, p. 70.

²⁵⁶ Amnesty International, *Libya 2019*, consulted on 12 March 2020 Algemeen ambtsbericht Libië of April 2019, p. 70 et seq.

to travel unaccompanied in eastern Libya. A somewhat more liberal climate prevailed in Tripoli and women were usually expected to be accompanied by a male family member up to the border control.

Over the past few years, Libyan society has seen a growing conservatism, largely religious in nature, which has further segregated men and women in everyday activities. The rise in religious conservatism has resulted in the suppression of women's rights and freedoms. During the reporting period, women played an important role within communities and families, but as soon as they wanted to have influence (political influence, for example) and assert themselves outside of the boundaries defined by the community, they would face repression, stigmatisation and sometimes violence from the de facto ruling factions such as militias. Women who expressed their views on political themes or topics deemed threatening by the de facto ruling factions ran the risk of reprisals from these ruling factions. A good example of this is the case of Siham Sergewa, legislative draftsman and also member of the Tobruk HoR. She was abducted in mid-2019 in Benghazi by an armed group suspected of belonging to the LNA. It is presumed that Sergewa was abducted for publicly criticising the LNA's armed offensive to take Tripoli. The UN stated that another motive for her abduction is the intolerant attitude held by armed groups against women who participate in Libya's political process.²⁵⁷

The position of single women remained unchanged from the information provided in the previous reporting period. In Libyan society, it is considered unacceptable for single women, either divorced, unmarried and of marriageable age, or widowed, to live alone. Such women are expected to live with their families. The degree to which restrictions were placed on the freedom of movement of single women depended on where they resided. Due to the greater degree of social control, it was common for single women from rural areas to face more restrictions than women living in metropolitan areas like Tripoli. The severity of the restrictions single women could face also depended on the stance of the local de facto ruling factions. For example, when strict religious groups such as Salafi groups and militias were in charge, the freedom of movement of women in general and single women in particular was curtailed.²⁵⁸

As a result of the rising tensions and resurgent violence in Tripoli starting in April 2019, the UNFPA (*United Nations Population Fund*), a UN agency that advocates on a variety of issues including women's rights, reported an increase in the number of cases of sexual and gender-based violence. Some reasons accounting for this development could be the circumstances forcing men to stay at home more, resulting in increased tensions within families, or rising tensions due to long-term displacement and financial problems. In order to help women traumatised by domestic violence or other traumatic experiences, the UNFPA provided support by setting up a helpline. This helpline is under the general supervision of the Libyan Ministry of Social Affairs (GNA). During the reporting period, the UNFPA also provided support to women in what are referred to as 'safe houses' located in Tripoli, Sebha and Benghazi. These safe houses were meant to assist women who were victims of violence and consequently needed psycho-social help, legal counsel and aid to provide for basic necessities. In addition, the UNFPA supported initiatives in Misrata aimed at eliminating the root causes of gender-based violence. According to the UNFPA, these support initiatives were hampered by the restrictions placed on women curtailing their freedom of movement, social pressure, and stigmatisation.

²⁵⁷ Atlantic Council, *How the exclusion of women has cost Libya*, 26 November 2019; *US Department of State, Libya 2019 human rights report*, 11 March 2020, pp. 26 and 27; *Algemeen ambtsbericht Libië of April 2019*, pp. 68-70; UNSMIL, *Six months following the enforced disappearance of Siham Sergewa, UNSMIL calls for her immediate release*, 17 January 2020; *Defenders Center for Human Rights, Annual report 2019*, p. 32.

²⁵⁸ *Algemeen ambtsbericht Libië of April 2019*, pp. 68-70;

Other factors that present obstacles include women's fear of violence towards them from the authorities and the poor security situation.²⁵⁹

4.4.14

Minors

During this reporting period, the situation of minors and unaccompanied minors remained the same as in the previous reporting period. As a rule, minors who have lost one or both parents are taken in by the extended family and more broadly taken care of within the clan structure, where they also enjoy a certain degree of protection.

Libya also has shelters for unaccompanied minors, but it is unclear how many shelters there are and what standard of care they offer. Orphanages in Libya are formally under the auspices of the Ministry of Social Affairs, and as a rule, are meant for children born out of wedlock, since these children usually are not entitled to the protection of the family or clan.²⁶⁰ The number of minors living in Libya without access to shelter or care is unknown. Just as in previous reporting periods, there were instances of minors being placed in detention facilities where they were confined together with adults. It has been reported that minors who were born out of wedlock were sometimes confined in the DCIM's detention centres for migrants. Minors require the permission of a parent or guardian to travel abroad, and as a rule, this is the minor's father. Children usually travel accompanied by one or both parents. If the mother wishes to travel with her child, she is required to obtain her husband's permission. Minors are also permitted to travel when chaperoned by head teachers, but they likewise need the written permission of the minor's father to do so.²⁶¹

There are many minors within the displaced persons population. In January 2020, the UN reported that of the approximately 150,000 persons recently displaced by the violence in around Tripoli since April 2019, around 90,000 were minors. Many families, often with young children, were forced to find shelter in vacant buildings as they fled from the violence. They lived in dire conditions, usually without access to running water, electricity, services and medical care. These children were in an extremely vulnerable position and were at an increased risk of experiencing violence, being abducted, or being recruited by armed groups.²⁶²

There are also many minors among Libya's migrant population. The UN reports that as of January 2020, there were approximately 60,000 migrant minors in Libya's urban areas and roughly 15,000 of them are unaccompanied minors. Some of these minors were sent to detention centres where they were confined together with adults. These unaccompanied migrant minors were in an extremely vulnerable position and made for easy targets for human traffickers and smugglers. They were also at risk of being recruited by the militias running these detention facilities.²⁶³

²⁵⁹ Confidential source, March 2020; see also the UNFPA Libya website: **Error! Hyperlink reference not valid.**, consulted on 6 June 2020.

²⁶⁰ A source reports that in any case, as of November 2018, there were a number of shelters in Tripoli, Benghazi and Misrata. It is unknown to what degree the violence that erupted in and around Tripoli in April 2019 has had any repercussions with regard to providing shelter for minors.

²⁶¹ Algemeen ambtsbericht Libië of April 2019, p. 71 et seq.; Confidential source, 3 December 2018; Confidential source, 20 April 2020; Confidential source, 30 November 2018.

²⁶² UNICEF, *Libya: Tens of thousands of children at risk amidst violence and chaos of unrelenting conflict*, 17 January 2020; Japan Times, *Libya war leaves tens of thousands homeless in Tripoli*, 26 December 2019.

²⁶³ UN News, *Libya: 'Dire and untenable' situation for tens of thousands of children in unrelenting conflict*, 17 January 2020; Confidential source, March 2020.

4.4.15

Libyan personnel working for international organisations in Libya

Little information is available on the risks Libyan personnel working for international organisations might face on account of their work. During the reporting period, the LNA and the eastern-based government generally believed that international organisations such as UNSMIL and other UN agencies supported the GNA. During the reporting period, there were incidents where the LNA refused to give UN aircraft permission to land in areas under LNA control. Keeping this in mind, it is not inconceivable that the LNA-affiliated armed groups would view Libyan personnel working for UN agencies as opponents and consequently target them in reprisal attacks. International organisations and aid organisations were sometimes targeted by extremist and terrorist organisations. In one such incident in August 2019, at least three UN staff members in Benghazi were killed in a car-bomb explosion. One of the victims was a Libyan national. Because of the generally high rate of crime in Libya due to the absence of a properly functioning legal system, abduction for ransom was a hazard faced by personnel working for international companies, for example in the oil and gas industry.²⁶⁴

²⁶⁴ UNSMIL, *UN fears severe consequences on its efforts due to stoppage of its flights to/from Libya*, 12 February 2020; New York Times, *Car Bomb Kills 3 U.N. Staff Members Outside a Benghazi Mall*, 11 August 2019; Control Risks, *Libya Travel security*, update 31 March 2020; Control Risks, *Libya Security Risk*, update 31 March 2020.

5 Displaced persons, migrants and refugees

5.1 The flow of migrants, refugees, and displaced persons

During the reporting period, thousands of migrants and refugees²⁶⁵ from sub-Saharan countries, the Middle East and Asia continued to pour into Libya, although the numbers have been dropping steadily since 2018.²⁶⁶ Migrants, from sub-Saharan countries in particular, risked making an extremely hazardous journey from Niger across the Sahara, assisted by smugglers. These migrants then attempted to continue their journey by crossing the Mediterranean Sea from Libya to Europe. During the reporting period, the Libyan coastguard intercepted thousands of migrants who had boarded boats at departure points on the northwestern coast of Libya. Even though UNHCR is monitoring twelve disembarkation points, migrants who disembark at these points often end up in detention facilities nominally run by the Directorate for Combatting Illegal Migration (DCIM) of the GNA's Ministry of Interior. These facilities were usually under the de facto control of militias who committed violations such as rapes and torture and imposed forced labour. The situation for migrants in detention was further exacerbated due to possible armed conflict in the areas where these centres are located (see paragraph 2.3.4 and information provided below). For example, an LNA attack on the GNA's Daman building complex in Tajoura (approximately 14 kilometres east of Tripoli) on 2 July 2019 killed at least 53 migrants and wounded 87 more. One of the facilities at the complex was a detention centre housing hundreds of migrants, primarily from sub-Saharan countries (see 2.3.4).²⁶⁷

Following an escalation in violence, the Libyan government declared its own disembarkation points on Libya's northwestern coast unsafe in April 2020. There were a few instances where migrants on board migrant boats intercepted in the Mediterranean Sea could not disembark when brought back to port, and were forced to stay on the boats under appalling conditions. Migrants were also often placed in detention in one of the many illegal prisons run by militias, smugglers and human traffickers. The city of Agadez in Niger was also known as a migrant transit hub during this reporting period. Over the past few years, however, Niger has come under increasing pressure from the international community to stem irregular migration from Agadez. During the reporting period, this led to smugglers increasingly using alternative and often more hazardous routes to reach Libya as smugglers endeavoured to avoid Nigerien police patrols.²⁶⁸

²⁶⁵ The term refugee is not used here in the strict sense of the legal definition of the word, meaning an individual who has been granted the official status of refugee and is recognised as such by the state. Since Libya does not have an institutional asylum process, it is often difficult to make a distinction between refugees, migrants and migrant workers. Many refugees who failed to make the journey from Libya to Europe ended up working as migrant labourers.

²⁶⁶ The decrease is chiefly due to stricter regulations in Chad and Niger, countries on Libya's southern border, and violence which has erupted along the smuggling and migration routes. As a result, migrants were forced to travel longer and more perilous routes in order to reach the embarkation points on the Libyan coast. UN Panel of Experts, *Final report of the Panel of Experts established pursuant to Security Council Resolution 1973 (2011)*, p. 15; IOM Displacement Tracking Matrix, *Libya's migrant report round 29*, January-February 2020.

²⁶⁷ Deutsche Welle, *Niger's migrant smugglers use ever deadlier routes through the Sahara*, 4 July 2019; UNHCR, *Libya*, consulted on 21 April 2020 UNSMIL/OHCHR, *The airstrikes on the Daman building complex, including the Tajoura Detention Centre*, 2 July 2019; Volkskrant, *Tientallen doden na inslag op detentiecentrum voor migranten in Tripoli*, 3 July 2019.

²⁶⁸ IOM, *Libya considers its ports unsafe for the disembarkation of migrants*, 9 April 2020; the Guardian, *Libya says migrants stopped at sea will not be let back in*, 14 April 2020; See also Algemeen ambtsbericht Libië of April 2019, p. 73.

There were also flows of both newly displaced persons as well as displaced persons returning to their homes. New flows of displaced persons emerged as a result of combat operations in Libya. One of the main causes was the fighting in and around Tripoli which started on 4 April 2019 (see 2.5.2), and violence in the south of the country, in and around the city of Murzuq also played a role (see 2.5.3). Displaced persons were sometimes able to return to their homes, especially in eastern Libya, to Benghazi for example. The improved security situation in Cyrenaica made it possible for thousands of displaced persons to return to their homes after years of fighting between the LNA and radical Islamist groups such as the *Benghazi Revolutionaries Shura Council* and the *Derna Shura Council*. Migrants were also evacuated out of Libya to countries such as Niger and Rwanda. This was facilitated by the *Gathering and Departure Facility (GDF)*²⁶⁹ established by UNHCR as mentioned in the previous reporting period. When the detention facility in Tajoura, where many migrants resided, was hit during fighting between the GNA and LNA in July 2019, many migrants fled to the GDF. Hundreds of migrants at the Abu Salim detention centre also fled to the GDF as a result of the fighting in October 2019. They had been released by the Libyan authorities because the situation around the Abu Salim detention centre had become too dangerous. This resulted in overcrowding in the GDF, severely hampering the UNHCR's efforts in conducting its evacuation programmes. At the end of January 2020, the departure facility's activities even had to be suspended due to the deteriorating security situation. Most of the migrants at the facility were transferred to Tripoli. The departure of the more than one hundred last remaining migrants was reportedly prevented by the DCIM's interim director who was also a local militia commander.²⁷⁰

On 10 September 2019, the Rwandan government, UNHCR and the African Union (AU) reached an agreement that would allow refugees and migrants in Libyan detention centres, the GDF or in urban areas to be evacuated to Rwanda on a voluntary basis. Once evacuated, these individuals would either be resettled, return to their country of origin, or to a country where an asylum had been previously requested. By the end of November 2019, UNHCR reported that in 2019, 2,142 refugees and migrants in total could be evacuated from Libya. Of this number, 723 could be resettled. All of the evacuation programmes were suspended at the end of the reporting period. On 17 March 2020, UNHCR and IOM announced a worldwide temporary suspension of resettlement flights due to measures related to the coronavirus.²⁷¹

5.2 Displaced persons

According to IOM figures, the total population of displaced persons in Libya was 355,672 as of 1 December 2019.²⁷² This figure represented an increase compared to the same period in the previous reporting period (in mid-2018 UNHCR reported

²⁶⁹ The GDF is a centre for migrants set up by UNHCR especially for the purpose of evacuating the most vulnerable people among the migrant population in Libya, the majority of whom are women and children.

²⁷⁰ IOM DTM IDP and returnee report, round 28 (November – December 2019), 2020; UNHCR, *UNHCR expands help to refugees in urban areas in Libya, reassesses role of Gathering and Departure Facility*, 28 November 2019; UNHCR, *UNHCR to suspend operations at GDF in Tripoli amid safety concerns*, 30 January 2020; Confidential source, 28 February 2020.

²⁷¹ UNHCR, *Joint Statement: Government of Rwanda, UNHCR and African Union agree to evacuate refugees out of Libya*, 10 September 2019; UNHCR, *Third group of refugees evacuated to Rwanda from Libya with UNHCR support*, 25 November 2019; The Guardian, *Libya's refugees face being cut off from aid due to coronavirus*, 24 March 2020; UNHCR, IOM, *UNHCR announce temporary suspension of resettlement travel for refugees*, 17 March 2020.

²⁷² This refers to displaced persons identified by IOM. The total number of displaced persons could be higher. IOM Displacement Tracking Matrix (DTM), *Libya*, 1 December 2019.

there were just under 200,000 displaced persons in total).²⁷³ According to IOM, the total number of returning displaced persons was 447,707 persons as of 1 December 2019.²⁷⁴ The main cause of the jump in the number of displaced persons during the reporting period was the battle for Tripoli, especially in the districts of Ain Zara, (southern) Tajoura, Al-Aziziya, Qasr bin-Ghashir, Swani bin-Adam and Aljbara. The battles in and around Tripoli triggered a new flow of displaced persons starting in January 2020. As of 1 February 2020, IOM figures reported the number of displaced persons had risen to 373,709 persons, while the number of returning displaced persons also rose, to 448,573.²⁷⁵ OCHA reports that (up to the end of April 2020), more than 200,000 persons were displaced since the LNA launched its offensive on Tripoli on 4 April 2019. The violence in around Tripoli and other parts of northwestern Libya accounted for over 42% of the total number of displaced persons in the country during the reporting period. In March and April 2020 new incidents of displacement of persons occurred due to fighting between the LNA and GNA, mainly in the districts of Salah al-Din, Mashroa al-Hadba, Abu Salim as well as in the vicinity of Tarhouna.²⁷⁶ According to the UN, combat between the GNA and the LNA in the first months of 2020 caused the further displacement of approximately 4,650 person near Abu Grain and Sirte (see also 2.5.2).²⁷⁷ Displaced persons from Tripoli usually fled to safer districts in the city,²⁷⁸ to the surrounding areas outside of Tripoli, to the Nafusa mountains, or to other towns, cities and regions situated along the northwestern Libyan coast, such as Misrata and Almargeb.²⁷⁹

Another area which saw many new cases of persons being displaced during the reporting period was the city of Murzuq, where intense inter-tribal fighting broke out in August 2019. According to IOM, more than 28,000 persons were displaced as a result of the violence in Murzuq, with many families fleeing to surrounding areas in the region of Murzuq and to the towns of Sebha, Ubari, Jufra and Wadi al-Shati. Based on the information available, many families from Murzuq were still displaced when this reporting period ended.²⁸⁰

Many people forced to flee their homes when violence broke out in Tripoli and other parts of northwestern Libya fled to stay with family members in other parts of the city or outside of Tripoli. The UN also reported that thousands of civilians sought shelter in medical clinics when violence erupted in April 2019. Some found shelter in abandoned school buildings and other vacant buildings, sometimes after having first spent a night on the streets. In other cases, displaced citizens used public areas such as city parks and gardens as a place to stay, or they set up tents on the seashore. The facilities available in such improvised accommodations were often poor and lacked clean drinking water and other basic services. Civilians fleeing the violence were sometimes able to find temporary shelter and relief through UN agencies such as OCHA and IOM (see also 4.2.6). Displaced persons in the areas in

²⁷³ See also the country of origin information on Libya of April 2019, p. 73.

²⁷⁴ This covers the period since the displacement which occurred since the spring of 2014 when violence flared up at Tripoli's international airport between Haftar's Dignity coalition (*Amaliyat al-Kerama*) and the *Fajr Libya* (Libyan Dawn) movement. For more information refer to country of origin information reports on Libya of May 2016 and April 2019. IOM DTM, *Key Findings*, 1 December 2019.

²⁷⁵ IOM Displacement Tracking Matrix (DTM), *Round 29*, 1 February 2020; UNHCR, *UNHCR Libya response in 2020*, 10 April 2020; IOM Displacement Tracking Matrix (DTM), *Libya IDP and returnee report*, August-October 2019.

²⁷⁶ OCHA, *Libya. Tripoli: One year on*, 29 April 2020.

²⁷⁷ OCHA, *Libya Situation Report*, 17 March 2020; IOM Displacement Tracking Matrix Libya, *Abu Qurayn, Misrata, Sirt Flash Update*, 16 March 2020.

²⁷⁸ This chiefly involved the districts of Abu-salim, Suq al-juma, Tajoura and Ain Zara; IOM DTM IDP and returnee report, *round 28 (November – December 2019)*, 2020, p. 8.

²⁷⁹ IOM DTM IDP and returnee report, *round 28 (November – December 2019)*, 2020; Libya Observer, *Minister: 57,000 families fled Tripoli since start of Haftar's offensive in April 2019*, 30 March 2020.

²⁸⁰ IOM, *DTM IDP and returnee report, round 28 (November – December 2019)*, 2020; IOM Displacement Tracking Matrix, *Libya IDP and Returnee Report: Mobility Tracking Round 29*, January - February 2020.

the northwest of Libya, a region where there was ongoing fighting, encountered mounting difficulties in providing for their basic needs during the reporting period. The violence and the continuously deteriorating economic situation made it difficult for them to gain access to public services and to find work and thus have the means to provide for their basic needs. Starting in mid-March 2020, measures implemented to fight the spread of the coronavirus worsened the already difficult position of displaced persons. The developments related to the virus had a strong negative impact on the economy, causing a sharp hike in the price of goods, food and fuel, while employment figures continued to fall. The most vulnerable groups in the population, including displaced persons, were hit especially hard by these developments. The measures also had the added effect of further curtailing freedom of movement and deteriorating security due to the actions of militias in implementing stricter controls in a bid to exploit the situation.²⁸¹

Based on the information available, the situation for displaced persons from the city of Tawergha remained extremely difficult. The majority of the displaced persons have still not returned to their original homes due to the destruction that occurred in the city. The UN's (UNSMIL) mediation between Misrata and Tawergha in 2018 was intended to make it easier to facilitate the return of families from Tawergha. However, it has turned out to be almost impossible for most of the families from Tawergha to actually return due to the large-scale destruction of homes and infrastructure in the city. An additional factor preventing their return is the hostile attitude of Misrata militias towards Tawerghans (see also 4.4.10).²⁸²

One region in particular where displaced persons were returning was the city of Benghazi and its surroundings in eastern Libya. IOM figures report that as of 1 December 2019, 189,000 displaced persons had returned. In preceding years, many persons from Benghazi had been displaced due to the fighting there between Haftar's LNA and the *Benghazi Revolutionaries Shura Council* (BRSC), a coalition of extremist groups, including the former *Ansar al-Sharia Libya* (ASL) militia.²⁸³ There were no comparable large-scale battles in the eastern part of Libya in the current reporting period, and this opened up the possibility for many displaced persons to return. IOM reports that a large majority of the displaced persons actually were able to return to their own homes (83% in total countrywide).²⁸⁴ Due to the outbreak of the coronavirus in the areas they had fled to, displaced persons in and nearby Tripoli sometimes found themselves forced to return to their original residential areas from mid-March, even though there was ongoing fighting in those areas.²⁸⁵

5.3 Refugees and migrants

Based on the information available, the legal provisions related to foreign nationals in Libya did not change during the reporting period. While the provisional

²⁸¹ UN, *Libya: Thousands seek shelter in health clinics from Tripoli fighting, UN warns*, 23 April 2019; UNOCHA, *Libya 2019 (Humanitarian response plan)*, undated, consulted on 24 March 2020; LiveuMap, *UNHCR and partner Libaid continued their distribution to forcibly displaced families and assisted 49 households with core relief items in Garabulli, east of Tripoli*, 19 April 2019; Reuters, *Libya's displaced struggle for shelter as fighting drags on*, 10 September 2019; UNOCHA, *Libya situation report*, 17 March 2020.

²⁸² Human Rights Watch, *Libya: Displaced Population Can't Go Home*, 24 January 2019; UNDP, *When lightning brings hope to Tawergha*, 4 March 2020.

²⁸³ For more information see Algemeen ambtsbericht Libië of April 2019, pp. 26 and 27, and Algemeen ambtsbericht Libië of May 2016, p. 26 et seq.

²⁸⁴ IOM DTM IDP and returnee report, round 28 (November – December 2019), 2020.

²⁸⁵ Reliefweb, *Libya: People caught between bullets, bombs and now COVID-19*, 12 April 2020; Libya Observer, *Red Cross: Some Tripoli IDPs returned home over COVID-19 concerns despite ongoing attacks*, 13 April 2020.

constitution of 2011 guarantees the right to asylum²⁸⁶, there is no specific asylum legislation or a working institutional process for requesting asylum in Libya. As a result, asylum seekers, refugees and migrants are subject to Libyan legislation governing migration. This legislation makes illegally entering, residing in, and exiting Libya a criminal offence.²⁸⁷ Violation of this legislation may result in a prison sentence for an undefined term, which includes hard physical labour, or a monetary fine of approximately one thousand Libyan Dinar (roughly 630 euro). After serving the sentence or paying the fine, the law stipulates that the offender must be deported. Individuals who have been deported are not permitted to re-enter Libya without the permission of the Director of the *Department of Passports and Nationality*.²⁸⁸ No information is available regarding whether and the degree to which this legislation was actually applied by migration authorities in western or eastern Libya during the reporting period.

Migrants and refugees remained in a dire situation in Libya during the reporting period. Many of them were incarcerated in detention centres run by the DCIM. Conditions in these centres were poor due to overcrowding, poor hygiene and a lack of sufficient food and clean drinking water. There were also frequent incidents of violence directed at migrants and refugees in the detention centres. During the reporting period, migrants in detention centres located in and around Tripoli were evacuated by UNHCR and IOM on a number of occasions due to the threat of violence at those locations. In the last week of April 2019, for example, 325 refugees from abroad were evacuated from the Qasr bin Ghashir migrant detention centre in the south of Tripoli. The evacuation was set in motion following reports of violence and weapons being used against the refugees in the detention centre. The refugees were transferred to the Az-Zawiya detention centre in northwestern Libya. The most vulnerable among the refugees, including women and children, were taken to a UNHCR facility. This was the fourth evacuation since fighting broke out in Tripoli on 4 April 2019. Previously, 825 refugees and migrants had already been evacuated from detention facilities in Ain Zara, Abu Salim, Qasr bin Ghashir, Zintan and Tajoura. In the latter location, an LNA attack on the GNA-run Daman building complex on 2 July 2019 killed at least 53 migrants and wounded 87 more. One of the facilities at the complex was a detention centre housing hundreds of migrants, primarily from sub-Saharan countries (see 2.3.4).²⁸⁹

Additionally, dozens of refugees from various detention centres were transferred to a transit centre in Niamey in Niger due to the danger posed by the escalating security situation in Tripoli. Among this group were many refugees who had already previously been evacuated by UNHCR from the detention centres at Ain Zara and Abu Salim, due to their proximity to the front line. During the reporting period, according to the UNHCR, there were approximately three thousand refugees and migrants in detention centres in and around Tripoli.²⁹⁰ However, the vast majority of the hundreds of thousands of migrants in Libya are not incarcerated in detention centres.²⁹¹

²⁸⁶ Constitutional Declaration of 3 August 2011, Article 10.

²⁸⁷ This could be construed as, for example, lacking the required documents, or entering Libya through an unofficial border post.

²⁸⁸ Law No. 6 of 1987: *Regulating entry, residence and exit of foreign nationals to/from Libya* (amended in Law No. 2 of 2004), Article 18; Law No. 19 of 2010: *On Combating Irregular Migration*; Global Detention Project, *Libya Immigration Detention*, update August 2018; See also Algemeen ambtsbericht Libië of April 2019, p. 74.

²⁸⁹ UNHCR, *Libië update: UNHCR evacueert honderden vluchtelingen*, 25 April 2019; UNHCR, *Libya*, consulted on 21 April 2020 UNSMIL/OHCHR, *The airstrikes on the Daman building complex, including the Tajoura Detention Centre*, 2 July 2019; Volkskrant, *Tientallen doden na inslag op detentiecentrum voor migranten in Tripoli*, 3 July 2019.

²⁹⁰ Libya's total migrant population is estimated to be between 600,000 and 700,000 persons.

²⁹¹ UNHCR, *Libya: humanitarian crisis worsening amid deepening conflict and COVID-19 threat*, 3 April 2020; Confidential source, 21 June 2019.

Of the foreign migrants in Libya not in detention centres, most tried to earn a living with jobs in the services sector, or in the agricultural sector or construction sector (by offering to work as day-labourers, for example). During the reporting period, especially in Tripolitania, migrants could be found offering their services as day-labourers as they waited along the sides of the road. Payment for this type of labour varied considerably and on occasion the migrant was not paid for the work performed in the end. Some migrants were successfully able to secure a regular job with the same employer for a fixed salary. But with the ongoing conflict and the deteriorating economic conditions, it became more and more difficult for migrants to find work.²⁹² Migrants commonly have no form of legal residency whatsoever in Libya, and as a rule, they do not have any documents in their possession to corroborate their identity. This makes them an extremely vulnerable group. In addition to being exploited, they run the risk of being forcibly conscripted by armed groups or abducted by human traffickers (see also 2.5.7).²⁹³

During the reporting period, the violence, the deteriorating economy and the coronavirus (and the measures taken related to the virus) had a severe impact on migrants. Because of the ongoing fighting and the battle for oil reserves and natural resources, migrants found their access to food supplies, services and medical care increasingly restricted. Many medical facilities, especially those located in Tripolitania, were either damaged or forced to close their doors because of the fighting. This made gaining access to medical services for civilians a growing problem in this part of Libya, and the impact on vulnerable groups such as migrants and displaced persons was especially severe. The measures taken to combat the outbreak of the coronavirus had a negative effect on the already poor economic situation in Libya, and resulted in sharp price hikes in food, fuel and goods. This in turn placed pressure on the food security and economic situation of Libyans, once again having a disproportionately large impact on vulnerable groups such as migrants and displaced persons. The measures also gave de facto ruling factions such as militias a greater degree of control. This led to additional restrictions on freedom of movement, especially for migrants. The economic downturn and poor security situation also contributed to a drop in employment in general, with migrants - mostly day labourers in Tripolitania - particularly hard hit by the lack of work. Migrants reportedly feared being targeted with more discrimination and violence based on the assumption that they were responsible for the spread of the coronavirus. In some cases, landlords evicted migrants, and migrants were sometimes refused access to shops and medical facilities. There were also reports of violence against migrants, possibly related to their alleged responsibility for the spread of the coronavirus. These developments over the course of the reporting period further exacerbated the already dire situation of migrants.²⁹⁴

5.4 Repatriation

Illegally entering and exiting Libya is a criminal offence pursuant to the following legislation: Law No. 19 of 2010 (On combatting irregular migration) and Law No. 6 of 1987 (Regulating entry, residence and exit of foreign nationals to/from Libya;

²⁹² Medics sans Frontieres, *Trading in suffering: detention, exploitation and abuse in Libya*, 23 December 2019; UNHCR, *Libya: humanitarian crisis worsening amid deepening conflict and COVID-19 threat*, 3 April 2020.

²⁹³ Medics sans Frontieres, *Trading in suffering: detention, exploitation and abuse in Libya*, 23 December 2019; Algemeen ambtsbericht Libië of April 2019, pp. 74 and 75.

²⁹⁴ UNHCR, *Libya: humanitarian crisis worsening amid deepening conflict and COVID-19 threat*, 3 April 2020; The Guardian, *Libya's refugees face being cut off from aid due to coronavirus*, 24 March 2020; World Health Organization (WHO), *Health sector bulletin Libya*, January 2020; Confidential source, 4 April 2020.

amended through Law No. 2 of 2004).²⁹⁵ No information was available during the reporting period regarding the (enforced) repatriation of Libyans and how they may have been treated upon their return by the authorities. Likewise, no information during this period was available regarding the stance of Libyan diplomatic missions abroad with regard to enforced repatriation. Just as in the previous reporting period, there were incidents where migrants removed from ships off the Libyan coast were abused in detention centres for migrants (see 5.1).²⁹⁶

While society's perception of Qadhafi loyalists and former Qadhafi loyalists has changed somewhat during the reporting period, groups such as revolutionary brigades continued to view them in a negative light (see 4.4.8). Due to the complicated and ambiguous balance of power at border crossings, where these brigades could wield some influence, it cannot consequently be ruled out that harbouring sympathy for Qadhafi, or the suspicion thereof, could play a role in how repatriated Libyans were treated. This was especially true of the border crossings in western Libya where these brigades primarily operated.²⁹⁷

Sources state that upon entering Libya, individuals are usually questioned about their reason for travel and local ruling factions would check an individual's tribal background. Much depended on the individual's profile or gender and the local militia or de facto ruling faction in a region. The same issues also occurred during domestic travel. Systematic checks are conducted by local militias between zones run by different ruling factions. The security situation varies depending on the border crossing in question (see also 2.5.5 and 2.5.6).²⁹⁸

²⁹⁵ Global Detention Project, *Libya Immigration Detention*, update August 2018; DCAF, *Libyan security sector legislation*, consulted on 5 June 2020. For the English language version of Law No. 19 of 2010, see: **Error! Hyperlink reference not valid.** and for Law No. 6 of 1987, see: <https://security-legislation.ly/node/34591>.

²⁹⁶ IOM, *IOM Alarmed by Return of Migrants to Libya from Maltese Waters*, 16 March 2020;

²⁹⁷ For more information see Algemeen ambtsbericht Libië of April 2019, pp. 63 and 64 and Algemeen ambtsbericht Libië of May 2016, pp. 64 and 65.

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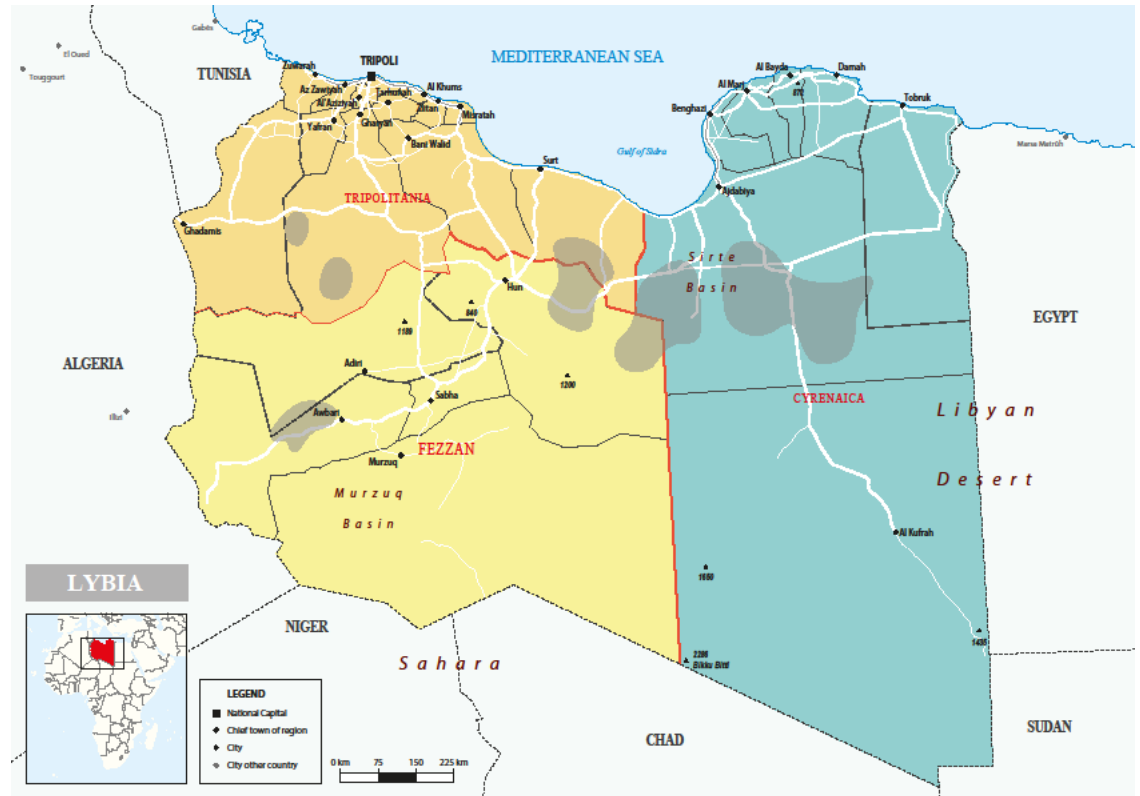
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6.2 List of abbreviations

AI – Amnesty International
ASL – Ansar al-Sharia Libya
ASMB – Abu Salim Martyrs Brigade
AU – African Union
BRSC – Benghazi Revolutionaries Shura Council
CD – Constitutional Declaration
CDA – Constitution Drafting Assembly
CHRDA – Defender Center for Human Rights
CRA – Civil Registry Authority
DCAF – Geneva Center for Security Governance
DCIM – Directorate for Combatting Illegal Migration
DMSC – Derna Mujahideen Shura Council
DRF – Danish Refugee Council
FH – Freedom House
GAAIA – General Authority of Religious Endowments and Islamic Affairs
GDF – Gathering and Departure Facility
GNA – Government of National Accord
GNC – General National Congress
GNS – Government of National Salvation
GSSCA - General Security and Security Concentration Agency
HoR – House of Representatives
HRW – Human Rights Watch
ICJ – International Commission of Jurists
IFRC – International Federation of Red Cross and Red Crescent Societies
IOM – International Organisation for Migration
ISIS – Islamic State in Iraq and Syria
LAAF – Libyan Arab Armed Forces
LGBTI – Lesbian, Gay, Bisexual, Transgender, Intersexual
LIFG – Libyan Islamic Fighting Group
LNA – Libyan National Army
LPA – Libyan Political Agreement
LPTIC – Libyan Post Telecommunications and Information Technology Company
NCCLHR – National Council for Civil Liberties and Human Rights
NINS – National Identity Number System
NRC – Norwegian Refugee Council
NTC – National Transitional Council
OHCHR- Office of the United Nations High Commissioner for Human Rights
PC – Presidential Council
SDF – Special Deterrence Force
SJC – Supreme Judicial Council
SSF – Saeqa Special Forces
ULS – Undetermined Legal Status
UNDP – United Nations Development Programme
UNFPA – United Nations Population Fund
UNHCR – United Nations High Commissioner for Refugees
UNICEF – United Nations Children's Emergency Fund
UNSMIL – United Nations Support Mission in Libya
USDoS- United States Department of State
UAE – United Arab Emirates
UN – United Nations

6.3 Map of Libya



Source: Managementboek.nl