



General Country of Origin Information Report Libya

February 2023

Publication details

Location The Hague
Prepared by Country of Origin Information Reports Section (DAF/AB)

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This translation has been co-funded by the European Union.



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Introduction

This report was prepared on the basis of the questions and points of focus in the Terms of Reference (ToR) drawn up by the Dutch Ministry of Justice and Security. The ToR for this report was defined on 29 September 2022. It is available, together with the report, on the website of the Dutch Government.

This general country of origin information report describes the situation in Libya insofar as it is relevant for the assessment of asylum applications by persons originating from that country and for the decision-making process regarding the return of rejected Libyan asylum-seekers. The report is an update of the general country of origin information report for Libya of September 2021.¹ It covers the period from October 2021 to January 2023. Developments of relevance for answering the questions asked in the ToR have been taken into account in outline up to the date of publication. The report is a factual, neutral and objective representation of the findings that were made during the period under consideration. It is not a policy document and does not reflect the government's vision or policy in relation to a country or region. It does not contain any conclusions concerning immigration policy.

The report was prepared on the basis of public and confidential sources, using carefully selected, analysed and verified information. Information from a number of sources has been used, including non-governmental organisations (NGOs), specialist literature, media reporting, and (where applicable) relevant governmental agencies. Unless stated otherwise or when the facts are generally undisputed, the content in this report is based on multiple sources. The public sources that were consulted are listed in the appendices.

Part of the information used was obtained during a fact-finding mission to Libya and Tunisia (Tripoli and Tunis) that took place from 17 to 23 December 2022. The report uses information from the interviews with relevant expert local sources that were conducted during this mission. Use is also made of information obtained from the diplomatic mission(s) of the Netherlands in Tripoli, as well as confidential conversations and correspondence outside the official mission. The information obtained on this basis has chiefly been used to support and supplement the content based on public information. The confidential sources are marked 'confidential source' in the footnotes and are dated.

Chapter One deals with the political and security situation. Chapter Two deals with documents and nationality legislation. Chapter Three deals with the human rights situation. Chapter Four considers the situation with regard to displaced persons, migrants and refugees, and Chapter Five considers returns. Chapter Six contains appendixes.

¹ <https://www.rijksoverheid.nl/documenten/ambtsberichten/2021/09/30/algemeen-ambtsbericht-libie-van-september-2021>.

1 Political and security situation

There was political unrest and continuing insecurity during the reporting period.² There were no large-scale military confrontations, but violent clashes occurred between armed groups³ in north-western Libya that left dozens of civilians dead. Violent incidents also occurred with some regularity in the south of Libya.

1.1 Recent political and administrative developments

For a description of events from the fall of the regime of Muammar Qadhafi⁴ - including the political division and the ongoing armed confrontations - to the official ceasefire of 23 October 2020, refer to previous country reports.⁵

In late 2020, the United Nations Support Mission in Libya (UNSMIL)⁶, operating under a mandate from the United Nations (UN) Security Council, facilitated meetings of the Libyan Political Dialogue Forum (LPDF). The LPDF brought together 75 Libyan women and men representing 'the full social and political spectrum of the Libyan society'. On 15 November 2020, the participants agreed on a roadmap for establishing an interim Government of National Unity (GNU), the reforming of the Presidential Council⁷ and 'credible, inclusive and democratic national elections', to be held on 24 December 2021.⁸ The GNU took steps in the first phase to bring together the government institutions in the east and west of the country.⁹ The interim government led by Abdul Hamid Dbeibah was tasked, among other things, with preparing for the elections.¹⁰ Voter cards were distributed all over the country, polling stations were set up in every municipality and a large amount of government money was spent on logistics and databases.¹¹ More than 2.8 million Libyans registered to vote.¹²

The pre-election period was characterised by chaos and confusion, with more than 90 individuals registering as candidates for the presidency.¹³ On 14 November 2021, Saif Al-Islam Qadhafi, son of former president Muammar Qadhafi, against whom the International Criminal Court (ICC) had issued an arrest warrant for murders and crimes against humanity, declared his candidacy for the presidential election. Khalifa Haftar, the commander of the Libyan National Army (LNA) which is also known as

² UN Human Rights Council. *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/49/4, 23 March 2022, p.3; UN Human Rights Council. *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/50/63, 27 June 2022, p.2 and 3.

³ In many sources, the terms 'armed group' and 'militia' are used interchangeably without being clearly differentiated or defined. The broader term 'armed group' has been chosen in this report, as this term can include both armed groups with a clear link with a government and groups for which such a link is non-existent or less clear and/or groups that operate very locally. Many groups that are referred to as 'militia' in reports receive government funding.

⁴ The name Qadhafi is spelled in various different ways, including Gadaffi and Kadhafi.

⁵ General country of origin information reports for Libya of September 2021, June 2020, April 2019, May 2016 and December

2014. Among other places, a brief overview of events can be found in: LFJL, "Justice is the only way forward" : *perceptions of justice in Libya ten years on*, 23 June 2022, p.8-11.

⁶ UNSMIL, *Mandate*, accessed 11 August 2021

⁷ UNSMIL, *Libyan Political Dialogue Forum*, accessed 11 August 2021. For information about the powers of the Presidential Council, see: UNSMIL, *Chapter on unified executive authority*, accessed 1 December 2022.

⁸ UNSMIL, *Libyan Political Dialogue Forum*, accessed 11 August 2021. The president of the Council is Mohamed Menfi. The three-member Council sits in Tripoli and has limited powers and a

protocolary role in Libya's foreign relations.
⁹ Horsley, Rupert & Gerken, Jessica, *Global Initiative against transnational organized crime, Libya. Stability fuels rebound in human smuggling*, July 2022, p.6.

¹⁰ UN Human Rights Council. *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/50/63, 27 June 2022, p.3. The name Dbeibah is also written Dabaiba.

¹¹ War on the rocks. Harchaoui, Jalel, *How Libya's fault lines were redrawn*, 24 February 2022.

¹² UNSC, *UNSMIL report of the Secretary-General, S/2022/409*, 20 May 2022, p.2.

¹³ SIPRI. Bourhrous, Amal, *Libya's electoral limbo: the crisis of legitimacy*, 29 April 2022.

the Libyan Arab Armed Forces (LAAF), also announced his candidacy on 16 November 2021.¹⁴

The LPDF's Legal Committee was supposed to formulate a constitutional basis for holding presidential and parliamentary elections, but that process stalled in the summer of 2021 for substantive and procedural reasons. At the same time, the Tobruk-based parliament¹⁵, the House of Representatives (HoR), led by its Speaker, Aguila Saleh, passed its own electoral laws. According to the research institute the Tahrir Institute for Middle East Policy, in doing so the speaker of the HoR bypassed state bodies in north-western Libya as well as members of the parliament.¹⁶

The High National Elections Commission (HNEC) failed to present a shortlist of candidates, largely due to the judiciary having the final say in eligibility disputes. This led to a series of appeals and counter-appeals, with different courts accepting or rejecting different candidates.¹⁷ Two days prior to the election date mentioned above, the HNEC stated that it was unable to organise the elections due to inadequacies in the electoral legislation and irregularities in the judicial process relating to the eligibility of candidates.¹⁸ See also 3.3.6.

HoR Speaker Saleh then stated that the elections should have been held within fourteen months of the interim government's original mandate. He argued that the GNU no longer had a government mandate and, with the support of Haftar, instructed Fathi Bashagha - a former minister of the interior from Misrata¹⁹- to form a new government.²⁰ However, Prime Minister Dbeibah, also from Misrata, vowed only to hand over power to a government with a mandate from a newly elected parliament. On 1 March 2022, after a controversial voting process²¹, the HoR approved the appointment of a new government known as the Government of National Stability (GNS), headed by Bashagha.²² This gave Libya two competing governments: the internationally recognised GNU in Tripoli led by Dbeibah and the GNS, based in Sirte in the east and led by Bashagha.²³ The GNS swearing-in ceremony was chaotic. Two of the proposed ministers were reportedly kidnapped by an armed group in Misrata with ties to the Dbeibah government. According to

¹⁴ ICJ, *Libya: alleged perpetrators of crimes under international law must play no part in elections*, 20 November 2021; Bajec, Alessandra, *Libya's conundrum: from collapse of the elections to renewed political split*, TIMEP, 9 March 2022.

¹⁵ Due to the violence following the 2014 elections, the HoR had moved to Tobruk in the east of the country, where it was still based during the reporting period. See Dutch Ministry of Foreign Affairs, *General country of origin information report for Libya*, September 2021 (Dutch only), p.8.

¹⁶ SIPRI. Bourhrous, Amal, *Libya's electoral limbo: the crisis of legitimacy*, 29 April 2022; Bajec, Alessandra, *Libya's conundrum: from collapse of the elections to renewed political split*, TIMEP, 9 March 2022; see also Dutch Ministry of Foreign Affairs, *General country of origin information report for Libya*, September 2021 (Dutch only), pp.8 and 9. The LPDF was tasked with

organising the elections in December 2021.

¹⁷ SIPRI. Bourhrous, Amal, *Libya's electoral limbo: the crisis of legitimacy*, 29 April 2022.

¹⁸ UN Human Rights Council. *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/50/63, 27 June 2022, p.3; Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, September 2021 (Dutch only), p.12.

¹⁹ The name Misrata is spelled Misurata or Misrata in some publications.

²⁰ LFJL, "Justice is the only way forward": *perceptions of justice in Libya ten years on*, 23 June 2022, p.11.

²¹ UNSC, *UNSMIL report of the Secretary-General*, S/2022/409, 20 May 2022, p.2 points 6 and 7. There were doubts as to whether

quorum had been reached. There were also reports of intimidation of parliamentarians and their family members prior to the vote. LFJL, "Justice is the only way forward": *perceptions of justice in Libya ten years on*, 23 June 2022, p.11; Reuters, *Libya parliament backs new government as crisis escalates*, 1 March 2022.

²² UN Human Rights Council. *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/49/4, 23 March 2022, p.3.

²³ UN Human Rights Council. *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/50/63, 27 June 2022, p.3; Reuters, *Libya parliament backs new government as crisis escalates*, 1 March 2022; ISS. Fabricius, Peter, *Groundhog day in Libya*, 17 June 2022; Libya Herald, *Libya, Bashagha government is to resume its work from the city of Sirte*, 8 June 2022.

reports, the airspace between Tripoli and Misrata was closed in an attempt to prevent members of the government from reaching Tobruk.²⁴

Negotiations in 2022 between the rival political camps concerning new elections failed to produce a result. Talks between delegations from the High Council of State (HCS, the Libyan Senate)²⁵ and the HoR, overseen by Special Advisor to the Secretary General of the United Nations (SGUN) Stephanie Williams, in Tunis, Cairo and Geneva also failed to get the two chambers to agree on eligibility criteria to be included in the constitution for candidates for the presidency.²⁶ Following Williams' departure, the leaders of the HoR (Saleh) and HCS (Al-Mishri) met in Morocco, where they agreed on their intention to make changes in all top positions in the country's 'sovereign institutions' (the Central Bank, the Court of Audit, etc.), thereby unifying the executive once again. No agreement was reached on the constitutional framework.²⁷ See also page 12 on mediation by the UN.

In his efforts to further extend his power, Dbeibah received considerable help from Turkish President Recep Tayyip Erdogan and the governor of the Central Bank of Libya (CBL), Sadiq al-Kabir.²⁸ Turkey is providing military aid as a result of the 2019 military cooperation agreement between Ankara and Tripoli. See also 1.2.1.2. On 3 October 2022, the GNU and the Turkish government signed a Memorandum of Understanding (MoU) assigning exploration and production rights to the Turkish state petroleum company. This provoked widespread criticism at home and abroad.²⁹ The MoU sparked a serious diplomatic conflict between the GNU and Greece, which promptly sent a research vessel to the zones west of Crete, which are also claimed by Libya.³⁰ The EU and Egypt regarded the agreement as invalid because it had been made at the expense of a third country, Greece. In Libya, criticism focused on the legality of the agreement and on the transfer of Libyan wealth to Turkey, which would take place at the expense of the Libyan population.³¹

The Central Bank's support gave Dbeibah access to a large portion of the oil and gas revenues - approximately USD 36 billion in 2022 - that found their way into the treasury and the foreign exchange reserves.³² The distribution of these resources is a constant source of frustration for the ruling factions in the east of Libya, and in particular the military leader Haftar, who is dependent on them to cover the cost of paying his LNA and deploying the Russian mercenary force Wagner.³³

In mid-April 2022, Haftar closed most of the oil and gas fields as well as the export terminals, causing the Dbeibah government to lose revenue. After a leadership change at the National Oil Company (NOC) and other firm commitments from the

²⁴ Bajec, Alessandra, *Libya's conundrum: from collapse of the elections to renewed political split*, TIMEP, 9 March 2022.

²⁵ UNSMIL, *Libyan political agreement as signed on 17 December 2015*, accessed 6 November 2022, Articles 19-25. The HCS is an advisory body and advises the GNU as well as the HoR.

²⁶ BBC Monitoring, *Libyan council members deny news of deal on key elections clause*, 17 September 2022, <https://monitoring.bbc.co.uk/product/c203r16i>.

²⁷ Konrad Adenauer Stiftung, *Inside Libya*, November 2022, number 27, p.10; Libya Alahrar, *UN envoy 'takes note' of Al-Mishri-Saleh agreements in Morocco*, 22 October 2022; Confidential source, 15 December 2022.

²⁸ War on the rocks. Harchaoui, Jalel, *How Libya's fault lines were redrawn*, 24 February 2022.

²⁹ Nova news, *Libya-Turkey: here is the controversial secret agreement on hydrocarbons signed in Tripoli*, 6 October 2022; Confidential source, 17 October 2022; Le Figaro, *Le grand jeu turc en Méditerranée*, 18 October 2022; UNSC, *UNSMIL report of the Secretary-General, S/2022/932*, 9 December 2022, paragraph 41; MEMO, *Why the Turkish-Libyan MoU has enraged Libyans and regional countries*, 20 October 2022; In early January 2023, a court in Tripoli heard an appeal brought by lawyers against the MoU. The appeal stated, among other things, that Dbeibah's interim government was not able to conclude any agreements. See: Libya Herald, *Tripoli appeals court accepts appeal against the October 2022 Libyan-Turkish energy exploration MoU and refers it for investigation*, 11 January 2023.

³⁰ France24, *Turkey and Libya sign maritime hydrocarbons deal*, 3 October 2022; Reuters, *Greece paves way for seismic surveys off Crete*, 8 November 2022.

³¹ Confidential source, 17 October 2022.

³² War on the rocks. Harchaoui, Jalel, *How Libya's fault lines were redrawn*, 24 February 2022; The Libya Observer, *Ecomnews Med:Libya's oil and gas revenues expected to reach record high in 2022*, 13 November 2022.

³³ Confidential source, 15 December 2022.

GNU, oil production and exports were able to resume.³⁴ Between April 2022 and the lifting of the blockades and resumption of large-scale oil exports in mid-July 2022, the loss of revenue amounted to approximately 4 billion US dollars.³⁵

On 14 November 2022, Al-Mishri stated that Prime Minister Dbeibah's security forces had prevented a meeting of members of the HCS. Reportedly, one of the matters on which the members were going to vote was constitutional provisions.³⁶

Changing political and military alliances

The political and military conflict was characterised by changing armed alliances.³⁷

Bashagha tried twice during the reporting year to assert his position as the new prime minister in Tripoli with the support of armed groups loyal to him, but these attempts were in vain. The latest attempt led to serious clashes that left dozens of civilians dead. See 1.2. Dbeibah's position of power has been strengthened as a result of these armed confrontations. He continues unabated to form ties with military leaders and communities outside Tripoli who were formerly loyal to Bashagha. The appointment in October 2022 of Emad Al-Trabelsi, the commander originating from Zintan of the General Security Force, also known as the Public Security Service³⁸ or Public Security and Security Positions Apparatus³⁹, as acting Minister of the Interior of the GNU, should also be seen in this light.⁴⁰ Human rights groups accuse Al-Trabelsi of corruption and other crimes, including people smuggling, kidnappings and human rights violations.⁴¹

The international NGO *Konrad Adenauer Stiftung* stated in July 2022 that Bashagha and his GNS was receiving support from a significant portion of the HoR as well as from the HCS, the LNA, tribal sheikhs from the east and south of the country and an increasing number of power blocks in north-western Libya. During the reporting period this last category included Osama Al-Juwaili and factions of armed groups based in Zawiya or Tripoli, such as the Nawasi Brigade.⁴² See also 1.2. Political analyst Emadeddin Badi claimed that domestic and foreign political actors were collaborating with Libyan armed groups. Leaders of these groups were thus acquiring considerable political influence and control over state institutions.⁴³ Experts reporting to the UN indicated in the reporting period that the dominance of armed groups over the Libyan security sector had continued. While many of the north-western armed groups were formally under the Libyan government led by Dbeibah and had access to government finances, in practice they operated without any real oversight.⁴⁴ An example of the gradual enmeshment of armed groups with the state apparatus is the Stability Support Apparatus (SSA)⁴⁵ - also known as the Stabilization Support Authority. See 1.2.1 and 1.2.1.1.

³⁴ Confidential source, 26 July 2022.

³⁵ Confidential source, 26 July 2022; Reuters, *Libya's NOC chief rejects challenges to his appointment*, 19 July 2022.

³⁶ BBC monitoring, *HCS accuses Tripoli militia of 'besieging offices'*, 14 November 2022; Jeune Afrique, *Libye: forte tensions entre le Haut Conseil d'Etat et Abdelhamid Dbeibah*, 15 November 2022; BBC monitoring, *Dbeibah downplays reports of militia action in Tripoli*, 15 November 2022.

³⁷ War on the rocks. Harchaoui, Jalel, *How Libya's fault lines were redrawn*, 24 February 2022.

³⁸ The Libya Update, *Tripoli armed group commanders receive about \$ 7 million from CBL-sources*, 23 June 2022.

³⁹ The Libya Update, *Tripoli armed group commanders receive about \$ 7 million from CBL-sources*, 23 June 2022; The Libya Observer, *Dbeibah appoints Emad Al-Trabelsi as minister of Interior*, 6 November 2022, see also Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, September 2021 (Dutch only), p.25, footnote 130.

⁴⁰ Confidential source, 15 December 2022.

⁴¹ The Libya Observer, *Dbeibah appoints Emad al-Trabelsi as minister of Interior*, 6 November 2022; CIHR, *Libya: terrorization of civil society on moral and religious grounds highlights impunity of radical armed groups*, 18 March 2022.

⁴² Konrad Adenauer Stiftung, *Inside Libya no. 23*, July 2022, p.5.

⁴³ ISPI. Badi, Emadeddin, *Armed groups no longer: Libya's competitive political militias*, 8 July 2022.

⁴⁴ UNSC, *Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya*, S/2022/427, 27 May 2022, p.7.

⁴⁵ State of Libya-Presidential Council, *Stability Support Apparatus*, accessed 1 February 2023.

Social organisation

Libya is Africa's fourth largest country and historically has been divided into three geographical regions. In the north-west lies the Tripolitania region, including the capital, Tripoli; to the east and south-east is the region of Cyrenaica with Benghazi and also Tobruk as important cities. Fezzan is the region in the south-west with Sebha as the main city.⁴⁶

Libyan society consists of Arabs, Amazigh (previously referred to as 'Berbers'), Tuaregs and Toubous.⁴⁷ No reliable statistics are available on the size of the different ethnic groups. The largest ethnic group is the Arabs. Together with the Amazigh, they form the vast majority of the population. The three largest (non-Arab) minority communities in Libya are the Toubou, the Tuareg and the Amazigh. The Amazigh, who mostly live in the Nafusa Mountains around the coastal town of Zuwara, have intermarried over the centuries with Arab populations in the Maghreb (the region consisting of Mauritania, Morocco, Tunisia, Algeria and the western part of Libya). The Toubou and Tuareg - who share close ties with Chad, Niger and to a lesser extent Sudan - are originally nomadic or semi-nomadic peoples from the Sahara and Sahel. In Libya, the Toubou mainly live in Kufra, Rabian and Buzaima in the south-east and the Tuareg in Sebha, Murzuq and Al-Qatrun in the south-west.⁴⁸

Many residents of Tawergha, a town near Misrata, are dark-skinned and descended from enslaved sub-Saharan Africans, which leads to discrimination. More than 40,000 residents of Tawergha were displaced when Qadhafi's regime fell. Residents of the city were regarded by armed opponents from Misrata as sympathisers of the Qadhafi regime and were forcibly expelled.⁴⁹

Tribal links play an important role in Libyan society and politics. There are more than a hundred tribes in Libya. In the absence of a functioning government, tribes remain influential and in some areas are sometimes more powerful than formal actors. Tribes mediate in the resolution of conflicts between communities and also between individuals.⁵⁰ Belonging to a primary community (*asabiyya* in Arabic), whether ethnic, tribal, regional or local, is also a central part of the life and loyalty of the majority of Libyans in the urbanised parts of Libya.⁵¹ The Clingendael research institute states that ninety percent of Libyans have ties with a tribe and only ten percent have few or no ties. The latter group, which generally includes better educated and wealthier Libyans, mostly live in the urban areas in the north. For them, their connection to a tribe is primarily an identity, not a way of life.⁵² One source states that tribal ties are more influential in some parts of Libya than in others. In Tripoli, a person's tribal ties plays less of a role; however, in the suburbs and elsewhere in north-western Libya, such as in Zintan, they are important. See

⁴⁶ Ben Lamma, Mohamed. Observatoire du Monde Arabe-Musulman et du Sahel, *The tribal structure in Libya: factor for fragmentation or cohesion?* September 2017, pp.8 and 9; Britannica, *Libya*, accessed 30 October 2022.

⁴⁷ Ben Lamma, Mohamed. Observatoire du Monde Arabe-Musulman et du Sahel, *The tribal structure in Libya: factor for fragmentation or cohesion?* September 2017, p.8. This article contains a map on p.4 providing a schematic overview of the tribal structure of Libyan society.

⁴⁸ CIA, *The world factbook: Libya country summary*, accessed 29 November 2022; Henneberg, Sabina, *Minorities in Libya marginalized by the Revolution*, Middle East Research and Information Project (MERIP), 298 (Spring 2021),

⁴⁹ Kafala, Ghady, *Tawergha: ten years of displacement*, Friedrich Ebert Stiftung, 22 April 2021; Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, June 2020, pp.53-54 and footnote 248.

⁵⁰ Al-Shadeedi, al-Hamzeh & Ezzeddine, Nancy. Clingendael, *Libyan tribes in the shadow of war and peace*, February 2019, pp.1-2; Ben Lamma, Mohamed. Observatoire du Monde Arabe-Musulman et du Sahel, *The tribal structure in Libya: factor for fragmentation or cohesion?* September 2017, p.6 and 7. Ben Lamma emphasises that the role of tribes usually involves some form of social mediation rather than interference in the legal process.

⁵¹ Ben Lamma, Mohamed. Observatoire du Monde Arabe-Musulman et du Sahel, *The tribal structure in Libya: factor for fragmentation or cohesion?*, September 2017, pp.4-5, 7-8. Tribalism refers to a mode of social organisation and a type of identity based on lineage and common ancestors. Such connections can be used, for example, to help gain privileges, speed up administrative processes, obtain authorisations or gain protection against violence.

⁵² Al-Shadeedi, al-Hamzeh & Ezzeddine, Nancy. Clingendael, *Libyan tribes in the shadow of war and peace*, February 2019, p.2 and footnote 8.

also 1.2. In the east and south, tribalism plays a much greater role. Members of tribes more or less follow the political line of their leaders. This is less of a factor in urbanised areas. Many important tribes have formed alliances with Haftar.⁵³

Surnames usually give an indication of a person's tribal background. A person's name alone, according to one source, is insufficient ground to distrust the person. However, if it is known that a member of a person's family is politically active on behalf of the opposition or if a person is known for holding the views of opposition, the person can get into trouble.⁵⁴ See also 1.3.

Mediation by the UN

Under the leadership of the American, Stephanie Williams, as Special Adviser to the United Nations Secretary-General (UNSG) for Libya, intensive discussions took place in the first half of 2022 with all stakeholders from both camps in order to find a political solution to the outstanding issues about the draft constitution and in particular the electoral law. Despite the progress that was achieved, these discussions did not lead to a breakthrough.⁵⁵ Williams was appointed by Secretary-General Antonio Guterres as his adviser when the Security Council failed to agree on a successor to Jan Kubis as UN Special Representative for Libya. Kubis stepped down on 23 November 2021 after ten months.⁵⁶

In March 2022, on Williams' initiative, a Joint Committee consisting of members of the HCS and House of Representatives was established to agree on the constitutional basis for elections. During its first two sessions in Cairo in April and May, the committee agreed on 137 of the 197 articles, including some of the prerogatives of the president and prime minister. However, important issues still remained unresolved, including the order of the elections, transitional provisions for governance, the allocation of seats in parliament, arrangements for local government and eligibility criteria for candidates.⁵⁷ Consultations also took place in the second half of 2022 between members of the HoR and the HCS on the constitutional basis for national elections, including whether or not to exclude presidential candidates with dual nationality.⁵⁸ The apparent obstinacy of the main actors in the impasse has caused great frustration among the nearly three million Libyans eligible to vote and reinforced the widely shared feeling that the current ruling factions are maintaining the status quo because it best serves their interests.⁵⁹ See also 1.1.1.

The Berlin Process, for details of which see the previous country report, was put on the back burner in terms of political dialogue, while a coalition of external players - the US, the UK, France, Italy, Germany, Turkey and Egypt (the so-called P3+2+2 countries) - tried to agree on a way forward and force a breakthrough. Other countries with interests in Libya, such as Qatar and the United Arab Emirates (UAE),

⁵³ Confidential source, 17 October 2022; Carnegie Middle East Center, *Haftar and the tribes, in an interview, Alison Pargeter discusses the calculations of Libya's tribes and their impact on the struggle for power*, 28 mei 2020; Pargeter, Alison, *Haftar, tribal power, and the battle for Libya*, 15 May 2020, War on the Rocks.

⁵⁴ Confidential source, 17 October 2022.

⁵⁵ UNSMIL, *SASG Stephanie Williams' statement on the high level meeting on Libya's constitutional track in Geneva*, 30 June 2022.

⁵⁶ The Washington Post, *France: UN will approve Senegal's Bathily as Libya UN envoy*, 2 September 2022; Jeune Afrique, *Libye: Abdoulaye Bathily nommé émissaire de l'ONU*, 3 September 2022.

⁵⁷ Stimson, *The situation in Libya: reflections on challenges and ways forward*, 5 July 2022.

⁵⁸ Confidential source, 2 October 2022. Haftar has dual nationality. See also: The Libyan express, *Haftar to fly to the US with family, pretending it is a Libyan official visit*, 13 September 2021; Libya Alahrar, *Members discuss Libya's return to 1951 constitution*, 12 October 2022.

⁵⁹ Confidential source, 15 December 2022.

as well as Algeria and Morocco, were also involved in the difficult political process. However, this did not lead to a breakthrough during the reporting period.⁶⁰

Williams ended her work as UNSG Special Adviser for Libya in July 2022.⁶¹ In early September 2022, UNSG Guterres appointed the Senegalese, Abdoulaye Bathily, as his Special Representative.⁶²

The UN-backed 5+5 Joint Military Commission (JMC) met several times during the reporting period. This commission consists of senior military representatives from the rival camps in Libya, and is tasked with overseeing the ceasefire, disarmament and demobilisation.⁶³ After a three-month break, members of the Military Commission met in Sirte on 27 October 2022 in the presence of Bathily.⁶⁴

1.1.1 *Economic situation and coronavirus*

Despite its enormous importance to the Libyan economy and government, the oil sector faces significant challenges. There is little or no stock administration, infrastructure maintenance is far behind schedule and investments are low. Above all, the oil industry is a victim of political strife due to blockades. The ruling factions in the east of the country are using production and export blockades to remove the GNU's main asset: its oil revenues. See 1.1. 98 percent of government revenue⁶⁵ comes from the oil and gas industry.⁶⁶ Oil production fully resumed in July 2022 and Libya is now producing 1.2 million barrels per day.⁶⁷

Since 2014, Libya has in effect had two central banks, with the governor of the CBL, Al-Kabir, in Tripoli and north-western Libya. The eastern branch of the CBL was controlled by Al-Hebri, who was replaced by Maree Al-Barasi in November 2022 by decision of the HoR. Due to the political deadlock, the CBL's reunification process has been stopped.⁶⁸

Libya is one of the most corrupt countries in the world according to the non-governmental research body *Transparency International*. At the end of 2021, Libya was ranked 172 out of 180 countries surveyed in the *Corruption Perception Index* (CPI). This index is published annually and indicates how corrupt the Libyan government is according to experts and businesspeople. The situation remained almost unchanged from 2020.⁶⁹ The GNU's Libyan Audit Bureau released an annual

⁶⁰ Confidential source, 23 December 2022. The first Berlin Conference was convened in January 2020 on the initiative of the then Chancellor Merkel. The conference aimed to help the UN to unite the international community in its support for a solution to the crisis, and to create the conditions for a Libyan-led peace process that would put an end to hostilities and bring lasting peace. The second Berlin Conference was held in June 2021. The Berlin Process contributed to important steps, including a ceasefire in October 2020, a unified transitional Government of National Unity (GNU) in March 2021, and a Libyan commitment to hold elections on 24 December 2021. The Netherlands, Switzerland and the UN are co-chairs of the Working Group on International Humanitarian Law and Human Rights (IHL/HR), which is part of this Berlin Process. This working group aims to ensure a central place for human rights in the peace process; Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, September 2021 (Dutch only), pp.7 and 9 for more information on the Berlin International Conference on Libya of January 2020; for more information on the working groups associated with the Berlin Process see also UNSC, *UNSMIL report of the Secretary-General, S/2022/932*, 9 December 2022, paragraph 18.

⁶¹ Asharq Al-Awsat, *Williams ends Libya mission, accuses politicians of being 'opportunist'*, 31 July 2022,

⁶² The Washington Post, *France: UN will approve Senegal's Bathily as Libya UN envoy*, 2 September 2022; Jeune Afrique, *Libye: Abdoulaye Bathily nommé émissaire de l'ONU*, 3 September 2022.

⁶³ UNSMIL, *JMC (5+5) meets in Geneva to develop action plan for the withdrawal of mercenaries, foreign fighters and forces from Libya*, 6 October 2022; UN, *"United Nations' priority in Libya remains to facilitate a return to the electoral process"*, says ASG Pobee, 25 July 2022; The Libya Update, *5+5 agree to name commander in chief for Libyan army*, 19 July 2022.

⁶⁴ Konrad Adenauer Stiftung, *Inside Libya*, November 2022, number 27, p.14.

⁶⁵ The World Bank, *Libya Economic Monitor- September 2022*, accessed 29 November 2022.

⁶⁶ Confidential source, 12 October 2022; Le Figaro, *Le grand jeu turc en Méditerranée*, 18 October 2022.

⁶⁷ Reuters, *Libyan oil production at 1.2 mln barrels per day, oil minister says*, 12 December 2022; UNSC, *UNSMIL report of the Secretary-General, S/2022/932*, 9 December 2022, paragraph 36.

⁶⁸ Confidential source, 12 October 2022; The Libya Observer, *Libya's HoR appoints replacement to AlHibri as deputy governor of CBL*, 23 November 2022; Le Figaro, *Le grand jeu turc en Méditerranée*, 18 October 2022.

⁶⁹ Transparency International, *Corruption Perception Index 2021, Libya*, accessed 4 January 2022.

report for 2021 in September 2022. The report describes the large-scale misuse of government resources by the GNU. GNU Prime Minister Dbeibah and his ministers initially denied the allegations, but subsequently took steps to address the abuses.⁷⁰ The office of the public prosecutor, Al-Siddiq al-Sour, launched several investigations into money-laundering, misappropriation of public funds and corruption and ordered the arrests of suspects in connection with this.⁷¹

Job market

An estimated seventy percent of the Libyan workforce is currently employed by the government. In 2015, this proportion was as high as around 85 percent.⁷² An estimated 39 percent of the public sector workforce was female in 2019.⁷³ According to a source, government jobs often only exist on paper, because the employees never show up for work. Many people have another job as well as a government job. Having a government job not only provides income, but also gives access to social services.⁷⁴ About twenty percent of the workforce is unemployed. Libya has high youth unemployment: an estimated 49 percent of young people are unemployed.⁷⁵

Migrants play an essential role in the Libyan economy, especially in construction, water supply, and the supply, electricity and gas sectors, followed by agriculture, livestock farming, the food industry and crafts. Libya is not only a transit country for migrants but also a destination country for migrants.⁷⁶ The main countries of origin are Niger, Egypt and Chad. There are also migrants from West and Central Africa and from non-African countries such as Pakistan, Bangladesh and Syria.⁷⁷

Salaries in Libya are high compared to neighbouring countries, making it attractive for migrants to look for work in Libya. A large part of the migrant population resides illegally in the country and works in the informal sector. In the absence of legal and de facto protection, migrants in Libya are vulnerable.⁷⁸ According to information from the International Organization for Migration (IOM), migrants account for about thirty percent of the workforce in Libya. Most of them are young men.⁷⁹ Human Rights Watch (HRW) states that migrants, asylum-seekers and refugees have faced arbitrary detention, beatings, sexual violence, forced labour and extortion from groups associated with the GNU Ministry of the Interior, members of armed groups, people smugglers and human traffickers.⁸⁰ See also Chapters 3 and 4.

Social unrest

Libya experienced high inflation during the reporting period. The price of the Minimum Expenditure Basket (MEB)⁸¹ in December 2021 was 12.6 percent higher than in December 2020 and 24.5 percent higher than in March 2020, at the start of

⁷⁰ Confidential source, 2 October 2022; The Libya Update, *Corruption reported by Libyan Audit Bureau was only tip of iceberg, says activist*, 21 September 2022; UNSC, *UNSMIL report of the Secretary-General, S/2022/932*, 9 December 2022, paragraph 39.

⁷¹ Libya Alahrar, *Libya's attorney general cracks down on financial corruption*, 17 October 2022.

⁷² IOM, *Labour market assessment Libya*, August 2021, p. 5; UNDP, M&C Saathi, Tatweer Research, *Libya labour market assessment*, February 2021, p.9.

⁷³ UNDP, M&C Saathi, Tatweer Research, *Libya labour market assessment*, February 2021, p.29.

⁷⁴ Confidential source, 12 October 2022.

⁷⁵ IOM, *Labour market assessment Libya*, August 2021, p. 5; UNDP, M&C Saathi, Tatweer Research, *Libya labour market assessment*, February 2021, p.9.

⁷⁶ Confidential source, 12 October 2022. The source states that about 80% of migrants regard Libya as their destination country; Confidential source, 31 October 2022; IOM, *Labour market assessment Libya*, August 2021, p. 3.

⁷⁷ Confidential source, 31 October 2022.

⁷⁸ Confidential source, 12 October 2022.

⁷⁹ IOM, *Labour market assessment Libya*, August 2021, p.3.

⁸⁰ HRW, *World Report 2023: Libya*, January 2023, p. 385.

⁸¹ WFP, *Libya Market update*, mVAM bulletin, June 2022. The Minimum Expenditure Basket (MEB) represents the minimum group of products, adapted to the local culture, that is necessary to support a five-person Libyan household for one month.

the COVID-19 pandemic.⁸² The war in the Ukraine led to wheat supply shortages and significant rises in the price of wheat and vegetable oil, among other items.⁸³

According to the UN, an estimated 823,000 people, including around 248,000 children, were in need of humanitarian assistance by the end of 2022. People in need of assistance include internally displaced persons, returnees, people who have not been displaced but have been affected by the conflict, and host communities as well as refugees and migrants. Around half of the people in need of humanitarian assistance are Libyans. Refugees and migrants in or passing through Libya make up the other half. Most of the people in need of assistance live in urban areas in the north-western and eastern regions of the country. However, the greatest needs are in the southern districts of Murzuq, Sebha and Kufra, as well as in Sirte on the north coast.⁸⁴

In early July 2022, civilian demonstrations took place in both Tripoli and Tobruk. The demonstrators expressed their frustrations at the political and socio-economic situation. The protest in Tripoli was peaceful; in Tobruk, however, protesters set fire to the parliament building.⁸⁵ Young people in Zintan set up roadblocks in July 2022 to express their dissatisfaction with the city's lack of services and difficult living conditions.⁸⁶

Between 3 and 9 October, protesters blocked roads in Tajura to the east of Tripoli. They demanded that the GNU improve services and infrastructure and cancel a recent decision to allocate land to foreign embassies in the area. After negotiations between the residents and the government, the protests ended.⁸⁷

There was also social unrest in the south. Protests took place in August 2022 and protesters threatened to shut down the oil fields in south-western Libya.⁸⁸ See also 3.3.4.

Coronavirus

As of February 2022, all restrictions relating to COVID-19 have been lifted in Libya. There are no longer any restrictions on the freedom of movement of citizens due to coronavirus. There are no health checks at airports or other points of entry into Libya.⁸⁹

1.2 Security situation

For a background sketch and description of the security situation in Libya up to October 2021, refer to the previous country reports.⁹⁰

⁸² Confidential source, 12 October 2022; WFP, *Libya Market update*, mVAM bulletin, June 2022.

⁸³ WFP, *Libya country strategy plan (2023-2025)*, 27 January 2023, p.5, paragraph 11.

⁸⁴ Ocha, *about Ocha Libya*, accessed 19 December 2022.

⁸⁵ DW, *Libyans increasingly frustrated with politics, rising prices, foreign interference*, 8 July 2022, Libyans increasingly frustrated with politics, rising prices, foreign interference | Middle East | News and analysis of events in the Arab world | DW | 08.07.2022.

⁸⁶ Konrad Adenauer Stiftung, *Inside Libya*, November 2022, number 27, p.16 and 17.

⁸⁷ UNSC, *UNSMIL report of the Secretary-General, S/2022/932*, 9 December 2022, paragraph 29.

⁸⁸ UNSC, *UNSMIL report of the Secretary-General, S/2022/932*, 9 December 2022, paragraph 38.

⁸⁹ Confidential source, 12 October 2022; UK Foreign travel advice, *Libya, coronavirus*, accessed 30 October 2022; US-embassy, *October 2022, Covid-19 information*, 26 October 2022; However, the Libyan *National Center for Disease Control (NCDC)*, reference number 3/3/6664 of 8 November 2022 states in an "Update on Travelers and Arrivals from/to our Country through Points of Entry" under point 1: "The PCR test is not required for those who have received two doses and have not exceeded 6 months since the second dose as well as for those who have received three doses of vaccine or more, except in case of a suspected passenger with symptoms, where a Rapid Test (RT) shall be required at the point of entry" (onofficiële vertaling).

⁹⁰ Dutch Ministry of Foreign Affairs, *General country of origin report on Libya*, September 2021 (Dutch only), June 2020 and April 2019 (Dutch only).

Although there was no large-scale armed conflict during the reporting period, the situation in Libya was characterised by continuing insecurity.⁹¹

The official ceasefire of October 2020 held. There were no sustained firefights, but there were outbreaks of violence.⁹² Armed groups exercised control over parts of the territory, infrastructure and security bodies to varying degrees.⁹³ Libya expert Alison Pargeter said that since the fall of Qadhafi, the country has broken up into a multitude of armed groups, cities, tribes and regions, all competing for power.⁹⁴ This context, according to researchers from the Global Initiative against Transnational Organised Crime, was also favourable to people-smugglers operating in Libya.⁹⁵

The GNU controlled only a limited part of Libyan territory, namely part of the north-west.⁹⁶ Journalist and political analyst Sghaier Hidri stated in October 2022 that the Dbeibah government controlled the capital, Tripoli, and did not have total control over the north-west.⁹⁷ The GNU had limited control over its security forces. These consisted of semi-regular units, tribal armed groups and armed civilian volunteers. The National Police of the Ministry of the Interior, supported by the armed forces of the Ministry of Defence, were responsible for internal security. Police work was often carried out by armed groups, whether or not these had been officially established by the government. These groups had no formal training but were paid by the government. Supervision of their activities was usually lacking and there was no accountability for the many abuses in which these groups were involved.⁹⁸ The international NGO Médecins Sans Frontières (MSF) argues that the GNU is little more than a façade behind which the most influential cities (notably Misrata, Zintan and Zawiyah) in western Libya have agreed to divide power. Those cities have represented the most influential communities since the fall of Qadhafi. In practice, the GNU barely controls the armed forces and territories and depends on armed groups for its own security; these groups are, in turn, loyal only to their community and territory, and there is often rivalry between them.⁹⁹

The LNA controlled Sirte and eastern Libya and most of the southern region.¹⁰⁰ In the eastern part of the country there were parallel government institutions, some of which were affiliated with Haftar's LNA forces.¹⁰¹ The LNA also maintained considerable influence in the south of the country, although the predatory behaviour of some units, such as the Tarek Bin Ziyad armed group, provoked resistance among the local population.¹⁰² The Tarek Bin Ziyad armed group is led by Saddam Haftar, the son of Khalifa Haftar, and Omar Imraj. This group, which was set up in 2016, is, according to *Amnesty International* ('Amnesty'), involved in numerous

⁹¹ UN Human Rights Council. *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/50/63, 27 June 2022, p. 3; Confidential source, 21 September 2022; Confidential source, 3 November 2022. This source states that there is no active conflict. However, it is possible to end up in the wrong place at the wrong time.

⁹² War on the rocks. Harchaoui, Jalel, *How Libya's fault lines were redrawn*, 24 February 2022; Confidential source, 21 September 2022.

⁹³ UN Human Rights Council. *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/50/63, 27 June 2022, p. 3; ISPI, *Libya: sowing new seeds of instability*, 16 February 2022.

⁹⁴ Pargeter, Alison, *Libya's Islamists: a fragmented landscape*, 28 October 2021, Hudson Institute.

⁹⁵ Horsley, Rupert & Gerken, Jessica, Global Initiative against transnational organized crime, *Libya. Stability fuels rebound in human smuggling*, July 2022, p.9.

⁹⁶ USDOS, *2021 Country report on human rights practices: Libya*, 2 June 2022, p.1.

⁹⁷ Hidri, Sghaier, *Libya: tough choices after Bashagha's failure*, *Carnegie Endowment*, 3 October 2022.

⁹⁸ USDOS, *2021 Country report on human rights practices: Libya*, 2 June 2022, p.1.

⁹⁹ Médecins Sans Frontières (MSF), *Out of Libya, opening safe pathways for vulnerable migrants stuck in Libya*, 22 June 2022, p.8.

¹⁰⁰ HRW, *World Report 2023: Libya*, January 2023, p.385.

¹⁰¹ USDOS, *2021 Country report on human rights practices: Libya*, 2 June 2022, p.1; HRW, *World Report 2023: Libya*, January 2023, p.385

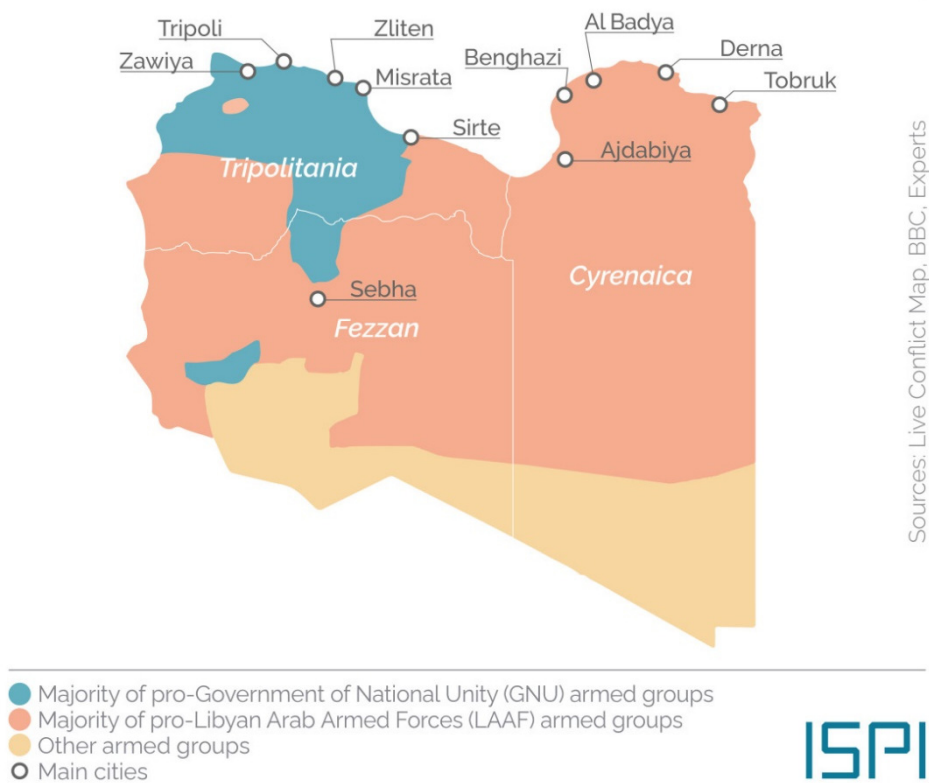
¹⁰² Horsley, Rupert & Gerken, Jessica, Global Initiative against transnational organized crime, *Libya. Stability fuels rebound in human smuggling*, July 2022, p.9.

human rights violations such as enforced disappearance, rape and other sexual violence and forcible relocation.¹⁰³

The map below from the *Instituto per gli Studi di Politica Internazionale* (ISPI)¹⁰⁴ from February 2022 gives a rough idea of who controls which area in Libya. This situation did not change substantially during the reporting period, although there were minor changes in some places, such as Tripoli, with regard to the groups exercising control over particular areas.

Libya: Who controls what?

Main cities and areas of control



1.2.1

Armed groups

A distinction is made between domestic and foreign actors. The presence of international terrorist organisations is considered separately. Libya is controlled by dozens of armed groups that have separated from one another due to differences

¹⁰³ AI, *Libya: hold commanders of Tariq Ben Zeyad armed group accountable for 'catalogue of horrors'*, 19 December 2022. This group is also referred to as the Tarek Bin Ziyad brigade or battalion in some publications. Its name is also spelled in various different ways, such as Tariq Bin (or ibn) Ziyad or Zeyad.

¹⁰⁴ ISPI, *Libya: sowing new seeds of instability*, 16 February 2022. The map is based on information from Life conflict map, the BBC and experts. Another map, also from February 2022, can be found in the War on the Rocks article. Harchaoui, Jalel, *How Libya's fault lines were redrawn*, 24 February 2022.

and support rival political leaders, as well as by thousands of foreign mercenaries present in the territory.¹⁰⁵

At the end of November 2022, a source¹⁰⁶ gave the following overview of the main security actors/armed groups:

- LNA/LAAF led by Khalifa Haftar with prominent sub-groups such as the Tarek Bin Ziyad armed group, 106th and 128st brigades. Haftar's units are supported by Syrian mercenaries from the part of Syria controlled by President Assad's regime. The LNA also receives help from Russian mercenaries (Wagner group).
- The GNU receives support from Turkey, including through the deployment of Syrian mercenaries from opposition areas in Syria.
- The north-west Libyan armed groups from the former so-called 'Volcano of Wrath Coalition'¹⁰⁷ are highly fragmented. A distinction can be made between:

- the main armed groups stationed in Tripoli city:

- * the Abu Salim Central Security Directorate;
- * the Special Deterrence Force (SDF) under Abdulraouf Kara. The SDF is also known as Radaa and is currently called the *Deterrence Apparatus for Combatting Organized Crime and Terrorism* (DACOT)¹⁰⁸;
- * the General Security Service (GSS), under Abdullah Al-Trabelsi¹⁰⁹ (brother of GNU acting Interior Minister Emad Al-Trabelsi);
- * and the 444th Brigade.

- on the outskirts of Tripoli there are armed groups from the Nafussa Mountains, Zawiya, Zintan and Misrata;

- to the west of Tripoli are the Stability Support Apparatus (SSA) of Abdel Ghani Al-Kikli (also known as 'Ghneiwa'), the 55th Brigade led by Muammar Al-Dhawi¹¹⁰ and armed groups loyal to Al-Juwaili, the commander of the Western Military Zone.¹¹¹

1.2.1.1 Domestic armed actors

Wolfgang Lacher, an expert from the *German Institute for International and Security Affairs*, emphasised that even with the consolidation of Haftar's forces under the name of the LNA, military fragmentation in Libya remained high. Most armed groups claim to be official units belonging to the Ministry of the Interior or Ministry of Defence. Many of those groups receive salaries from one of the two rival governments, despite not being under effective government supervision.¹¹²

One source notes in this connection that the governments do not have much control over the armed groups. However, there is communication between ministries and leaders of armed and security units. Governments also attempt to mediate and/or intervene in the event of armed confrontations between armed groups that formally fall under their authority. In the north-west, this is true in particular of Tripoli city.

¹⁰⁵ Bajec, Alessandra, *Libya's conundrum: from collapse of the elections to renewed political split*, TIMEP, 9 March 2022; Williams, Stephanie T. *Libya's hybrid armed groups dilemma*, Brookings, 27 January 2023.

¹⁰⁶ Confidential source, 22 November 2022.

¹⁰⁷ The name 'Volcano of Wrath' or 'Volcano of Rage' refers to the military campaign of the then GNA to repel the attack of Haftar's LNA/LAAF on Tripoli and recapture occupied areas. See: Memo, *Libyan army launches operation 'Volcano of Rage' against Haftar*, 8 April 2019; for more information about the militias that fell under the GNA at that time, see Dutch Ministry of Foreign Affairs, *General country of origin report on Libya*, September 2021 (Dutch only), pp.16-19.

¹⁰⁸ UN Human Rights Council. *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/50/63, 27 June 2022, p.7.

¹⁰⁹ Confidential source, 11 December 2022. Abdullah Al-Trabelsi, (brother of current GNU Interior Minister Emad Al-Trabelsi), was put in charge of the General Security Service (GSS) on 1 December 2022. The GSS is stationed on the west side of Tripoli.

¹¹⁰ Nova news, *Libya: violent armed clashes in the city of Zawiya west of Tripoli*, 5 May 2022.

¹¹¹ Confidential source, 22 November 2022.

¹¹² SWP. Lacher, Wolfgang, *Social cleavages and armed group consolidation: the case of Khalifa Haftar's Libyan Arab Armed Forces*, 24 November 2021, p.4.

Outside Tripoli, the armed groups operate much more independently and the willingness and capacity of the government to intervene in armed confrontations is lower.¹¹³

A source stated that there are many armed groups. It is difficult to assign all these groups to either government. In general terms, according to the source, these armed groups can be divided into:

- groups with a history and discourse linked to one government;
- groups with a history and discourse linked to the other government;
- groups that do not wish to be associated with either government. These groups keep their options open. This category is mainly found in north-western Libya.

Some of the armed groups regard themselves as civilians who have taken on military/paramilitary tasks; others wish to appear more disciplined, including in their apparel.¹¹⁴

Another source notes that members of armed groups are not clearly identifiable as aligned with either government, for example through use of the logos or emblems of these governments. Markings on vehicles and other equipment also do not give much information, according to the source: these may have been previously captured from another group. Local people know which group is in charge in their neighbourhood; this also applies to checkpoints. The SDF and the internal security service are present at Tripoli's Mitiga International Airport.¹¹⁵ See also 1.3. A source says that in Tripoli city the armed groups operate as law enforcement services. The SDF and other groups wear badges.¹¹⁶

In this reporting period, the conflict between rival political camps was again characterised by changes in the armed alliances that supported the respective camps.

North-west

The north-western armed groups that joined forces in 2019 and 2020 to oppose Haftar's LNA fell out over whether Dbeibah or Bashagha should lead the provisional government. The armed groups in question are those present in the various urban centres of the Tripolitania region, including the capital and Misrata. Parts of some of the largest, best-organised brigades from Misrata and Turkish-backed battalions from the outskirts of Tripoli provided military support to Dbeibah's GNU.¹¹⁷

According to the researchers Horsley and Gerken in a report by the Global Initiative against Transnational Organized Crime, the focus of the political and military groups in western Libya was mainly on making money, expanding alliances and engaging in political manoeuvring in preparation for the end of the GNU mandate.¹¹⁸

For part of the reporting period, the Nawasi Brigade under the command of Mustafa Qaddour maintained control over the port of Tripoli and the General Intelligence Service.¹¹⁹ The latter body has been called the Internal Security Agency (ISA) since

¹¹³ Confidential source, 17 October 2022.

¹¹⁴ Confidential source, 21 September 2022.

¹¹⁵ Confidential source, 17 October 2022.

¹¹⁶ Confidential source, 19 December 2022.

¹¹⁷ War on the rocks. Harchaoui, Jalel, *How Libya's fault lines were redrawn*, 24 February 2022.

¹¹⁸ Horsley, Rupert & Gerken, Jessica, Global Initiative against transnational organized crime, *Libya. Stability fuels rebound in human smuggling*, July 2022, p.9.

¹¹⁹ UNSC, *Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya, S/2022/427*, 27 May 2022, pp.7 and 8. The experts noted that the influence of the Nawasi Brigade is also evident from the appointment of his brother Hafiz Qaddour as Foreign Minister in Bashagha's GNS.

February 2019 and has been led by Brigadier General Lutfi Al-Hariri since September 2020.¹²⁰

The so-called Special Deterrence Force (SDF) also falls under the GNU.¹²¹ In many recent publications the name Radaa, alias SDF, is used. According to research institute the *Konrad Adenauer Stiftung*, many fighters belonging to Madkhali, an ultra-conservative movement within Islam, are part of Radaa.¹²² For more information about Madkhali Salafist groups, see the General country of origin information report on Libya of September 2021 (Dutch only).¹²³

The SSA controls strategic areas in and around the capital: the Abu Slim neighbourhood in the southern suburbs of Tripoli, most of the city of Zawiya and parts of Greater Tripoli.¹²⁴ The SSA is an alliance of armed groups from Tripoli, Warshafanah and Zawiya. Warshafanah is a district to the west of Tripoli that is partly rural and partly urbanised. The SSA was established in January 2021 by then Prime Minister Serraj¹²⁵ and claims to have a law enforcement mandate. According to the panel of experts reporting to the UN, both Bashagha and Dbeibah sought support from the SSA. SSA opponents such as Mahmoud Hamza, commander of the 444 Brigade, also claimed to have a law enforcement mandate from the political authorities.¹²⁶ The 444 Brigade was administratively under the SDF until 2020.¹²⁷

According to Horsley and Gerken, by 2021, the SSA had evolved into a vehicle of collection action for Abdel Ghani Al-Kikli, the Awlad Buhmeira network and Muammar Al-Dhawi in Warshafanah. During 2021, various other groups also collaborated with it, including the Nawasi Brigade. According to these authors, the common interest was not particularly ideological, but was primarily in the protection and expansion of positions of power that these groups had acquired individually over communities, locations and institutions.¹²⁸

One source claims that the SSA has now taken on a life of its own. It is not really a government agency. It is unclear to whom it is accountable. Its chain of command is not clear. One part seems to work for Dbeiba, and another part for Bashagha. While it is still a government-funded entity, it can do whatever it wishes and is not held accountable. According to one source, it in fact consists of criminals involved in human trafficking, and even has boats. The SSA also has unofficial detention

¹²⁰ The name is also written as Lotfi Hrari. BBC Monitoring, Internal Security Agency (ISA), 16 September 2022. The name in Arabic reads: Jihaz al-amn al-dakhili. The ISA headquarters are in Tripoli; Confidential source, October 2022. Based on research, the source reports that Hrari was directly involved in incommunicado detentions, enforced disappearances, torture of detainees (including shootings), deaths in custody, sexual assault and harassment, extrajudicial killings, destruction and confiscation of property and extortion. Al-Hrari has held leading positions in the Abu Salim armed group from the time of its establishment in 2011, in derivative groups and, since 2019, in the Tripoli branch of the ISA.

¹²¹ UNSC, *Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya*, S/2022/427, 27 May 2022, pp.7 and 8.

¹²² Konrad Adenauer Stiftung, *Inside Libya*, November 2022, number 27, p.16.

¹²³ Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, September 2022 (Dutch only), pp.51 and 52.

¹²⁴ War on the rocks. Harchaoui, Jalel, *How Libya's fault lines were redrawn*, 24 February 2022; for an overview map of Greater Tripoli see for example:

https://www.mapz.com/map?zoom=16&lon=13.177792261237272&lat=32.896671932062915&layers=mapz_multicolor_base.

¹²⁵ Libya Herald, *Serraj creates new 'Stability Support Apparatus' accountable directly to his office*, 19 January 2021.

¹²⁶ UNSC, *Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya*, S/2022/427, 27 May 2022, p. 8-9; War on the rocks. Harchaoui, Jalel, *How Libya's fault lines were redrawn*, 24 February 2022. Jalel stated in February 2022 that Bashagha had entered into an alliance with the SSA.

¹²⁷ Horsley, Rupert & Gerken, Jessica, Global Initiative against transnational organized crime, *Libya. Stability fuels rebound in human smuggling*, July 2022, p.8.

¹²⁸ Horsley, Rupert & Gerken, Jessica, Global Initiative against transnational organized crime, *Libya. Stability fuels rebound in human smuggling*, July 2022, p.8.

centres.¹²⁹ In May 2022, Amnesty called on the GNU to hold the SSA leadership accountable for serious human rights violations.¹³⁰

The 777 Brigade, an armed formation established by former Tripoli Revolutionary Brigade commander Haitham Al-Tajouri, was one of the most prominent brigades supporting Bashagha. It controlled strategic areas in the Libyan capital, such as the port of Tripoli, as well as several points in the urban district of Suq Al-Jumaa, Mitiga Airport and the Bousta naval base.¹³¹

A source reported in early November 2022 that Ayoub Abu Ras, Haitham Al-Tajouri and Mustafa Qaddour, leaders of Nawasi and the Tripoli Revolutionary Brigade, armed groups that had been expelled from Tripoli, are in Zintan. They form a coalition of anti-Dbeibah armed groups with Major General Osama Al-Juwaili (leader of a pro-Bashagha armed group).¹³² See 1.2.

East and south

LNA and affiliated groups

In a May 2022 report, the UN's experts used the term Haftar Affiliated Forces (HAF). The HAF includes the LNA, also known as the LAAF, and affiliated domestic and foreign armed groups.¹³³ In this country report, the abbreviation LNA is used, following the practice of the reports of the Independent Fact-Finding Mission on Libya (FFM)¹³⁴ established by the United Nations Human Rights Council and of the previous general country of origin information report. The LNA, led by Haftar and his sons Saddam and Belqasem and backed by Russia, controls large parts of eastern Libya as well as parts of the south-west.¹³⁵ It consists of militias loyal to Haftar. The east has its own ISA, the internal security agency. This falls under the GNS.¹³⁶

South

The LNA conducted security operations against smuggling networks in Awbari and Sebha as well as in areas near the Algerian border. The LNA is said to have withdrawn from Ghat on 17 January 2022 after protests against its presence. On 29 January 2022, the head of an oil sector service company was killed in Sebha. Three other people were injured in the attack. The attack is said to have been related to fuel-smuggling disputes.¹³⁷

1.2.1.2

Foreign armed actors

During the reporting period, private military organisations and foreign fighters from Chad, Sudan and Syria continued to be present in Libya. These groups and businesses mostly supported the Libyan groups that were in conflict with each other. Sudanese and Chadian armed groups¹³⁸ conducted armed actions in their countries

¹²⁹ Confidential source, 31 October 2022.

¹³⁰ Amnesty International, Libya: hold Stability Support Authority militia leader to account, 4 May 2022,

¹³¹ Hidri, Sghaier, *Libya: tough choices after Bashagha's failure*, Carnegie Endowment, 3 October 2022.

¹³² Confidential source, 1 November 2022;

¹³³ UNSC, *Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya*, S/2022/427, 27 May 2022, p.7 and footnote 5. The abbreviation HAF is used by the panel to designate armed groups that call themselves 'brigade' or 'battalion' but do not have the legitimacy of a military unit under a government. Also, when appropriate, the panel uses HAF to designate the authorities in eastern Libya; for more information about the armed groups that are/were part of the LNA/LAAF, see: Chatam House. Eaton, Tim, *The Libyan Arab Armed Forces*, 2 June 2021.

¹³⁴ UN Human Rights Council. *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/50/63, 27 June 2022, p. 2.

¹³⁵ War on the rocks. Harchaoui, Jalel, *How Libya's fault lines were redrawn*, 24 February 2022; SWP. Lacher, Wolfgang, *Social cleavages and armed group consolidation: the case of Khalifa Haftar's Libyan Arab Armed Forces*, 24 November 2021.

¹³⁶ confidential source, 19 December 2022.

¹³⁷ UNSC, *UNSMIL report of the Secretary-General*, S/2022/409, 20 May 2022, p.7.

¹³⁸ OFPRA, *Tchad: situation sécuritaire*, 4 March 2021, p.4-8. This report contains an overview of Chadian groups operating in and from southern Libya and their relationship with Haftar's forces.

of origin from Libya. Syrian fighters were active both on the GNU side and on the side of Haftar's forces and the affiliated Wagner organisation.¹³⁹ In the ceasefire of 23 October 2020 it was agreed that all mercenaries and foreign fighters would leave Libya within three months. During the reporting period, experts from the UN and other organisations stated that there were few verifiable indications of large-scale departures by foreign armed actors.¹⁴⁰

On 27 February 2022, Chadian fighters clashed with the LNA. During the fighting 26 Chadian fighters were killed and fourteen others were captured. The fighting took place near Tazirbu, to the south-east of Kufra.¹⁴¹

Turkey

Turkey provided military support, including weapons and training, for GNU forces.¹⁴² Turkey has a Turkish air force-controlled base in Watiya in Libya, about eighty kilometres north-west of Zintan.¹⁴³ According to the French newspaper *Le Figaro*, around two thousand Turkish military personnel are stationed in Libya. Thousands of Syrian mercenaries recruited on a contract basis have also been transferred by Turkey to Libya from the Turkish-controlled part of Idlib province.¹⁴⁴ On 26 October, GNU Prime Minister Dbeibah and Turkish Defence Minister Hulusi Akar signed two military agreements. In particular, these concerned cooperation in the modernisation of the Libyan air force. The agreements were said to fall within the framework of the previous military agreement signed on 27 November 2019 with the former Government of National Accord (GNA).¹⁴⁵

Wagner group/Russian Federation

The LNA receives military aid from the Wagner group from Russia.¹⁴⁶ According to the Russian authorities, the Wagner group is a commercial security company with no ties to the Russian state. The company is in Libya at the invitation of the Tobruk-based eastern Libyan authorities, according to Russian Foreign Minister Lavrov.¹⁴⁷ In October 2022, between one and two thousand Wagner group mercenaries were thought to be present in eastern Libya.¹⁴⁸

United Arab Emirates (UAE)

The UAE provided weapons for use by Haftar's forces.¹⁴⁹

Egypt

Egypt gives political and reportedly also military support to Haftar.¹⁵⁰

¹³⁹ UNSC, *Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya*, S/2022/427, 27 May 2022, p.11-13.

¹⁴⁰ UNSC, *Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya*, S/2022/427, 27 May 2022, p. 11, and for an overview of governments and private parties involved, see pp.27 and 28; Confidential source, 7 August 2022.

¹⁴¹ UNSC, *UNSMIL report of the Secretary-General*, S/2022/409, 20 May 2022, p.7.

¹⁴² UNSC, *Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya*, S/2022/427, 27 May 2022, p.24-27.

¹⁴³ Confidential source, 17 October 2022.

¹⁴⁴ *Le Figaro*, *Le grand jeu turc en Méditerranée*, 18 October 2022. This article refers to about six thousand Syrians who were allegedly recruited by Turkey; Nordic Monitor, *Turkey continues to deploy Syrian fighters to Libya*, 16 June 2022. This article reports that in the first three months of 2020, Turkey sent between 3,500 and 3,800 Syrian mercenaries to Libya.

¹⁴⁵ Confidential source, 1 November 2022; Jeune Afrique, *Libye: accord avec la Turquie pour améliorer l'aviation militaire*, 26 October 2022.

¹⁴⁶ War on the rocks. Harchaoui, Jalel, *How Libya's fault lines were redrawn*, 24 February 2022.

¹⁴⁷ BBC Monitoring, *Media pick up Lavrov comments on Wagner*, 3 May 2022, accessed 15 August 2022.

¹⁴⁸ Confidential source, 18 October 2022.

¹⁴⁹ UNSC, *Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya*, S/2022/427, 27 May 2022, pp.25-28.

¹⁵⁰ The Soufan center, *Intelbrief: Egypt continues to navigate an unstable neighborhood*, 4 January 2022.

1.2.1.3 International terrorist organisations

Islamic State (IS)¹⁵¹ was present in the desert area in southern Libya, but according to UN experts in their report for the period March 2021 to April 2022, posed little threat. IS-Libya claimed five attacks in the south in that period. Al-Qaeda in the Islamic Maghreb (AQIM) claimed no responsibility for any attacks during that period.¹⁵² As far as is known, AQIM used Libya as a base from which reinforcements were sent for its activities in northern Mali.¹⁵³ The GNU, as well as Haftar-loyal units, stated that they had broken up terrorist units in various parts of Libya and arrested the leadership of these organisations.¹⁵⁴

On 8 August 2022, a court hearing began in Misrata against 56 people suspected of involvement with IS. According to the website *Ahramonline*, they were part of a group of 320 people of Syrian, Tunisian, Sudanese and Libyan nationality.¹⁵⁵ See also 3.1.6.

The LNA reported on 7 September 2022 that the IS Libya leader Mahdi Dango had been killed during a security operation in Qatrun, in the Murzuq district, along with two of his supporters, while another suspect had been arrested.¹⁵⁶

1.2.2 Recruitment

Libya does not have compulsory military service. This applies to both the east and the west of the country.

Armed groups are joined on a voluntary basis. It is an easy way to get an income.¹⁵⁷ Being a member of an armed group generally pays better than serving in the regular armed forces. Some armed groups' commanders are very popular within their own community and attract followers.¹⁵⁸ Regarding eastern Libya, one source noted that while there is no official pressure to join an armed group, joining is seen as a sign of loyalty. However, that loyalty can also be expressed by families in other ways, such as through public expression of support. Families with connections can also arrange for their son to get a desk job with an armed unit.¹⁵⁹

1.2.3 Armed incidents and casualties

The NGO Armed Conflict Location & Event Data Project (ACLED) recorded 157 violent incidents in the period from 1 October 2021 to 6 January 2023: 57 battles, 16 riots, 28 explosions/instances of remote violence and 56 instances of violence against civilians. A total of 189 fatalities were reported.¹⁶⁰ In the previous reporting period (July 2020 to September 2021), 165 fatalities were recorded, including migrants and combatants.¹⁶¹

¹⁵¹ Other names are: Islamic State in Iraq and the Levant-Libya (ISIL-Libya); Islamic State in Iraq and Syria-Libya (ISIS-Libya); and the Arabic name 'Daesh'.

¹⁵² UNSC, *Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya*, S/2022/427, 27 May 2022, pp. 10 and 11; for more information on IS attacks and anti-terror operations, see also UNSC, *UNSMIL report of the Secretary-General*, S/2022/409, 20 May 2022, pp.7 and 8.

¹⁵³ CT, *Salafi-Jihadi areas of operation in Libya*, 12 October 2022.

¹⁵⁴ UNSC, *Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya*, S/2022/427, 27 May 2022, pp. 10 and 11; for more information on IS attacks and anti-terror operations, see also UNSC, *UNSMIL report of the Secretary-General*, S/2022/409, 20 May 2022, pp.7 and 8.

¹⁵⁵ Ahramonline, *Trial of 56 suspected IS fighters begins in Libya*, 8 August 2022.

¹⁵⁶ UNSC, *UNSMIL report of the Secretary-General*, S/2022/932, 9 December 2022, paragraph 35. Dango was believed to be responsible for the kidnapping and beheading of 21 Egyptian nationals in Sirte in 2015.

¹⁵⁷ Confidential source, 17 October 2022; Confidential source, 19 December 2022.

¹⁵⁸ Confidential source, 19 December 2022.

¹⁵⁹ Confidential source, 17 October 2022.

¹⁶⁰ Acled, *Dashboard, Libya*, accessed 16 January 2023. Most of the data collected by ACLED come from public, secondary reporting. Data for numbers of casualties can be subjective and, according to ACLED itself, are the least accurate component of conflict data. ACLED states that it uses the most conservative estimates available. In addition, ACLED only records fatalities. Information about injuries and victims of looting and kidnapping is not included. See also ACLED, *ACLED Codebook*, January 2021, accessed 18 January 2023, pp.32-33.

¹⁶¹ Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, 30 September 2021 (Dutch only), p.14.

The international human rights organisation Human Rights Watch (HRW) reported in April 2022 on banned anti-personnel mines, improvised bombs (IEDs) and booby traps that had been left behind in the southern suburbs of Tripoli in 2020. These explosives had been left behind at the time of their withdrawal by Haftar's forces and their affiliated mercenaries of the Russian Wagner group (for more information on the Wagner group, see 1.2.1.2). At least 130 people, mostly civilians, were killed as a result of these and 196 were injured between May 2020 and March 2022.¹⁶² The Libyan Mine Action Centre, an agency under by the Libyan Ministry of Defence, reported that between May and October 2022 there were 354 casualties caused by unidentified explosives (316 injured, 38 killed).¹⁶³

In the paragraphs below, violent incidents and casualties in the current reporting period are considered in more detail for each region. This list is not exhaustive, because the fate of people who were victims of unlawful detention, disappearance and kidnapping is often unknown. Violence against civilians occurred on a small scale during the reporting period. Civilians were also among the victims of fighting between different factions and armed groups in urban areas. In this regard, one source notes that few armed clashes took place during the reporting period. The most incidents took place in and around Tripoli, for example in the Warshafanah region, the city of Sabratha and some neighbourhoods in Tripoli in the second half of 2022. The most violent incident occurred in August 2022 in Tripoli, and also resulted in civilian casualties. There were no significant armed clashes in central and eastern Libya. There was no fighting over oil installations. A few small-scale armed attacks took place in the deep south.¹⁶⁴

North-west

UNSMIL reported that the political instability following the postponed elections had an impact on the security situation in north-western Libya. Citing security concerns, the commander of the west coast military zone established a coordination point for 22 security agencies on 6 February 2022. Unidentified assailants reportedly fired on President Dbeibah's motorcade in the Suq al-Jumaa district of Tripoli early in the morning of 10 February 2022.¹⁶⁵

On 16 February 2022, clashes were reported in the south of Tripoli between the 55th Infantry Brigade and the 3rd Infantry Company at the Sawani bridge. On 24 February 2022, one person was injured when an armed group in Tripoli attempted to disrupt a session of the HCS. The Misratan counter-terrorism group and the 166th Brigade then evacuated the participants at the meeting.¹⁶⁶

Armed groups supporting Bashagha drove in convoy from Misrata to Tripoli on 10 March 2022. They were stopped by forces affiliated with the GNU. This led to a stalemate on the outskirts of Tripoli and heightened tension in the capital. This then resulted in the mobilisation of armed actors in support of Bashagha in other parts of western, Libya including Zawiya, Warshafanah and Zintan. Dialogue between Libyan groups, the UN and involved foreign actors resulted in the return to Misrata of Bashagha's armed supporters. The arrival of Bashagha in Tripoli on 16 May 2022 led to clashes between armed groups the next day. Calm returned when Bashagha subsequently left the city.¹⁶⁷ The armed confrontation took place between brigades

¹⁶² HRW, *Libya: landmines other war hazards, killing civilians*, 27 April 2022.

¹⁶³ Confidential source, Libyan Mine Action Centre.

¹⁶⁴ Confidential source, 17 October 2022.

¹⁶⁵ UNSC, *UNSMIL report of the Secretary-General, S/2022/409*, 20 May 2022, p.6.

¹⁶⁶ UNSC, *UNSMIL report of the Secretary-General, S/2022/409*, 20 May 2022, p.6.

¹⁶⁷ UNSC, *UNSMIL report of the Secretary-General, S/2022/409*, 20 May 2022, p. 7; ISS. Fabricius, Peter, *Groundhog day in Libya*, 17 June 2022.

led by the GNU's SSA and the Al-Nawasi Brigade led by Mustafa Kaddour. The latter provided protection to Bashagha when he entered Tripoli, before he was forced to withdraw due to the armed resistance of pro-Dbeibah fighters.¹⁶⁸

The Italian news agency Novanews reported that on 23 April 2022, an armed confrontation took place between Bahroun's armed group, the chief of the Criminal Investigation Department and rival groups. Bahroun is also known as *Al-Far*, 'the mouse'. The Zawiya oil refinery was damaged and at least one person was killed in the fighting. On 26 April the forces of the 55th Brigade led by Muammar al Dhawi, the military commander of the SSA, blocked the coastal road connecting Warshafanah and the city of Zawiya. The measure came after Bahroun's forces kidnapped Abdel Nasser al Dhawi, the brother of Muammar al Dhawi. The latter was released after a few hours.

At the beginning of June 2022, Bashagha tried to re-enter Tripoli to install his government there. Armed units loyal to Dbeibah prevented this. At least one person was killed in armed clashes.¹⁶⁹

On 27 August 2022, armed clashes again took place in Tripoli. At least 32 people were killed, including four civilians, and 159 were injured, according to the Libyan Health Ministry in Tripoli. A great deal of infrastructure, including homes, mosques and cultural heritage, was destroyed by indiscriminate firing of heavy weaponry in densely populated areas. Five hospitals were also attacked. The headquarters of the Directorate for Combating Illegal Migration (DCIM) were damaged and hundreds of migrants who were being held there were able to escape. The fighting in Tripoli and the surrounding area led to a significant change in the relationship between armed groups. GNU-affiliated groups took control of areas previously held by armed groups linked to Bashagha.¹⁷⁰ Armed groups led by influential commanders reportedly took part in the fighting. On the one side, there was the pro-Dbeibah Stability Support Apparatus (SSA) of Abdul Ghani al-Kikli, and on the other side members of the 777 Brigade, also known as Tripoli Revolutionaries Brigade¹⁷¹, led by Haitham Al-Tajouri, as well as fighters affiliated with the pro-Bashagha West Libyan commander Osama Al-Juwaili. The latter had recently been dismissed by the GNU. The *Radaa* or Special Deterrence Force (SDF) and the Nawasi armed group also clashed. Both were known as allies of and supported Dbeibah. The SDF turned against Nawasi and took control of Treeg El Shat (Burj Buleila), a district previously held by Nawasi.¹⁷² When the armed groups clashed, Bashagha expressed his wish that his rival Dbeibah be driven out.¹⁷³ During these clashes, the worst since September 2020, forces loyal to Dbeibah managed to take control of the 777 Brigade headquarters and blocked any reinforcements by pro-Bashagha fighters. The forces of Major General Osama Al-Juwaili, the former intelligence director, were also bombed by drones while en route from Misrata to Tripoli. Al-Juwaili had previously turned against Prime Minister Dbeibah and joined the camp of his opponent Bashagha.¹⁷⁴

¹⁶⁸ Hidri, Sghaier, *Libya: tough choices after Bashagha's failure*, *Carnegie Endowment*, 3 October 2022.

¹⁶⁹ ISS. Fabricius, Peter, *Groundhog day in Libya*, 17 June 2022.

¹⁷⁰ UNSC, *UNSMIL report of the Secretary-General, S/2022/932*, 9 December 2022, paragraphs 26, 27 and 48. The UNSMIL mentions 42 fatalities; BBC Monitoring, *Briefing: media note damage, militia roles in deadly Libya clashes*, 28 August 2022. The BBC mentions at least 32 fatalities. This number is also mentioned in HRW, *World Report 2023: Libya*, January 2023. The Libyan Ministry of Health is also cited in this context, p.386.

¹⁷¹ The Tripoli Revolutionaries Brigade (TRB) is led by Haitham Al-Tajouri. For more information, see, for example, Atlantic Council. Neale, Erwin & Eltagouri, Yousuf, *Tripoli, a kaleidoscope*, 22 June 2018. The TRB was a large and influential armed group in Tripoli. The group was mainly present in the Suq Al-Jumaa district as well as in Gargarish. Both districts are located near Tripoli's only functioning airport, which is under SDF control. See also note 169.

¹⁷² BBC Monitoring, *Briefing: media note damage, militia roles in deadly Libya clashes*, 28 August 2022.

¹⁷³ Financial Times, *Libyan rivals plot their next move after failed attempt to seize Tripoli*, 1 September 2022.

¹⁷⁴ Hidri, Sghaier, *Libya: tough choices after Bashagha's failure*, *Carnegie Endowment*, 3 October 2022; Konrad Adenauer Stiftung, *Inside Libya*, November 2022, number 27, p.12.

New armed clashes between units loyal to Dbeibah and Bashagha took place on 2 and 3 September 2022 in the district of Warshafanah to the west of Tripoli. Fighters loyal to Dbeibah succeeded in capturing a military base belonging to their opponents. Five people were reportedly injured.¹⁷⁵

On the night of 19 September 2022, armed clashes with heavy weaponry took place near Tripoli international airport between armed groups affiliated with the Misratan 301 Brigade and the commander Muhammed Bahroun from Zawiya. All those involved belonged to armed groups affiliated with the GNU Ministry of the Interior.¹⁷⁶

In the western coastal cities, especially Zawayah and Ujaylat, and extending to the Warshafanah area, local armed clashes between organised crime groups continued to take place over the control of illegal activities.¹⁷⁷ On 19 and 25 September fighting took place in Zawiya, west of Tripoli, between armed groups with links to Dbeibah and Bashagha respectively. The armed clashes were in the vicinity of the western coastal route, and dozens of families were trapped for hours. At least five civilians were killed, including a ten-year-old girl.¹⁷⁸ More than ten civilians were also injured. UNSMIL condemned the use of heavy weaponry in densely populated areas and repeated its call for unconditional protection of civilians.¹⁷⁹

On 7 October 2022, following clashes between rival human trafficking gangs in the city of Sabratha, eleven charred bodies of suspected migrants were discovered in a moored boat. Four bodies with wounds were also found outside the boat.¹⁸⁰

East and south

According to one source, armed groups with a social basis in Benghazi were engaged in a low-intensity gang war during the reporting period. The Awagir, one of the most dominant, though fragmented, tribes in eastern Libya, was confronting the Tarek Bin Ziyad armed group and other LNA-affiliated groups in an attempt to consolidate control of Benghazi.¹⁸¹

On 20 August 2022, LNA armed groups surrounded the town of Qasr Bouhadi, 25 km south of Sirte. Citizens were deprived of their freedom of movement and prevented from leaving their neighbourhoods, with hospitals, shops, schools, petrol stations and other essential facilities forced to close. On 26 August, the LNA withdrew from the city, but continued to monitor all movements in and out of the city.¹⁸²

¹⁷⁵ Aljazeera, *Libyan armed factions clash on outskirts of Tripoli*, 5 September 2022; Confidential source, 18 September 2022. Armed units with close ties to GNU institutions (Radaa/SDF with the Ministry of the Interior and 444 Army Brigade of the Ministry of Defence) drove the Tripoli Revolutionaries Brigade (TRB) and the Nawasi Brigade from their positions in Tripoli; BBC Monitoring, *Militia clashes in Libya capital leave five injured*, 2 September 2022. The BBC refers to reporting by the online medium Al-Wasat (Cairo). Al-Wasat reported on 2 September 2022 that the clashes took place in the Ghout Abu Saq neighbourhood of Warshafanah (also known as Ouarshfana) in the south-west of the capital. The fighting involved members of the 55th Brigade armed group – led by Muammar Al-Dhawi and loyal to Bashagha – and those of an armed group led by Ramzi Al-Lifaa (also Al-Lifa), who has links with incumbent Prime Minister Abdul Hamid Dbeibah and his Tripoli-based Government of National Unity (GNU).

¹⁷⁶ Confidential source, 2 October 2022.

¹⁷⁷ UNSC, *UNSMIL report of the Secretary-General, S/2022/932*, 9 December 2022, paragraph 28.

¹⁷⁸ UNSMIL, *SRSB Abdoulaye Bathily's remarks to the Security Council meeting on Libya*, 24 October 2022. This mentioned at least three fatalities; UNSC, *UNSMIL report of the Secretary-General, S/2022/932*, 9 December 2022, paragraph 28.

¹⁷⁹ Confidential source, 2 October 2022.

¹⁸⁰ UNSMIL, *SRSB Abdoulaye Bathily's remarks to the Security Council meeting on Libya*, 24 October 2022; Konrad Adenauer Stiftung, *Inside Libya*, November 2022, number 27, p.17.

¹⁸¹ Confidential source, 22 November 2022.

¹⁸² UNDP, *DiCarlo: 'I urge everyone to support the Secretary-General's effort to help Libyans forge a path to peace'*, 30 August 2022; HRW, *World Report 2023: Libya*, January 2023, p.386

The Egyptian air force reportedly carried out airstrikes against LNA units in Rabyanah, south-eastern Libya, on 20 September 2022. Six military vehicles were targeted and four LNA members were reportedly killed. The GNU Defence Ministry denied reports of the attack; the LNA did not comment.¹⁸³

On 21 September 2022, an armed confrontation took place between armed residents in the Tazirbu area north-west of Kufra and a group of Chadian mercenaries. This resulted in the freeing of one Libyan and six Egyptian nationals who had reportedly been abducted and held by the Chadian group. On 5 and 6 October, one person was killed and seven injured in an attack by an unidentified armed group on local security forces near Kufra. The attack was repelled with the help of LNA units.¹⁸⁴ A similar incident occurred in late October 2022 at the police station in Daher Al-Jabal, in a GNU-administered area in the south-east, during which criminals killed the head of the station.¹⁸⁵

On September 24, an LNA checkpoint in Awbari was targeted by unknown assailants. The attack was repulsed and one assailant was killed.¹⁸⁶

Tensions were reported in Benghazi on 7 November 2022 following the seizure of land by the LNA 106th Brigade. The week before, armed clashes had been reported in Benghazi, allegedly relating to the mismanagement of internally displaced persons' property.¹⁸⁷

1.3 Freedom of movement

For information about freedom of movement in Libya, see the general country of origin information report of September 2021.¹⁸⁸ The following information supplements this.

The United States Department of State (USDOS) reported in its human rights report for 2021 that the GNU exercised no control over internal movement in the west. However, there were GNU-affiliated armed groups that had set up a number of checkpoints. The LNA had checkpoints in the east and south.¹⁸⁹

Sources consulted made the following observations about internal movement.

According to various sources, people travel between the east and west of the country. However, people who are in any way politically or militarily linked to the military coalition of the opposite side are at risk of interrogation, arrest and disappearance. This can happen at the airport or at checkpoints such as those between the east and west.¹⁹⁰ Another source notes with regard to internal

¹⁸³ Confidential source, 2 October 2022; Libya security monitor, *Egypt reportedly conducts airstrike on LNA-units near Rabyanah*, 20 September 2022, <https://libyasecuritymonitor.com/egypt-reportedly-conducts-airstrike-on-lna-units-near-rabyanah/>.

¹⁸⁴ UNSC, *UNSMIL report of the Secretary-General, S/2022/932*, 9 December 2022, paragraph 30; BBC monitoring, *Deadly attack on security department remote town in southeast Libya*, 7 August 2022. BBC monitoring, citing Libya Al-Ahrar Tv (Doha), reported that on 5 October 2022, armed men attacked a police station in Rebiana in the GNS-controlled area in south-eastern Libya in an attempt to free a detainee. Two policemen were killed in the process; Konrad Adenauer Stiftung, *Inside Libya*, November 2022, number 27, p.17.

¹⁸⁵ Konrad Adenauer Stiftung, *Inside Libya*, November 2022, number 27, p.17; The Libya Observer, *Dbeibah announces arrest of suspects in murder of director of Daher Al-Jabal police station*, 29 October 2022.

¹⁸⁶ UNSC, *UNSMIL report of the Secretary-General, S/2022/932*, 9 December 2022, paragraph 32.

¹⁸⁷ Confidential source, 14 November 2022.

¹⁸⁸ Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, September 2021 (Dutch only), pp.24-27.

¹⁸⁹ USDOS, *2021 Country report on human rights practices: Libya*, 2 June 2022, pp.22 and 23.

¹⁹⁰ Confidential source, 17 October 2022; Confidential source, 19 December 2022.

movement that citizens travelling between east and west can generally do so without any problems. This is especially true for families. Many people travel between the east and west, especially because of family ties.¹⁹¹ Another source states that most people in Libya do not travel far and stay in their region. The country, the source pointed out, is huge – three times the size of France. Many people in northern Libya have never been to the south, and many people in western Libya know nothing about the east – they are more likely to travel to nearby Tunisia.¹⁹²

There are many checkpoints run by armed groups. If there are no indications that a person travelling from the east to the west or vice versa took part in the armed struggle in 2020, the chance of being arrested is low. Having a surname like Qadhafi is not necessarily a problem either. If nothing is known about the person, then they can continue their journey. Travelling south from the north-west can be more unsafe. There are sometimes roadblocks where armed groups simply aim to collect money from people.¹⁹³ One source reported that there are many checkpoints in north-western Libya and referred to dozens of such roadblocks on the road from Tripoli to Misrata. At these checkpoints one may be asked for proof of identity and the reason for one's journey. People may also be threatened or experience other difficulties, as is the case, for example, with people from Tawergha.¹⁹⁴

There were reports, according to the US Department of State, of armed groups checking airports in the country and conducting random checks on departing domestic and international travellers, including their personal electronic devices. Libya does not have a common customs and immigration system.¹⁹⁵ Tripoli (Mitiga), Misrata and Benghazi airports are operational as international airports. Sebha is a local airport.¹⁹⁶ It is possible to travel south by plane to Sebha, a city of 100,000 inhabitants. There are flights three to four times a week. However, without a network in Sebha, a person can get into trouble or even be kidnapped, according to the source.¹⁹⁷

The SDF is in control of Mitiga International Airport near Tripoli. Misrata International Airport is controlled by local militias affiliated with the Ministry of the Interior (GNU). Intelligence agencies with ties with the LNA are present at Benghazi International Airport.¹⁹⁸ Various sources indicate that security organisations at the international airports of Tripoli and Benghazi have lists of people they are monitoring, including human rights activists and local staff working for international agencies.¹⁹⁹ See also 4.3.

The land border with Egypt is controlled by the LNA. Who controls the border with Algeria is less clear. The LNA is present there, but so is the GNU. The border with Tunisia mainly concerns Zuwara, where there are armed groups with ties to the GNU.²⁰⁰

On 31 October 2022, Prime Minister Dbeibeh declared that the crossing points on the 382 km-long border with Sudan were now legally open. However, the border

¹⁹¹ Confidential source, 19 December 2022.

¹⁹² Confidential source, 21 September 2022.

¹⁹³ Confidential source, 19 December 2022.

¹⁹⁴ Confidential source, 19 December 2022.

¹⁹⁵ USDOS, *2021 Country report on human rights practices: Libya*, 2 June 2022, pp.22 and 23.

¹⁹⁶ Confidential source, 19 December 2022.

¹⁹⁷ Confidential source, 21 September 2022.

¹⁹⁸ Confidential source, 19 December 2022.

¹⁹⁹ Confidential source, 19 December 2022.

²⁰⁰ Confidential source, 19 December 2022; for more information on armed groups active in Zuwara see Global initiative against transnational organized crime. Farrah, Raouf. *Zuwara's civil society fight against organized crime*, December 2021; Confidential source, 19 December 2022. The source states that these local groups are also involved in human trafficking.

area is not controlled by the GNU, but by the strict Salafist *Subul Al-Salam* brigade of the LNA. This brigade is involved in people smuggling, especially human trafficking, and smuggling of fuel and second-hand cars which are imported via Benghazi and Tobruk for sale in Sudan and beyond. There are also persistent allegations that Haftar's son Saddam is involved in cross-border smuggling.²⁰¹ Several sources state that the approximately 1,400 kilometre border with Niger and Chad, which lies in uninhabited desert, is difficult to control. Moreover, that border has come under the control of various ethnic groups involved in the smuggling and trafficking of migrants.²⁰² Armed groups of Toubous and Tuaregs with family ties operate in this area on both sides of the border with Chad and Niger. See also 4.2.

According to one source, a Libyan who did not receive an exit stamp in his or her passport when leaving Libya may, for that reason, be stopped on entry into Libya on his or her return. The authorities will then try to find out until when the person concerned was in Libya. At the border with Tunisia and Egypt the border authorities frequently forget to put an exit stamp in the travel document. The source gave the example of a family member. After a visit to Turkey, this person was stopped for six hours on entry into Libya due to the lack of a Libyan exit stamp in his travel document.²⁰³

²⁰¹ Confidential source, 14 November 2022.

²⁰² The Medialine, *Libya is deadliest launching pad for illegal migration to Europe*, 29 November 2022; Confidential source, 19 December 2022.

²⁰³ Confidential source, 19 December 2022.

2 Documents

For information about applications for and issuance of documents, see the general country of origin information report of September 2021.²⁰⁴ As far as is known, there have been no new developments since the previous country report.²⁰⁵

The procedure for issuing identity documents is the same everywhere in Libya. The application must be made in person. The minimum age to apply for an identity document is eighteen years.²⁰⁶ Good contacts within the government help to speed up the issuing process, according to a source.²⁰⁷

There are still Libyans who lack a national identity number and who therefore do not have Libyan identity documents. They are mainly people from a few tribes that live in both Libya and neighbouring countries, such as the Toubou and Tuareg. Those individuals are not regarded as Libyan citizens by the Libyan authorities.²⁰⁸ See 3.3.9 for more information.

In addition, there are children born from relationships between Libyan mothers and non-Libyan fathers. The civil registry offices refuse to register these children. As a result, they are not eligible for identity and other personal documents, or for social rights and welfare services. Under Libyan nationality law, they are not entitled to Libyan nationality.²⁰⁹ See 2.1 for more details.

An application for a travel document must also be made in person. Minors must be accompanied by one of their parents or a guardian when applying for a travel document. Persons residing abroad who wish to apply for such documents have to do so in Libya itself or at the nearest Libyan embassy, according to a source.²¹⁰

The family status certificate, a statement from the registry office, has, according to a source, replaced the family booklet.²¹¹ According to another source, no family booklets have been issued since 2014. Since that time the family status certificate has been issued.²¹² The family status certificate is a digital certificate issued by the registry office in the area where the applicant's family is registered. The certificate contains the details of the head of the family and the names of the family members with the following details: national identity number, first name, surname, father's name, mother's name, relationship, date of birth and place of birth. The family status certificate can be applied for at the registry office where the applicant's family is registered or at the regional headquarters of the registry office in the east, west or south.²¹³

The Libyan Civil Registry Authority (CRA) functions poorly. The CRA has a centralised system. The CRA has a head office in Tripoli with a legal department. The CRA has branches down to the municipal level. The source said that although there is an obligation based on internal guidelines for civil registry offices to register all children born in Libya, this does not happen in practice. See also 3.3.9 in this

²⁰⁴ Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, September 2021 (Dutch only), pp.30-32.

²⁰⁵ Confidential source, 3 November 2022.

²⁰⁶ Confidential source, 3 November 2022.

²⁰⁷ Confidential source, 19 December 2022.

²⁰⁸ Confidential source, 19 December 2022.

²⁰⁹ Confidential source, 19 December 2022.

²¹⁰ Confidential source, 3 November 2022.

²¹¹ Confidential source, 14 September 2022.

²¹² Confidential source, 3 November 2022.

²¹³ Confidential source, 3 November 2022.

regard. There is also inadequate reporting of data to the central registration system, especially from the east of Libya to the head office in Tripoli. Also, a municipality sometimes refuses to register someone and therefore forces that person to return to his or her municipality of origin.²¹⁴

The Libyan public prosecutor reported on 17 August 2022 that, according to the CRA's database, there were 1,733,000 Libyan families and 8,370,000 Libyan citizens. The CRA had set up a committee to compare the database of national identity numbers with original paper documents. The investigation found that 48,000 false national identity numbers had been issued to non-Libyans. False national identity registration numbers can be used to open bank accounts, collect government salaries, apply for passports, register on the electoral register, and obtain state benefits. These numbers, the public prosecutor said, had been suspended pending further investigation into their wider implications. Another 64,000 register numbers that were not in the Civil Register were also found in the database of national identity numbers.²¹⁵

2.1 Nationality and naturalisation

Law number 24 of 2010²¹⁶ on Libyan nationality, the Nationality Law, contains information on the eligibility requirements for obtaining Libyan nationality, the procedural requirements for obtaining Libyan nationality and the loss of Libyan nationality.²¹⁷ This law states that if a minor has not acquired Libyan nationality through descent, he or she may not apply for citizenship until adulthood²¹⁸, i.e. eighteen years. See 3.3.3.

The Nationality Law states that Libyan men can pass on Libyan nationality to their children.²¹⁹ Under the law, female citizens of Libya can only pass on citizenship to their children in certain exceptional cases, such as when the father is unknown or stateless or if his nationality is unknown. On the other hand, the law provides that children with a Libyan father are automatically Libyan citizens regardless of whether the child was born within or outside the country and regardless of the mother's citizenship.²²⁰

On 19 October 2022, the GNU Council of Ministers issued a new decree stating that children without citizenship born to Libyan mothers will be granted all rights to which Libyan citizens are entitled. The decree mentions access to free education, free medical care and visa-free entry into Libya. See 6.3 for a translation of the decree. However, the decree does not guarantee the right of children of Libyan mothers to acquire Libyan nationality - the right that children of Libyan fathers have. Without Libyan nationality, these children have problems obtaining identity documents. Also, as HRW points out, their civil and political rights are severely curtailed by being unable to participate in elections and being excluded from public sector jobs. Children of Libyan mothers married to stateless Palestinians cannot acquire Libyan nationality either.²²¹ Another source emphasises that the decree was issued by the GNU and that it is therefore very likely that it will not be implemented

²¹⁴ Confidential source, 19 December 2022.

²¹⁵ Libya Herald, *Attorney General reviews cases and investigations in lengthy press conference*, 18 August 2022,

²¹⁶ Law Number (24) of 2010 / 1378 on the *Libyan Nationality*, accessed 26 August 2022.

²¹⁷ Consortium for Streetchildren, *Libya, FAQ: Can a child apply for citizenship?*, accessed 26 August 2022.

²¹⁸ Consortium for Streetchildren, *Libya, FAQ: Can a child apply for citizenship?*, accessed 26 August 2022.

²¹⁹ HRW, *World Report 2022, Libya; events of 2021*, accessed 7 September 2022.

²²⁰ USDOS, *2021 Country report on human rights practices: Libya*, 2 June 2022, p.28.

²²¹ HRW, *Decree on Libyan women's non-citizen children fails discrimination test*, 28 October 2022.

throughout the country. As things stand, it is also unclear how children with a Libyan mother and non-Libyan father can qualify for the rights granted.²²²

A significant number of people in Libya - probably several hundred thousand - are not formally recognised as citizens, although they consider themselves as such. They are also referred to as 'persons of undetermined legal status'. The majority of them are first- or second-generation immigrants whose naturalisation process is pending. A smaller number consists of indigenous members of the population not recognised by the state, as well as a group of people whose citizenship has been revoked. Although they are registered with the authorities, they do not have civil rights, which limits their access to essential documents, public services and employment.²²³ Non-Arab ethnic minorities in Libya's southern border regions, such as the Toubou, were at risk of statelessness even before 2011. These minorities still have problems obtaining documents in which they are recognised as Libyan.²²⁴ See also 3.3.9.

Many migrants came to Libya from sub-Saharan Africa in the 1980s and 1990s, either looking for work in Libya itself or en route to Europe. Birth registration for children of migrant parents was virtually impossible in practice. This was already the case before the fall of Qadhafi's regime in 2011, and the situation has grown worse since then. The risk of statelessness is high due to gender discrimination in the law, especially for children with a Libyan mother and foreign father.²²⁵

²²² Confidential source, 19 December 2022.

²²³ EIP. Stocker, Valerie, *Citizenship on hold: undetermined legal status and implications for Libya's peace process*, July 2019, p.4.; USIP, *contested citizenship marginalizes Libya's vulnerable*, 27 May 2021; EUI. Polimeno, Maria Gloria, *Report on citizenship law: Libya*, country report 2021/10, April 2021, pp.11 and 14. This report stated that the names of some persons, whose Libyan nationality had yet to be determined, were registered on separate lists. Some had also been given temporary registration numbers.

²²⁴ EIP. Stocker, Valerie, *Citizenship on hold: undetermined legal status and implications for Libya's peace process*, July 2019, p.15; Citizenship Rights in Africa Initiative, *Libya*, accessed 26 August 2022.

²²⁵ Citizenship Rights in Africa Initiative, *Libya*, accessed 26 August 2022.

3 Human rights

Various national and international human rights organisations as well as UN human rights reporters reported possible crimes against humanity, war crimes and serious human rights violations during the current reporting period. In this context, particular reference was made in the reporting period to an increase in systematic attacks on civil society and freedom of expression.²²⁶

The UN's *Independent Fact-Finding Mission on Libya* (FFM) investigated violations of human rights and international humanitarian law²²⁷ committed by all parties in Libya since 2016. In June 2022, the FFM published a new report that should be read in conjunction with two previous reports. The FFM indicated that its findings were not exhaustive and required further investigation. The report noted widespread violations of international humanitarian law, such as direct attacks on civilians and civilian infrastructure; a clear pattern of human rights violations and abuses in places of detention, both official and unofficial; extrajudicial killings and murders; enforced disappearances; sexual and gender-related violence; violations of freedom of expression, association, peaceful assembly and participation in public life; human rights violations against vulnerable groups and minorities; and lack of accountability.²²⁸

Looking back over more than a decade of conflict in Libya, the NGO *Lawyers for Justice in Libya* stated in a February 2022 report that human rights violations had taken place on a large scale. There were serious allegations of war crimes, i.e. violations of international humanitarian law and crimes against humanity. The conflict had left thousands dead and injured and hundreds of thousands of people displaced. An estimated 10,000 people were still missing. Thousands of Libyans from different backgrounds had disappeared, been tortured or abused. The estimated 600,000 migrants and asylum-seekers had also been victims of this ongoing situation of lawlessness and of exploitation, extortion and slavery. In 2021, the UN considered 800,000 people out of an estimated population of nearly 7 million to be in need of assistance.²²⁹

Developments during the reporting period are discussed in more detail below.

3.1 Supervision and legal protection

The Independent Fact-Finding Mission on Libya (FFM) was established by the UN Human Rights Council in response to a request made by the Libyan government on 22 June 2020. The mission's mandate is to conduct an independent and impartial investigation of the human rights situation in Libya since 2016.²³⁰ In October 2021,

²²⁶ See for example LAN & OMCT, *Libya: new patterns of human rights violations and absence of accountability*, 28 June 2022; HRW, *Libya: UN rights body should renew fact-finding mission*, 29 June 2022; UNSMIL, *SRSR Abdoulaye Bathily's remarks to the Security Council meeting on Libya*, 24 October 2022; Bajec, Alessandra, *Intensified crackdown on civil society in Libya further embeds impunity*, 22 November 2022, TIMEP.

²²⁷ Rode Kruis, *Internationaal humanitair recht*, accessed 17 January 2023. International humanitarian law is the body of rules that seeks to limit the humanitarian consequences of an armed conflict. This law protects the life, health and dignity of persons who are not (or no longer) participating in an armed conflict. It also restricts or prohibits the use of certain weapons and methods in armed conflicts.

²²⁸ UN Human Rights Council, *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/50/63, 27 June 2022, LFJL & Saferworld, *Enshrining impunity: a decade of international engagement in Libya*, 17 February 2022, p.6.

²³⁰ UNHRC, *Independent Fact-Finding Mission on Libya*, <https://www.ohchr.org/en/hr-bodies/hrc/libya/index>, accessed 16 August 2022; UNHRC, *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/48/83, 1 October 2021, p.2, para. 3. For the mission's working method during the reporting period, including investigations in Libya itself, see: UNHRC, *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/50/63, 27 June 2022, p.4-5 and UNHRC, *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/49/4, 23 March 2022, p.5-6.

the Human Rights Council extended the FFM's mandate for a period of nine months, until the end of June 2022. Local and international human rights organisations stressed the importance of the FFM's work and called for the mandate to be renewed.²³¹ On 4 July 2022, the Human Rights Council extended the FFM's mandate for a final, non-renewable nine-month period so that it could complete its investigation and present final recommendations.²³² During the reporting period, the FFM visited Tripoli and Benghazi. The mission was denied permission by the Libyan authorities to visit Sebha in the south, allegedly for security reasons. The FFM found that, as with previous visits, many individuals and NGOs in Libya felt unable to meet the mission and speak freely and in private.²³³

A delegation from Amnesty visited Libya in February 2022.²³⁴ In a report dated 4 May 2022, Amnesty denounced human rights violations against migrants committed by the SSA.²³⁵ The GNU accused Amnesty of 'politicisation' and lack of professionalism in response to the report.²³⁶ On 20 February 2022, the delegation visited Sirte, which has been controlled by the LNA since 2020. The local authorities did not allow the delegation to meet or speak to residents in private. Numerous plain-clothes members of the ISA and other intelligence agents accompanied the delegation during the visit, harassing them and preventing them from speaking to anyone in private.²³⁷

The International Criminal Court (ICC) is investigating human rights violations in Libya on the basis of a UN mandate. Its main investigative priorities are: a) violence in 2011; b) crimes in detention centres; c) crimes in the period 2014-2020 and more specifically crimes allegedly committed by armed groups affiliated to the LNA; d) violence against migrants. During the reporting period, two people suspected of crimes against victims of human trafficking and smuggling in Libya were arrested in Ethiopia and deported to Italy and the Netherlands respectively. The ICC is actively involved in the investigation of those concerned as part of a joint team that includes the Netherlands, Spain and Italy. The ICC ended legal proceedings against two people suspected of involvement in crimes committed by the Qadhafi regime, namely Al-Tuhamy Mohamed Khaled and Mahmoud Mustafa Busayf Al-Werfalli. According to the Libyan authorities, those concerned were no longer alive. Arrest warrants are still in force against Saif-Al-Islam Qadhafi and Abdullah Al-Sanussi.²³⁸ Al-Sanussi, the former chief of foreign intelligence under the Qadhafi regime, is in detention in Tripoli.²³⁹

²³¹ Defender Center for Human Rights, *Joint open letter: human rights organizations call for renewal of UN-fact-finding mission on Libya*, 16 June 2022.

²³² UNHRC, *Independent Fact-Finding Mission on Libya*, <https://www.ohchr.org/en/hr-bodies/hrc/libya/index>, accessed 16 August 2022.

²³³ UN Human Rights Council, *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/50/63, 27 June 2022, paragraphs 13 and 23.

²³⁴ AP news, *Libya's West based government denounces rights report*, 13 May 2022.

²³⁵ Amnesty International, *Libya: hold Stability Support Authority militia leader to account*, 4 May 2022.

²³⁶ MEMO, *Dbeibeh's gov't accuses Amnesty of 'politicised' work against Libya's interests*, 17 May 2022.

²³⁷ Amnesty International, *Libya: the LAAF is 'brutally crushing' freedom of expression and peaceful assembly*, 19 April 2022.

²³⁸ ICC, *Twenty-fourth report of the prosecutor of the International Criminal Court to the United Nations Security Council pursuant to resolution 1979(2011)*, November 2022, pp.3, 4, 15 and 16; ICC, *Statement of ICC Prosecutor, Karim A. A. Khan KC, to the United Nations Security Council on the Situation in Libya, pursuant to Resolution 1970 (2011)*, 11 November 2022; HRW, *World Report 2023: Libya*, January 2023, p.388. Al-Werfalli was wanted for the war crime of murder in connection with several incidents in and around Benghazi between June 2016 and January 2018. Khaled was the former head of ISA under Qadhafi and was wanted for war crimes and crimes against humanity between February and August 2011.

²³⁹ The Guardian, *Revealed: Libya aborted plan to hand Gaddafi spy chief to US at last minute*, 23 December 2022.

3.1.1 *Legislation*

As stated in the previous country report, Libya has been in a political transition phase since 2011. The country still does not have a new constitution.²⁴⁰ The 2011 Constitutional Declaration, which was issued by the then interim government, the National Transitional Council (NTC) and has been amended several times, continued to serve as Libya's provisional constitution.²⁴¹

Since 2014, Libya had not had a constitutional chamber of the Supreme Court to revise and repeal legislation deemed unconstitutional, including legislation relating to elections.²⁴² On 18 August 2022, the General Assembly of the Supreme Court unanimously decided to reinstate the Constitutional Chamber²⁴³ and on 21 August 2022, 33 judges were sworn in before the General Assembly. On 22 August 2022, 36 different judges took their oath to be appointed as members of the Supreme Court in a counteraction by the Speaker of the HoR. On 15 September, during a session in Benghazi, the HoR voted to appoint Abdallah Mohamed abo Ruziza as head of the Supreme Court and of the Constitutional Chamber. The handover from the outgoing head of the Supreme Court, Mohammed Al-Hafi, took place in Tripoli on 25 September 2022.²⁴⁴ On 7 December 2022, the HoR approved a law to establish a Supreme Constitutional Court in Benghazi. This vote was immediately rejected by HCS Chairman Khaled Mishri, who announced that the decision by the HoR had not previously been discussed or approved by the HCS.²⁴⁵

Family law and penal law

Family and penal law remained unchanged during the current reporting period.²⁴⁶ It is unclear, as indicated in the previous country report, to what extent the formal law was actually enforced in the reporting period. Due to the deficient judicial process as a result of the conflict, many criminal cases went unheard by the courts. The way the law was applied also varied according to region. In recent years, courts have been linked to the de facto rulers in the different parts of the country. Courts in the east also applied laws that were not applied in the west, and vice versa.²⁴⁷

The most important piece of legislation applicable to family law is the Law on Personal Status of 1984 (Law No. 10). This law includes provisions on marriage and divorce and is based on Islamic law (sharia). Family law cases are heard by civil courts. For more information on family law, see the general country report of September 2021.²⁴⁸ HRW concludes that Libyan family law discriminates against women with regard to marriage, divorce and inheritance.²⁴⁹ See also 3.3.1.

²⁴⁰ Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, 30 September 2021 (Dutch only), p.33; Constitute, *Libya's Constitution of 2011*, accessed 7 September 2022; UN Women, *Constitutional Declaration of Libya 2011 as amended to 2016*, accessed 7 September 2022; CLSS / VVI. Ibrahim, Suliman, *The role of Law in Libya's National Reconciliation (ROLLNaR)*, Final Report, April 2021, pp. 8 and 9; HRW, *World Report 2022, Libya; events of 2021*, accessed 7 September 2022.

²⁴¹ Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, 30 September 2021 (Dutch only), p. 33; Constitute, *Libya's Constitution of 2011*, accessed 7 September 2022; UN Women, *Constitutional Declaration of Libya 2011 as amended to 2016*, accessed 7 September 2022; CLSS / VVI. Ibrahim, Suliman, *The role of Law in Libya's National Reconciliation (ROLLNaR)*, Final Report, April 2021, pp.8 and 9.

²⁴² HRW, *World Report 2022, Libya; events of 2021*, accessed 7 September 2022.

²⁴³ Libya Herald, *Supreme court to reactivate the constitutional circuit*, 18 August 2022; Confidential source, 14 September 2022. This decision, the source said, was seen as part of a struggle between the then President of the Supreme Court, Judge Mohamed Alhafi, and the Speaker of the HoR, Aguila Saleh. The HoR then decided, after a vote, to replace the former. A handover also took place with the newly appointed President of the Supreme Court, Abdullah Abu Raziza. For the time being, the Supreme Court has not ruled on the constitutionality problems that have been submitted to it; BBC Monitoring, *Briefing: new chief justice takes over in Libya*, 25 September 2022.

²⁴⁴ UNSC, *UNSMIL report of the Secretary-General, S/2022/932*, 9 December 2022, paragraph 49.

²⁴⁵ Confidential source, 11 December 2022.

²⁴⁶ Confidential source, 14 September 2022.

²⁴⁷ Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, 30 September 2021 (Dutch only).

²⁴⁸ Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, 30 September 2021 (Dutch only), p.34. See also footnote

199.

²⁴⁹ HRW, *World Report 2022, Libya; events of 2021*, accessed 7 September 2022.

Penal law

Libya has no legislation protecting women from violence.²⁵⁰ Libyan penal law does not specifically criminalise domestic violence. The Penal Code provides for a reduced sentence for a man who kills or injures his wife or another female relative because he suspects her of having extramarital sexual relations. Under the Penal Code, rapists can escape prosecution if they marry their victim.²⁵¹

On 27 September 2022, the HoR approved Law 5/2022 on combating cybercrime.²⁵² This law was published online on the *Al-Wasat*²⁵³ website on 2 October 2022. The law sets penalties for a wide range of activities, including human trafficking, money laundering, 'insulting religious sanctities or symbols', racism, promoting the use of drugs or alcohol, inciting murder or suicide, intimidation, exploitation of minors or people with intellectual disabilities in pornographic activities, and disinformation. The reason why the law was not published until a year later was not clear.²⁵⁴ One source stated that it was unaware of the publication of the law in the Libyan State Gazette and its consequent entry into force.²⁵⁵

The cybercrime law was met with widespread condemnation from Libyan civil society, human rights defenders and experts. Criticism focused on its broad terminology, open to multiple interpretations, that gives the Libyan authorities extensive powers to restrict online freedom of expression. The law also gives the Libyan authorities far-reaching powers to monitor everything that is published on social media without the involvement of a judge and to block websites and posts.²⁵⁶ The law codifies the executive branch's control over social media, without any approval or oversight by the judiciary. Article 7 uses very general terminology: anything that can be considered destabilising to society, such as undermining 'public morality', is prohibited. Importantly, the law prohibits and criminalises the use of encryption and virtual private networks (VPNs).²⁵⁷ See 3.2.1 for more information.

Apostasy is included in Law 20/2016 amending the Penal Code. In 2016, Libya had two parliaments. The amendment was introduced by the parliament in Tripoli. However, its legitimacy is questioned in the east and only accepted in the west. In September 2022, an official statement was released about a person who had been accused of apostasy and sentenced to death. The suspect had not confessed. The sentence has not yet been carried out.²⁵⁸ See also 3.2.3 and 3.3.12.

3.1.2 Reporting crimes to the police

As far as is known, the options for Libyans to make declarations to the police as described in previous country reports remained unchanged in the reporting period.²⁵⁹

In addition to the information in the September 2021 country report, a source also mentions the following with regard to reporting a crime. Penal procedure law states

²⁵⁰ UNSC, *UNSMIL report of the Secretary-General, S/2022/932*, 9 December 2022, paragraphs 83 and 84.

²⁵¹ HRW, *World Report 2022, Libya; events of 2021*, accessed 7 September 2022.

²⁵² CIHRS, *Libya: new cybercrime law must be rescinded*, 11 November 2021; Confidential source, 4 November 2022.

²⁵³ Al-Wasat online is, according to the website, an independent electronic portal operating out of Cairo. It is part of the Al-Wasat media group. See: <https://en.alwasat.ly>.

²⁵⁴ BBC Monitoring, *Libyan parliament issues cybercrime law after year long pause*, 2 October 2022; Confidential source, 14 September 2022.

²⁵⁵ Confidential source, 14 September 2022.

²⁵⁶ CIHRS, *Libya: new cybercrime law must be rescinded*, 11 November 2021.

²⁵⁷ CIHRS, *Libya: new cybercrime law must be rescinded*, 11 November 2021; Confidential source, 4 November 2022.

²⁵⁸ Confidential source, 14 September 2022; for the official statement on the Facebook page of abaadnews محكمة - أبعاد... ضياء المواطن بإعدام تقضي مصراتة # استئناف | Facebook.

²⁵⁹ Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, 30 September 2021 (Dutch only), pp.34-35.

that this can be done either verbally or in writing.²⁶⁰ According to a source, the formal procedure is as follows. The individual should go in person to the nearest police station to make the report. The police officer draws up a report and summons the suspect and witnesses. From a legal viewpoint, it makes no difference whether a man or a woman brings a case. In principle, any complaint/case may be submitted to the police. In many cases, however, the police do not have the resources to investigate the case. An active lawyer can make the difference here. The next step is for the case to be referred to the appropriate public prosecutor. The prosecutor checks whether the available information is sufficient for the court. If not, additional information must be collected. The case may be referred back to the police station or the public prosecutor may conduct the investigation him-/herself. The person who makes a report may ask for a case number. This is not issued at the police station. A lawyer may request the case number from the public prosecutor's office.²⁶¹ According to the source, it is increasingly common for those with a complaint to go directly to the public prosecutor or even higher up in the judicial system. The thinking behind this is that it will speed up the investigation. It is also a way of showing that one is well connected and influential. While it is difficult to generalise, the source believes this is a trend in both eastern and western Libya. It also relates to corruption. A well-connected person accused of a crime may try to delay legal proceedings, for example by making use of contacts.²⁶²

As stated in the previous country report, in practice in Libya the (local) police force and public prosecutors consisted of or were heavily influenced by those holding power locally such as armed groups. In addition to the aforementioned reasons, filing a complaint with the police was therefore virtually pointless, and fear of the consequences of doing so prevailed.²⁶³

According to one source, Libyans can go to the police and file a complaint. Individual police officers may be willing to act. It depends on the issue and the police's relationship with the armed group controlling the area. If the complaint is related to the behaviour of an armed group, the police will not want to intervene. The police will indicate that the complainant must resolve the problem and use his or her own network. It is risky for the police to act. If a complainant insists, the police will probably put the report in a drawer and do nothing. If the complaint concerns a problem with neighbours, then it depends on the nature of the problem. This is an easier matter for the police than when the complaint concerns an armed group or a member of such a group. It usually takes a long time for the police to intervene. In the event of physical harassment of a woman by a member of an armed group, the family itself is expected to take action. There is usually not much that the family can do. For women, this can lead to a situation where she is blamed by the family for the problem.²⁶⁴

Another source gives the example of the drug trade in Benghazi. Drugs are now openly sold in shops in Benghazi. This is against the law. However, no one will do anything about it. The drug sellers have good connections with the LNA. The police are clearly afraid to act.²⁶⁵

²⁶⁰ Confidential source, 14 September 2022. The September 2021 country report states on page 35 that the report may only be made in writing. The source states that the report may also be made verbally.

²⁶¹ Confidential source, 14 September 2022.

²⁶² Confidential source, 14 September 2022.

²⁶³ Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, 30 September 2021 (Dutch only), p.35.

²⁶⁴ Confidential source, 20 December 2022.

²⁶⁵ Confidential source, 14 September 2022.

Lack of options for protection

The provisions of the law and of international treaties signed by Libya are very different from the everyday reality.²⁶⁶ USDOS emphasised in its 2021 annual report that the possibilities for investigation and prosecution of abuses were limited by the division between institutions in the west and east, the security vacuum in the south, the presence of criminal organisations and the weakness of the government. investigations, prosecutions and the punishment of individuals involved in human rights violations and corruption almost never occurred.²⁶⁷

According to the FFM, Libya's legal system does not meet the standards of international law relating to the obligation to punish, investigate and prosecute crimes in accordance with international law and to ensure the right to liberty and due process. International crimes, in particular crimes against humanity, genocide and war crimes, are not codified in Libyan law.²⁶⁸

The legal system has been so weakened over the past decade by threats and armed conflict that there is no real prospect of bringing the perpetrators of crimes to justice. Lawyers and judges have consistently said this to UN experts. Victims of serious human rights violations reported having no access to effective legal remedies and reparations.²⁶⁹ Impunity was a real problem in the case of the security forces. Various sources state that perpetrators of human rights violations are not prosecuted.²⁷⁰ The GNU took almost no action – such as investigation, prosecution or punishment – against officials involved in human rights violations or corruption.²⁷¹ The judiciary is not independent. According to a source, the public prosecutor's office in Tripoli is unwilling to monitor armed groups.²⁷² Other sources point to links between the SDF and the public prosecutor in Tripoli.²⁷³ Human rights defenders and people arrested for political reasons do not receive a fair trial. Many fear reprisals against themselves and their families.²⁷⁴ See also 3.1.3.

Amnesty schemes

Since 2011, successive Libyan authorities have issued a series of laws and regulations that allow extensive amnesties, including Law No. 38 of 2012 and Law No. 6 of 2015. The amnesty law of 2012 offers the possibility to grant an amnesty for 'acts performed' by insurgents to 'save or protect the revolution'. The 2015 law provides for a general amnesty and stipulates a number of conditions that the beneficiary of the amnesty must meet. This person must show remorse in writing, must not commit a repeat offence within five years and must reconcile with the victims. In practice, according to the NGO Lawyers for Justice in Libya (LFJL), individuals such as Saif Al-Islam Qadhafi benefited from the amnesty without meeting the conditions.²⁷⁵

3.1.3 *Judicial process*

The workings of the Libyan criminal justice system were flawed in some areas due to years of fighting and political divisions. Where prosecutions and trials took place,

²⁶⁶ Confidential source, 29 November 2022.

²⁶⁷ USDOS, *2021 Country report on human rights practices: Libya*, 2 June 2022, p.1.

²⁶⁸ UNHRC, *Detailed findings on the situation in Tarhuna. Conference room paper of the Independent Fact-Finding Mission on Libya*, A/HRC/50/CRP.3, 1 July 2022.

²⁶⁹ UNSC, *Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya*, S/2022/427, 27 May 2022, p.13.

²⁷⁰ Confidential source, 4 November 2022; Confidential source, 22 December 2022; USDOS, *2021 Country report on human rights practices: Libya*, 2 June 2022, p.3.

²⁷¹ USDOS, *2021 Country report on human rights practices: Libya*, 2 June 2022, p.3.

²⁷² Confidential source, 22 December 2022.

²⁷³ Confidential source, 19 December 2022; confidential source, 20 December 2022.

²⁷⁴ Confidential source, 4 November 2022.

²⁷⁵ LFJL, *"Justice is the only way forward": perceptions of justice in Libya ten years on*, 23 June 2022, p.23 and footnotes 150-153.

there were serious concerns about due process and military courts continued to try civilians. Judges, public prosecutors and lawyers continued to be at risk of intimidation and attacks by armed groups.²⁷⁶ According to the law, a detained suspect can challenge his or her pre-trial detention with the prosecutor and the investigating judge. In reality, prisoners had limited access to courts due to the breakdown of the judicial system, the intimidation of judges and the security and other problems involved in bringing prisoners to courts.²⁷⁷

According to one source, civilians in eastern Libya were regularly tried and sentenced by military courts, including those critical of Haftar and/or the LNA. These courts also sentenced a large number of individuals to death. However, there is no evidence that such sentences were carried out during the reporting period.²⁷⁸ See also 3.1.5.

3.1.4 *Arrests, custody and detentions*

According to the Penal Code, the police may detain someone for a maximum of 48 hours and must then either release the person or present him or her to the public prosecutor. The public prosecutor must make a decision within 24 hours on whether or not to extend the person's detention. There is no control over the behaviour of the security forces. They can keep people in detention for long periods of time.²⁷⁹ According to the law, an arrest warrant is required and the authorities must inform the arrested person of the reason for the arrest. The detainee must also be brought before a legal authority within thirty days if the authorities wish to extend the detention. Although this right is enshrined in the 2011 Constitutional Declaration, most detainees are not given the opportunity to apply for bail or to consult a lawyer.²⁸⁰ Judges and prosecutors in different parts of the country reported facing threats, intimidation, violence and lack of resources in a context of lack of security in and around courts, according to the US Department of State.²⁸¹

One source stressed that people are arbitrarily and systematically arrested. It was possible for people to be picked up on the street or from their homes without a warrant, a court document or an instruction from the public prosecutor's office. The source received weekly complaints about such arrests from people across the country, who said that one or more family members had been taken away, sometimes by state entities and in other cases by armed groups. Many of these groups acted under the aegis of the state and were funded by the state. However, there were also armed groups that operated independently of the state and ran unofficial detention centres. Sometimes these prisons were private homes, garages or hangars.²⁸²

Mitiga Prison in western Libya is the most notorious detention facility and is officially under the Ministry of Justice. In practice, the ministry had no control over this detention centre; it was controlled by the SDF/DACOT.²⁸³ See 1.2.1.1 and 3.1.7.

The SDF arrested people without a warrant. People disappeared for months, sometimes years, and for various reasons into Mitiga Prison which was run by this body. Sometimes, according to one source, these arrests were purely a personal act of revenge on the part of someone who worked for the SDF and had a problem with,

²⁷⁶ HRW, *World report 2022, Libya events of 2021*, accessed 13 September 2022.

²⁷⁷ USDOS, *2021 Country report on human rights practices: Libya*, 2 June 2022, p.5.

²⁷⁸ Confidential source, 29 November 2022.

²⁷⁹ Confidential source, 4 November 2022.

²⁸⁰ USDOS, *2021 Country report on human rights practices: Libya*, 2 June 2022, pp.4 and 5.

²⁸¹ USDOS, *2021 Country report on human rights practices: Libya*, 2 June 2022, p.5.

²⁸² Confidential source, 29 November 2022.

²⁸³ Confidential source, 29 November 2022.

for example, a neighbour. It was kind of a vendetta – a way of handling disputes that was reminiscent of the mafia.²⁸⁴

USDOS indicated in its 2021 annual report that most prisons and detention centres were run by armed groups. Arrests were usually made by these groups and not by the police. An unknown number of people were held without judicial authorisation in detention locations controlled on paper by the Ministry of the Interior or Defence. Others were held in extrajudicial facilities operated by GNU-affiliated armed groups, LNA-affiliated armed groups or other non-state actors. In general, according to USDOS, the treatment of detainees was worst at the time of arrest. There were reports of brutal, degrading treatment in government and extrajudicial detention centres, involving beatings, electric shocks, burns and rape. In many cases, the purpose of these atrocities was to extort money from detainees' families.²⁸⁵ See also 3.1.7.

Armed groups held thousands of other people in illegal detention centres. Prisons in Libya are characterised by inhumane conditions such as overcrowding and ill-treatment.²⁸⁶

The armed group Tarek Bin Ziyad, which has ties with the LNA, arbitrarily arrested at least fifty residents of the city of Derna after five people escaped from that city on 16 January 2022. Those concerned had escaped from Garnada Prison near Al-Bayda in eastern Libya. After they had been recaptured on 20 January 2022, an unknown number of residents of Derna were also arrested. Those arrested included relatives of the five escaped prisoners, as well as former Derna detainees and their relatives.²⁸⁷

UNSMIL reported in October 2022, on the basis of information from the Libyan authorities, that nearly eleven thousand individuals, including 55 women, were serving prison sentences. In addition, almost six thousand people were in pre-trial detention, including 113 women. 135 minors were behind bars. The total number represents a forty percent increase on the figures released by the authorities in August 2021. UNSMIL emphasised that many of those held in pre-trial detention, representing one third of the total prison population, were being held without access to justice. The figures exclude the approximately 3,243 migrants arbitrarily held in detention centres operated by government bodies.²⁸⁸ One source estimated that about five thousand migrants were also being held in unofficial detention centres.²⁸⁹ According to the source, in many detention centres for migrants, migrants live in appalling conditions and in addition to other abuses are forced to work.²⁹⁰ Although the government closed some of these detention centres, such as Al-Mabani Prison in Tripoli²⁹¹, other detention centres continue to exist. President Dbeibah recently opened a detention centre for Arab migrants only.²⁹² In September 2021, UNSMIL estimated that there were about four hundred women in detention. Although there

²⁸⁴ Confidential source, 29 November 2022.

²⁸⁵ USDOS, *2021 Country report on human rights practices: Libya*, 2 June 2022, p.6.

²⁸⁶ Human Rights Watch (HRW), *World report 2023:Libya, Events of 2022*, January 2023; HRW, *World report 2022, Libya events of 2021*, accessed 13 September 2022; USDOS, *2021 Country report on human rights practices: Libya*, 2 June 2022, p.4.

²⁸⁷ HRW, *Libya: after prison escape, Derna residents rounded up*, 8 March 2022; The Libya Observer, *Haftar's forces conduct arrests in Derna over prison break from notorious Gernada*, 19 January 2022. In some publications, Garnada Prison is referred to as Gernada Prison. See also the map of the FFM showing detention locations.

²⁸⁸ UNSMIL, *SRSR Abdoulaye Bathily's remarks to the Security Council meeting on Libya*, 24 October 2022; UNSC, *UNSMIL report of the Secretary-General, S/2022/932*, 9 December 2022, paragraph 58.

²⁸⁹ Confidential source, 31 October 2022; UNSC, *UNSMIL report of the Secretary-General, S/2022/932*, 9 December 2022, paragraph 58.

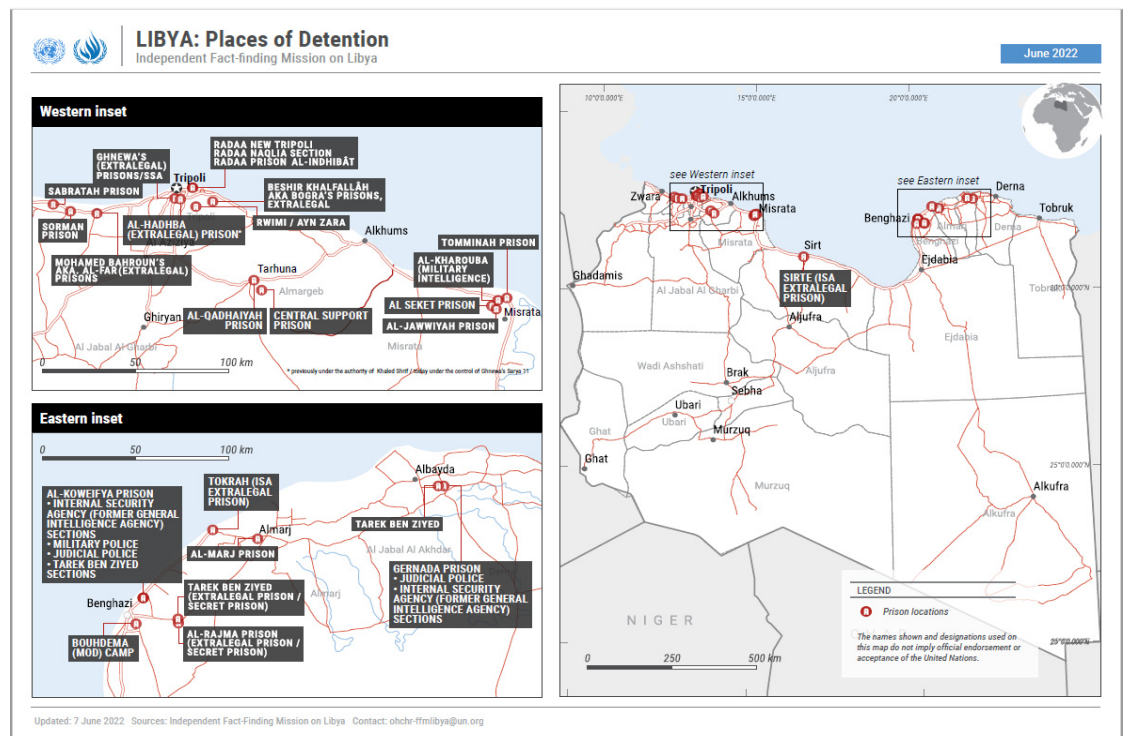
²⁹⁰ Confidential source, 31 October 2022; Confidential source, 4 November 2022.

²⁹¹ The New Yorker, *a migrant prison officially closes. But how much has changed?*, 23 February 2022.

²⁹² Confidential source, 4 November 2022; Xinhuanet, *Libya opens reception center to house illegal Arab immigrants*, 3 October 2022.

were separate detention facilities for men and women, until recently (see 4.2) women were guarded almost exclusively by men. UNSMIL received many reports of women being forced into prostitution in detention.²⁹³ Libya had no functioning detention facilities for minors. Minors were held in adult detention centres, sometimes in separate wards.²⁹⁴

In June 2022, the FFM published the overview shown below of places of detention in Libya. There were more than 27 detention locations in eastern and western Libya, including locations not recognised by the authorities as prisons, some of which were secret prisons.²⁹⁵



A number of detention locations are known to have held migrants during the reporting period.

Detention locations for migrants

Migrants were held in official and unofficial detention centres.²⁹⁶ In western Libya there are official detention centres that are run by the *Directorate for Combating Illegal Migration* (DCIM) and by the SSA where migrants are held. UNHCR and other UN agencies had no access to the SSA detention centres during the reporting period. UNHCR did have access to the DCIM's detention centres.²⁹⁷ Another source reported with regard to the DCIM detention centres that the conditions there were extremely bad. There was overcrowding, with two to three hundred men in one room. If people wanted to sleep, others had to stand. Sanitary facilities such as toilets, washrooms, sewerage and water supplies were completely inadequate. There was violence and

²⁹³ USDOS, 2021 Country report on human rights practices: Libya, 2 June 2022, p.4.

²⁹⁴ USDOS, 2021 Country report on human rights practices: Libya, 2 June 2022, p.9.

²⁹⁵ UN Human Rights Council, Report of the Independent Fact-Finding Mission on Libya, A/HRC/50/63, 27 June 2022, pp.6 and 7.

²⁹⁶ UNSC, Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya, S/2022/427, 27 May 2022, p.16.

²⁹⁷ Confidential source, 21 December 2022 and 11 February 2023.

ill-treatment in the detention centres among and against detainees.²⁹⁸ The DCIM opened two centres for migrant women and children during the reporting period. These centres have female guards. Detention conditions, while better, were still well below international standards. UNHCR and NGOs had access to these detention centres.²⁹⁹ It was estimated that between 1,400 and 2,000 individuals were held in DCIM detention centres. UN experts interviewed eleven victims held in five detention centres nominally under the responsibility of this directorate: Ayn Zarah, Mbani, Shara' Al-Zawiya and Tariq Al-Sikkah in Tripoli, and the Al-Nasr facility in Zawiya. The victims were picked up at sea by the Libyan coastguard and brought back to land.³⁰⁰ They were then taken to detention centres by the DCIM and/or the SSA.³⁰¹ Those interviewed stated that they had been detained for a long time, tortured and held in inhumane conditions with a lack of food, water and medical care. Girls and women were victims of rape and sexual abuse. Other detention centres that the researchers noted where migrants and asylum-seekers were held were managed by the SSA. The researchers identified six cases of serious human rights violations that took place in the Al-Mayah detention centre in December 2021, three of which resulted in death.³⁰²

Human rights violations took place in secret detention centres run by human traffickers in various places including Tazirbu (eastern Libya) and Bani Walid (western Libya), where migrants were beaten and tortured, held in inhumane conditions and also forced to perform slave labour. Former under-age female prisoners told UN investigators that they had been raped and subjected to sexual slavery. The FFM also reported having spoken to migrants who stated that they were victims of sexual violence. The perpetrators were human traffickers and smugglers, usually acting with the aim of extorting money. Government officials in detention centres, employers and other migrants were also perpetrators of such violence.³⁰³ In early September 2022, a video emerged on social media in which gunmen seriously threatened a fifteen-year-old Sudanese boy and demanded a ransom. The boy, a refugee registered with UNHCR, had disappeared a few days earlier. After the video circulated on social media, the boy's father was arrested by uniformed men at his home in Warshafanah near Tripoli.³⁰⁴

3.1.5 *The death penalty*

As stated in previous country reports, the death penalty is laid down in more than thirty articles of the Libyan Penal Code, including for acts of expression of opinion and association. No death sentences have been carried out since 2010, although both military and civilian courts continued to impose them.³⁰⁵ During the reporting period, Libyan courts imposed death sentences on seventeen people suspected of being IS fighters, for example.³⁰⁶

²⁹⁸ Confidential source, 21 December 2022.

²⁹⁹ Confidential source, 21 December 2022.

³⁰⁰ UNSC, *Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya*, S/2022/427, 27 May 2022, p.16.

³⁰¹ Confidential source, 10 February 2023.

³⁰² UNSC, *Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya*, S/2022/427, 27 May 2022, p.16.

³⁰³ UNSC, *Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya*, S/2022/427, 27 May 2022, p. 15; UNHRC, *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/50/63, 27 June 2022, p. 10; AD, 'Walid verkrachtte ieder mooi meisje', 10 January 2023.

³⁰⁴ Independent, *Video of child refugee in Libya sheds light on rampant abuse*, 7 September 2022.

³⁰⁵ Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, September 2021 (Dutch only), pp.40 and 41; HRW, *World report 2023: Libya*, January 2023, p 389; Confidential source, 21 September 2022; Confidential source, 29 November 2022.

³⁰⁶ VOA, *Libyan court sentences 17 former IS members to death*, 18 December 2022.

3.1.6 *Ill-treatment and torture*

In the period from March 2021 to April 2022, UN experts investigated 23 incidents of serious human rights violations and violations of international humanitarian law. These incidents took place in eight detention centres which have been in the hands of six armed groups since 2015. They were detention centres run by the Special Deterrence Force (SDF), the Tripoli Revolutionaries Brigade, the Haftar-affiliated LNA and the armed group Al-Kani(yat).³⁰⁷ See also 1.2.

According to the NGO the *Libyan Anti-torture Network* (LAN), widespread and systematic human rights violations took place throughout Libya in 2022, as in previous years, and the perpetrators were not held accountable. The perpetrators of such violations often belonged to government bodies.³⁰⁸ In this context, the LAN also points to the involvement in violations of employees of the Criminal Investigation Department (CID). The CID is part of the Ministry of the Interior.³⁰⁹

Living conditions in Mitiga Prison, run by SDF, were poor. For example, according to the FFM, detainees were continually beaten. Furthermore, the cells were overcrowded, hygiene was poor, and lengthy periods of solitary confinement were imposed without food or drinking water. Detainees were also forced to perform unpaid work.³¹⁰ There are systematic allegations of beatings, torture, denial of medical care and denial of family visits. People are sometimes arbitrarily held in this prison for years.³¹¹

Mitiga is the largest prison in western Libya, with an estimated 5,000 detainees. Some detainees had already been held in other detention centres before arriving at Mitiga Prison. Many of the victims interviewed by the FFM had been imprisoned for many years simply because they were regarded as members of opposing political or religious movements or supporters of their views, or as punishment for family members' activities. They had been arrested and detained without due process, in violation of the Libyan Penal Code and international law.³¹² In the opinion of the FFM, given the many testimonies, these were not incidental human rights violations and/or the acts of a few rogue operators. There is no judicial oversight by the government and orders from judicial authorities for the release or acquittal of detainees were often not carried out.³¹³ Family members are often denied access to prisoners, even if they are in possession of a document from a court or prosecutor authorising this.³¹⁴ Since October 2022, about seventy prisoners in Mitiga Prison have been on hunger strike. They are protesting against the long and arbitrary detention of many prisoners, and the poor conditions and treatment in the prison, including the denial of family visits and medical care. The treatment of the hunger strikers has reportedly also deteriorated.³¹⁵ Similar allegations of ill-treatment,

³⁰⁷ UNSC, *Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya*, S/2022/427, 27 May 2022, p.14.

³⁰⁸ Libyan Anti-torture Network (LAN) en World Organisation Against Torture (OMCT), *Libya: new patterns of human rights violations and absence of accountability. Observations of the Libyan Anti-torture Network from January 2022 to early June 2022*, 28 June 2022.

³⁰⁹ Libyan Anti-torture Network (LAN) & World Organisation Against Torture (OMCT), "That was the last time I saw my brother", *extrajudicial and unlawful killings in Libya. Thematic report*, September 2022, pp.47 and 55; Confidential source, 22 December 2022.

³¹⁰ UNSC, *Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya*, S/2022/427, 27 May 2022, p. 14; UNHRC, *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/50/63, 27 June 2022, p.7.

³¹¹ Confidential source, 29 November 2022.

³¹² UNHRC, *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/50/63, 27 June 2022, p.7 and footnotes 19 and 20 for legislative articles and conventions.

³¹³ UNHRC, *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/50/63, 27 June 2022, p.8; Confidential source, 29 November 2022.

³¹⁴ Confidential source, 22 November 2022; Confidential source, 29 November 2022. This source explicitly refers to detention centres controlled by the SDF.

³¹⁵ UNSMIL, *UNSMIL is alarmed by reports that more than 70 inmates at Mitiga central prison are on a hunger strike*, 17 December 2022.

arbitrary detention, torture and denial of medical care have also been made against other prisons operated by the Ministry of Justice and the judicial police, such as Al-Jadida Prison which also falls under the Ministry of Justice.³¹⁶

The FFM, in its investigation of human rights violations in Libya since 2016, also obtained credible evidence that the SSA was involved in arbitrary detentions, enforced disappearances and torture. Evidence was also found that prisoners were transferred to Mitiga Prison after being tortured at secret SSA detention locations.³¹⁷ On 25 March 2022, UNSMIL, in collaboration with the Office of the High Commissioner for Human Rights (OHCHR) of the UN, published a briefing note on human rights violations by the Internal Security Agency (ISA) in Tripoli and affiliated groups. These groups arbitrarily arrested human rights defenders and other representatives of civil society. Those detained were accused of undermining Libyan and Islamic values; they were threatened, beaten and tortured.³¹⁸ See 3.3.5.

The Tripoli Revolutionaries Brigade³¹⁹ was involved in abductions, incommunicado detention and prolonged abusive interrogations. The two cases examined by the panel of UN experts involved individuals who had been abducted to the Al-Saadawi camp in Ayn Zarah. There they were interrogated about their role in the election process and their alleged links to Haftar's forces.³²⁰

Haftar-affiliated forces such as the LNA were involved in arbitrary and unlawful detention, torture, beatings, incommunicado detention, denial of medical care, psychological abuse and intimidation. In their report on the period March 2021 to April 2022, UN experts investigated six incidents. They related to the Garnada facility in Al-Bayda, internal security agency offices in Marj, Al-Kuwayfiah Prison in Benghazi and an unofficial detention location held by the Tarek Bin Ziyad Brigade in Benghazi.³²¹ The armed group *Al-Kani(yat)*, also known as the Ninth Brigade of Haftar's Forces, was involved in arbitrary and unlawful detention as well as the killing of detainees.³²² This armed group is accused of murdering hundreds of civilians in Tarhuna, a city in western Libya.³²³ The FFM also investigated detention centres run by the LNA, including official prisons such as Al-Kuwayfiah and Garnada and detention centres belonging to the internal security agency in eastern Libya and the armed group Tarek Bin Ziyad. Some of these last facilities were part of the official prison system. In its investigation of human rights violations since 2016, the FFM found evidence of the systematic use of long-term arbitrary detention. Evidence was also found of murder, torture, rape and other inhumane acts against a mostly civilian population in these detention centres, including women, minors and migrants. Such crimes against humanity took place in the context of a systematic attack on persons suspected of membership of a terrorist organisation or in order to

³¹⁶ Confidential source, 29 November 2022.

³¹⁷ UNHRC, *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/50/63, 27 June 2022, p.8.

³¹⁸ UNSMIL and OHCHR, *Briefing note: Attacks against individuals exercising their right to freedom of expression and shrinking civic space in Libya*, 25 March 2022; Confidential source, 29 November 2022.

³¹⁹ For more information on the Tripoli Revolutionaries Brigade and its involvement in past excesses, see OFPRA, *Libye*, 12 November 2020, pp.11 and 12.

³²⁰ UNSC, *Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya*, S/2022/427, 27 May 2022, p.14.

³²¹ UNSC, *Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya*, S/2022/427, 27 May 2022, pp.14 and 15.

³²² UNSC, *Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya*, S/2022/427, 27 May 2022, p. 15; for more information on the background of the Kani family and its involvement in the Tarhuna murders, see: BBC News, *How six brothers- and their lions- terrorised a Libyan town*, 7 January 2021.

³²³ The Libya Observer, *Public prosecution issues warrants for Kaniyat militia*, 30 March 2022; The Libya Observer, *Pro-Haftar militia leader Al-Kani assassinated in Benghazi*, 27 July 2021. This article also refers to the earlier murder of Mahmoud Al-Werfalli, a criminal wanted by the International Criminal Court for crimes against humanity. Al-Werfalli was also a leader of pro-Haftar forces.

silence ideological opponents, journalists, activists and real or perceived critics of the LNA.³²⁴

The FFM noted in its report of 27 June 2022 that, despite its previous reports, the leaders under whose responsibility these armed groups operated took no action against perpetrators and that the violence was able to continue with complete impunity.³²⁵ The FFM also reported that male and female detainees in all parts of Libya consistently reported threats of sexual violence against them or their relatives. Inappropriate physical examinations as well as rape and other forms of sexual violence during interrogations were also reported.³²⁶ UNSMIL also received reports of sexual violence against female prisoners during the reporting period. On 4 September 2022, prisoners in the Al-Jadida women's prison in Tripoli went on hunger strike in protest against inhumane conditions and the lack of due process. The strike was reportedly ended by force.³²⁷

3.1.7 *Disappearances and abductions*

Many disappearances that took place under the Qadhafi regime, at the time of the 2011 uprising and thereafter have gone uninvestigated. According to the International Commission on Missing Persons (ICMP), these total between ten and twenty thousand persons from the time of the Qadhafi regime (1969-2011) up to and including 2020.³²⁸

In its 27 June 2022 report, the FFM stated that it had gathered a lot of information about enforced disappearances since 2016 in Tripoli, Benghazi, Murzuq and elsewhere. Many of the documented cases began with violent abductions and arbitrary detention. These were usually accompanied by torture and beatings. The FFM considered the extrajudicial killings (see next section) and enforced disappearances that it investigated, as described in its June 2022 report and in its previous reports, as examples of how impunity continued to prevail in Libya.³²⁹

Enforced disappearances also occurred regularly during the reporting period. See 3.3.4 and 3.3.5 on enforced disappearances of demonstrators and alleged political opponents. In the case of some enforced disappearances, other motives may also have played a role, such as money (see, for example, extortion against migrants, Chapter 3 introduction and 4.3) or career-related motives. This last motive may have played a role in the enforced disappearance, detention and torture of two employees of the interpretation and translation department of the Ministry of Foreign Affairs in Tripoli. Those concerned were held by armed groups for more than a year without charge or conviction.³³⁰

In an August 2022 Facebook post, Nadine Al-Farsi reported the kidnapping of her sister and her young children by the Tarek Bin Ziyad Brigade, an armed group affiliated with Haftar. Nadine Al-Farsi said she was a political activist and human rights blogger and had fled abroad. The kidnapping was said to be related to her activism on Facebook.³³¹

³²⁴ UNHRC, *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/50/63, 27 June 2022, p.8.

³²⁵ UNHRC, *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/50/63, 27 June 2022, p.8.

³²⁶ UNHRC, *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/50/63, 27 June 2022, p.10.

³²⁷ UNSC, *UNSMIL report of the Secretary-General*, S/2022/932, 9 December 2022, paragraph 56.

³²⁸ USDOS, *2021 Country report on human rights practices: Libya*, 2 June 2022, p.2; ICMP, *Assessment of the scope of the missing persons problem in Libya, including an overview of Libya's institutional, legal and technical capacities to find missing persons*, April 2021, pp.7 and 12.

³²⁹ UNHRC, *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/50/63, 27 June 2022, p.9.

³³⁰ BBC News, *Inside Libya's jail: 'being alive is a miracle'*, 3 September 2022.

³³¹ BBC Monitoring, *Libya activist says sister abducted by east-based forces*, 7 August 2022; International Policy Digest, Nadine Al-Farsi, *The price I pay as a female human rights activist in Libya*, 18 August 2022.

On 29 August 2022, the poet Muhammad Al-Lafi was kidnapped by an armed group in Al-Bayda after publishing a poem criticising the LNA. He was released on 1 September 2022.³³²

On 30 August 2022, a group of protesters in Tripoli called on the GNU to arrange for the release of their relatives who had been arrested by the SDF after the armed clashes in Tripoli in August 2022.³³³

The Konrad Adenauer Stiftung stated in its October 2022 report that abductions in eastern Libya continued. The abduction of Omran Faraj Al-Fassi, the director of the relations office of the House of Representatives, was given as an example. He was apprehended at Benghazi Benina Airport by armed men and taken away in a convoy of seven cars.³³⁴

The human rights organisation *Libyan Crime Watch* reported the abduction of poet Tariq Diab Gaddafi on 22 December 2022. This poet had expressed criticism on Facebook of living conditions and the curfew in Sirte. He was said to have been arrested by the Haftar-affiliated armed group Tarek Bin Ziyad.³³⁵

3.1.8

Extrajudicial executions and killings

USDOS stated in its annual report for 2021 that armed groups with ties to the GNU as well as the LNA and other non-state actors, including foreign fighters and mercenaries, were involved in arbitrary and unlawful killings.³³⁶

The *Libyan Anti-torture Network* (LAN) reported in a September 2022 joint report with the *World Organisation Against Torture* (OMCT) the extrajudicial deaths of 581 civilians, including migrants, during the period from January 2020 to the end of March 2022. A large proportion of these had been victims of torture and beatings prior to their deaths. The significant number of individuals who were subjected to torture and beating before being killed was striking. The LAN and the OMCT regard this number as the tip of the iceberg of the actual number of extrajudicial killings and deaths, most of which took place in custody in Libya.³³⁷

From January to June 2022, the LAN documented about a hundred cases of extrajudicial killings across Libya. A 27-year-old man, Al-Tayib Jaballah Mustafa Al-Shariri, was shot and then executed in the centre of Misrata. The murder was captured on a surveillance camera. The murder was committed by men from the Joint Forces Brigade, which is affiliated to the GNU. It took place after the victim, a local ISA employee, had criticised this armed group on Facebook.³³⁸ The LAN

³³² UNSC, *UNSMIL report of the Secretary-General*, S/2022/932, 9 December 2022, paragraph 55.

³³³ UNSC, *UNSMIL report of the Secretary-General*, S/2022/932, 9 December 2022, paragraph 55.

³³⁴ Konrad Adenauer Stiftung, *Inside Libya*, November 2022, number 27, p.17.

³³⁵ The Libya Observer, *a poem criticizing conditions in Haftar-run Sirte costs author his freedom*, 22 December 2022.

³³⁶ USDOS, *2021 Country report on human rights practices: Libya*, 2 June 2022, p. 1.

³³⁷ LAN & OMCT, *"That was the last time I saw my brother", extrajudicial and unlawful killings in Libya. Thematic report*, September 2022, pp.8, 10, 33 and 36-55. In 2020, these organisations recorded the death under suspicious circumstances of 400 Libyans and 88 non-Libyans. Most of them (367 people: 278 men, 56 women and 33 children) died in the western and eastern coastal areas. The number of deaths recorded by the organisations was much lower in 2021: 68 people, 62 of whom were Libyans. This was said to be due to registration problems and fewer contacts due to Covid-19. In the period January to March 2022, the organisations recorded the deaths of 14 migrants. A high proportion of people died in official or unofficial detention centres. The LAN was far from being able to verify all allegations received given the large number of reported human rights violations and the greatly deteriorated security situation. The LAN only includes in its reports facts that it can verify based on interviews with witnesses or survivors that are corroborated or supplemented by documentation or information. The LAN states that the actual number of cases is much higher.

; see also: USDOS, *2021 Country report on human rights practices: Libya*, 2 June 2022, pp.3 and 4 with information on a number of documented extrajudicial killings and executions in 2021.

³³⁸ LAN & OMCT, *Libya: new patterns of human rights violations and absence of accountability. Observations of the Libyan Anti-torture Network from January 2022 to early June 2022*, 28 June 2022; Libya Crimes Watch, *Libyan Crimes Watch blames GNU for Shariri murder in Misrata*, 7 March 2022.

documented five cases of extrajudicial killings at the Al-Mayah detention centre operated by the SSA in January 2022, including the deaths of three migrants.³³⁹

3.1.9 *Blood feuds and honour-related violence*

For information about blood feuds and honour-related violence, see the general country of origin information report of September 2021.³⁴⁰ In addition, see also 3.3.1. and 3.3.2.

3.2 **Compliance and violations**

3.2.1 *Freedom of expression*

Libyan law criminalises the defamation of officials or the Libyan nation or flag, and insulting religion. The Penal Code stipulates the death penalty for 'promoting theories or principles' that aim to overthrow the political, social or economic system.³⁴¹

On 15 September 2022, the GNU issued Decree No. 811 of 2022 on the conditions and requirements for audiovisual media activities. According to human rights groups, this decree contains provisions that violate media freedom, such as requiring the approval of security agencies or the approval of Libya's intelligence service, thus enabling security and military authorities to intervene in the regulation of audiovisual media.³⁴²

In October 2021, the HoR, the Libyan parliament, approved a cybercrime law that contains very broad provisions and severe penalties, including fines and detention. According to HRW, these provisions and penalties may violate freedom of expression.³⁴³ See also 3.1.1.

The newspapers are wholly owned by the government. The television channels are owned by different political actors. Radio channels and digital sites are more independent.³⁴⁴ Most media outlets are linked to one of the parties in the conflict. Powerful individuals use these media outlets to serve their own ends. Independent journalists are at risk. See also 3.3.5. Since 2014, more than eighty journalists have fled the country. Others practise self-censorship for fear of reprisals.³⁴⁵

Libya has both government-owned and privately owned Internet providers. However, the private providers can only access the Internet through the government-owned providers.³⁴⁶ There is a body called the General Authority for the Control of Media Content that falls under the GNU. This body tracks and monitors social media pages and platforms. The source did not know how the monitoring is carried out.³⁴⁷

According to one source, there is no clear evidence that private providers are required to provide client data to the government.³⁴⁸ However, another source

³³⁹ LAN & OMCT, *Libya: new patterns of human rights violations and absence of accountability. Observations of the Libyan Anti-torture Network from January 2022 to early June 2022*, 28 June 2022; Morocco World news, *NGO denounces torture, death of three Moroccans in Libyan detention center*, 17 January 2022.

³⁴⁰ Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, September 2021 (Dutch only), pp.45 and 46.

³⁴¹ HRW, *World report 2022, Libya events of 2021*, accessed 13 September 2022.

³⁴² LCFP, *Libya: government must repeal new media rules*, 11 October 2022.

³⁴³ HRW, *World report 2022, Libya events of 2021*, accessed 13 September 2022.

³⁴⁴ Confidential source, 20 December 2022.

³⁴⁵ Confidential source, 4 November 2022.

³⁴⁶ Confidential source, 20 December 2022.

³⁴⁷ Confidential source, 10 January 2023; Confidential source, 20 December 2022.

³⁴⁸ Confidential source, 20 December 2022.

states that if private providers receive a request to this effect, they must cooperate.³⁴⁹

Social media

Facebook is the most popular social media platform used by Libyans.³⁵⁰

According to one source, the LNA has under its general command in the east a special unit ('the electronic army') that monitors critical comments on social media, including insults against military leaders. The LNA also fabricates charges against presumed opponents. The Internal Security Agency (ISA) in western Libya monitors human rights defenders, journalists and activists on social media. Those suspected of being opponents or activists may be forced by security agencies to allow access to their mobile phones and other electronic devices. This can happen at border crossings, but also on the street or in cafés. Lesser-known activists travelling between a foreign location such as Tunis and Tripoli delete any information on their electronic devices that could get them into trouble once they enter Libya. Apps such as Signal on a phone can arouse suspicion on the part of the security services.³⁵¹ Another source reports that when they are leaving Libya legally, travellers are not asked to give their Facebook or Twitter passwords. However, this may happen when a person who is under suspicion enters the country. During interrogations by armed groups, people may be asked to give their passwords.³⁵²

According to one source, all armed groups monitor social media and gather intelligence. Their focus seems to be mainly on specific individuals considered to be suspicious. Individuals have disappeared after expressing their opinions on social media. It is especially dangerous to criticise Haftar and the LNA. However, some human rights activists have also become targets in western Libya for spreading messages and campaigning on social media. Activists' phone conversations are also tapped. This information is then used to put pressure on people.³⁵³

UNSMIL documented a surge in online hate speech, defamation and threat campaigns, including incitement to violence against human rights defenders, journalists and other individuals, as well as threats of gender-based violence against women. In January 2022, defamation campaigns and online hate speech targeted at least eight male and female human rights defenders, journalists and members of civil society, as well as female members of Sirte and Misrata municipal councils.³⁵⁴ See also 3.3.5.

3.2.2 *Freedom of association and assembly*

Human rights defenders and civil society activists said that they had been targeted by the security services during the reporting period. These actions were part of an increase in restrictions that began in 2019 when the then government in Tripoli passed Decree 286.³⁵⁵ The Libyan Penal Code imposes severe penalties, including the death penalty, for establishing 'illegitimate' associations, and prohibits Libyans from joining or establishing international organisations unless they have received government approval. Presidential Decree 286 on the Regulation of NGOs from 2019 contains cumbersome registration requirements and strict funding rules. Fund-

³⁴⁹ Confidential source, 10 January 2023.

³⁵⁰ Confidential source, 4 November 2022; Statista, *Number of social media users in Libya as of 2022, by platform*, accessed 7 November 2022.

³⁵¹ Confidential source, 4 November 2022.

³⁵² Confidential source, 10 January 2023.

³⁵³ Confidential source, 17 October 2022.

³⁵⁴ UNSC, *United Nations Support Mission in Libya, Report of the Secretary-General, S/2022/409*, 20 May 2022, p.10.

³⁵⁵ UN Special Rapporteur on Human Rights Defenders, *What I'am hearing from human rights defenders in Libya*, 7 July 2022.

raising inside and outside Libya is prohibited. The Tripoli-based Commission of Civil Society, which is in charge of registering and approving civil society organisations, has wide-ranging powers to inspect documents and cancel the registration and work permits of domestic and foreign organisations.³⁵⁶ The decree prescribes cumbersome registration procedures for NGOs and requires them to obtain prior approval for funding, travel, training, interaction with foreign organisations and agencies, and other activities. Human rights defenders who challenged the new requirements were accused of being foreign agents.³⁵⁷ On 13 March 2022, the Tanweer movement disbanded. This prominent humanist social movement campaigned for gender equality and social and cultural rights. Members of the board fled to Tunisia or Europe, fearing for their safety.³⁵⁸ Other organisations and their members were also targeted by online hate speech and threats: the Tanaroot Association, the Libyan Rational Dialogue Movement and Al-Baraka.³⁵⁹ On 6 April 2022, the Commission of Civil Society issued a circular prohibiting civil society organisations or persons affiliated with them from participating in activities outside Libyan territory, including training and workshops. Cooperating with or receiving support from international organisations is also prohibited, other than with the approval of the commission. According to the NGO CHRDA, the commission coordinates its decisions with the security authorities.³⁶⁰

A court in Benghazi in eastern Libya suspended the application of Decree 286 on 18 July 2022. This step was hailed as a positive development by human rights organisations. As far as is known, this decision did not lead to the repeal of the decree.³⁶¹

3.2.3 *Freedom of religion and belief*

According to the International Organisation for Migration (IOM), twelve percent of the Libyan population consists of migrants. 90-95 percent of the population in Libya is Sunni Muslim. The Ibadites, a Muslim minority, account for 4.5 to 6 percent of the population. The remaining inhabitants belong to small religious communities such as Christians, Hindus, Bahai, Buddhists and Ahmadi Muslims. These communities consist almost exclusively of foreigners. According to the 2021 report of the international NGO Open Doors, there are about 34,600 Christians in Libya; 150-180 of these are Libyans who have converted from Islam to Christianity. The rest are migrant workers.³⁶²

Most Ibadites belong to the Amazigh ethnic group. Some Libyan Muslims are Sufi.³⁶³ See 3.3.11. for more details.

As indicated in 3.1.1, apostasy is included in Law 20/2016, which therefore amends the Penal Code. See 3.3.12 for more details.

³⁵⁶ HRW, *World report 2022, Libya events of 2021*, accessed 13 September 2022.

³⁵⁷ UN Special Rapporteur on Human Rights Defenders, *What I'am hearing from human rights defenders in Libya*, 7 July 2022.

³⁵⁸ Tanweer means 'enlightenment'. The Humanists, *Libya Concern for members of the Tanweer Movement*, 16 March 2022; UN Special Rapporteur on Human Rights Defenders, *What I'am hearing from human rights defenders in Libya*, 7 July 2022; confidential source, 25 March 2022; AI, *Libya, the Internal Security Agency intensifies crackdown on freedom of expression*, 23 March 2022.

³⁵⁹ Confidential source, 25 March 2022.

³⁶⁰ CHRDA, *Brief report on the situation of human rights in Libya (January-June 2022)*, 13 July 2022, p.7; Bajec, Alessandra, *Intensified crackdown on civil society in Libya further embeds impunity*, 22 November 2022, TIMEP.

³⁶¹ Adala for all (AFA), *Decree no. 286, restricting civil society in Libya, suspended today*, 18 July 2022.

³⁶² Open Doors, *Libya*, accessed 30 November 2022. Open Doors is an organisation that defends the interests of persecuted Christians worldwide; USDOS, *2021 report on International Religious Freedom, Libya*, 2 June 2022, p.1.

³⁶³ USDOS, *2021 report on International Religious Freedom, Libya*, 2 June 2022, p.1; Britannica, accessed 8 February 2022, <https://www.britannica.com/topic/Sufism>, Sufism is a mystical Islamic belief and practice in which Muslims seek the truth of divine love and knowledge through direct personal experience of God.

On 25 March 2022, the public prosecutor issued instructions to detain five men. These men, who belonged to the Tanweer movement, were accused of promoting atheism and insulting Islam.³⁶⁴ See also 3.2.1.

USDOS stated in its annual report on religious freedom in Libya for 2021 that religious minorities continued to be targeted by Islamic militant organisations and organised crime. Christian migrants, converts to Christianity and foreigners were targets of physical violence, sexual assaults, detention, kidnappings and murders. LNA-affiliated Madkhali groups in Benghazi, adherents of a strict form of Salafism and Saudi cleric Rabee bin Hadi Al-Madkhali, were involved in harassment of Christians, particularly migrants from sub-Saharan Africa. USDOS states that it was difficult to categorise many incidents as being based on religious identity alone.³⁶⁵

3.3 Specific groups

3.3.1 Women

For the legal and social position of women in Libyan society, see the general country of origin information report of September 2021, as well as to 3.1.1 and section 2 on nationality.³⁶⁶ No significant changes took place during the reporting period.

There is no law in Libya prohibiting women from being active in political parties. Several sources stated that women who wanted to be politically active in the December 2021 elections faced threats and violence as well as hate speech on social media. Practical limitations also played a role, such as lack of financial campaign resources and the impossibility for women of travelling alone in Libya.³⁶⁷ Despite this, preparations for the December 2021 elections saw increased participation of Libyan women. Women accounted for 44 percent of new registered voters and 758 candidates for the parliamentary elections were women. For the first time in the country's history, there were two female presidential candidates and a significant number of Libyan women joined political parties. However, the participation of Libyan women in decision-making positions and their participation in economic, political and social life remains low.³⁶⁸

Libyan women continued to face discrimination relating to marriage, inheritance and divorce during this reporting period, and lacked effective legal protection against domestic and sexual violence. This contrasts with the 2011 Constitutional Declaration, which states that 'Libyans shall be equal before the law [...] without distinction on the grounds of religion, belief, language, wealth, gender, kinship [...]'.³⁶⁹

Female employees of organisations and women in general face additional challenges when participating in civic life. Libya is a male-dominated society. On paper, there are no barriers to women travelling in Libya. However, the reality is that women usually have to ask a male relative to act as a chaperone, the so-called *maghram*. This also applies to female employees of organisations who have to travel for their

³⁶⁴ The Libya Observer, *Libya's public prosecutor orders detention of five men over atheism advocacy*, 26 March 2022.

³⁶⁵ USDOS, *2021 report on International Religious Freedom, Libya*, 2 June 2022, p.3.

³⁶⁶ Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, September 2021 (Dutch only), pp.54 to 57.

³⁶⁷ Confidential source, 18 December 2022; Confidential source, 22 December 2022.

³⁶⁸ UNSMIL, *United Nations in Libya statement on the international women's day*, 8 March 2022.

³⁶⁹ UNSMIL, *United Nations in Libya statement on the international women's day*, 8 March 2022; HRW, *Decree on Libyan women's non-citizen children fails discrimination test*, 28 October 2022.

work.³⁷⁰ For more information about women's freedom of movement, see the general country of origin information report on Libya of September 2021.³⁷¹

Women's rights activists and female politicians are at risk of being targets for violence.³⁷² This also applies to women who are openly critical of those in power. On social media, female politicians are the subject of smear campaigns, as happened to the GNU's foreign minister.³⁷³

On 10 November 2020, Hanan Al-Barassi, a female lawyer from Benghazi, was killed on the street by unknown gunmen. Al-Barassi had repeatedly accused an armed group and relatives of Haftar on Facebook of abuse, sexual violence and corruption.³⁷⁴

UN human rights experts called on authorities in eastern Libya to release Iftikhar Boudra immediately. This woman has been in detention for four years and was the victim of sexual, physical and psychological violence. She had spoken out on social media against lawlessness and the militarisation of the state in eastern Libya and criticised actions by General Haftar's armed group.³⁷⁵

On 6 January 2023, unknown assailants threw grenades at the house of member of parliament Sara Al-Sweih in Janzour near Tripoli, destroying the house. The MP was unharmed. Both the HoR and the HCS condemned the attack.³⁷⁶

The fate of HoR member Seham Sergewa, who was kidnapped and disappeared in July 2019, is still unclear. UNSMIL stated that this crime had had a chilling impact on the work of female activists in Libya.³⁷⁷

Gender-related violence

Domestic or family violence against women is widespread, including honour-related violence. In July 2022, fifteen women died in a two-week period as a result of such violence. Some of these cases related to women who had rejected a marriage candidate.³⁷⁸ There is no legislation against domestic violence. The Penal Code provides for reduced sentences for perpetrators of honour-related violence.³⁷⁹ According to one source, the government has no protective mechanisms. The telephone hotline³⁸⁰ for gender-related violence is a UN initiative. However, most women who are victims of domestic or family violence do not have a mobile phone. Neither the police nor the public prosecutor's office intervenes in cases of violence against women. The police are neither trained nor prepared to deal with such complaints. In Tripoli, the SDF is the main law enforcement body. The source regards the SDF as religious extremists. Prison guards are men, including in women's and youth prisons. The shelters for women and girls in need of protection are not safe. They are guarded by men. Both in prisons and in these shelters, women and girls are victims of sexual violence.³⁸¹

³⁷⁰ Confidential source, 31 October 2022; Confidential source, 18 December 2022; Confidential source, 22 December 2022.

³⁷¹ Dutch Ministry of Foreign Affairs, General country of origin information report on Libya, September 2021 (Dutch only), pp.55 and 56.

³⁷² UNSMIL, *United Nations in Libya statement on the international women's day*, 8 March 2022; Confidential source, 18 December 2022.

³⁷³ Confidential source, 22 November 2022.

³⁷⁴ HRW, *Libya: outspoken Benghazi lawyer murdered*, 11 November 2020.

³⁷⁵ OHCHR, *Libya: UN experts demand release of woman detainee*, 1 August 2022.

³⁷⁶ BBC Monitoring, *Condemnation of attack on MP's home*, 11 January 2023.

³⁷⁷ UNSMIL, *United Nations in Libya statement on the international women's day*, 8 March 2022.

³⁷⁸ Jusoor post, *Women in Libya: increase in 'family murder' as society protects perpetrators*, 1 August 2022.

³⁷⁹ Confidential source, 22 December 2022; Confidential source, 18 December 2022.

³⁸⁰ UNFPA Libya, *Gender based violence*, accessed 30 January 2023. UNFPA's 1417 helpline provides psychosocial support, legal advice and referrals to health services to women in need.

³⁸¹ Confidential source, 18 December 2022.

The UN Special Rapporteur on violence against women visited Libya in December 2022. She called for action to end the cycle of violence against Libyan and non-Libyan women in Libya, which is exacerbated by a sense of impunity.³⁸²

3.3.2

LGBTI people

As stated in previous country reports, little is known about the LGBTI community in Libya and hence about the LGBTI subcategories. There are no indications that the position of LGBTI people has changed or improved since the previous country report. Homosexuality is taboo. People who are open about their LGBTI orientation face social exclusion, threats, harassment and violence, and sometimes murder. In this context, see the general country report of September 2021.³⁸³

Up to 2021, threats to LGBTI people mainly came from family members, neighbours and the local community – people encountered in daily life. In recent years, there has also been violence from armed groups. Since last year, an additional threat has become much stronger: that of violence from the state, especially from the GNU security forces operating under the aegis of the Ministry of the Interior. Spiritual leaders such as the influential former mufti Al-Ghariani and also the religious institute *Dar al-Ifta* stated that LGBTI people commit indecent acts and that they pose a threat to society.³⁸⁴

LGBTI people do not have any fixed locations in Libya where they meet together or gather information about topics such as sexuality or gender identity.³⁸⁵ One source indicates that gay men meet in certain coffee houses in Tripoli. In 2019, three coffee houses in Tripoli were closed and in March 2022, the ISA arrested people in another location. The government reported that the location was a gathering place for activists, feminists and homosexuals.³⁸⁶

Legislation concerning LGBTI people

In terms of legislation, no new developments have occurred since the previous country report of September 2021³⁸⁷.

Sexual acts between persons of the same sex are punishable by law. Under the Libyan Penal Code, these acts carry a sentence of up to five years in prison. LGBTI people are victims of discrimination and intimidation.³⁸⁸

As far as is known, during the reporting period there were no criminal cases against LGBTI people because of their sexual identity or because of homosexual acts. However, as one source pointed out, those suspected of being homosexual or of supporting LGBTI rights are at risk of being charged on other grounds such as atheism, apostasy or undermining public morality.³⁸⁹ The FFM reported receiving first-hand testimonies from individuals who had been arrested and abused, including sexually, solely because of their sexual orientation, gender identity or gender expression. Since November 2021, the FFM has also monitored arrests of men, including activists, by the security agencies for their presumed sexual orientation.³⁹⁰ See also 3.3.5 on the Tanweer case.

³⁸² OHCHR, *Libya: alarming levels of violence against women and girls must end, says UN expert*, 23 December 2022.

³⁸³ Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, September 2021 (Dutch only), pp. 58 to 60.

³⁸⁴ Confidential source, 21 December 2022; Al-Monitor, *human rights; dissenters face uphill struggle in Libya*, 20 April 2022.

³⁸⁵ Confidential source, 21 September 2022.

³⁸⁶ Confidential source, 21 December 2022.

³⁸⁷ Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, September 2021 (Dutch only), p.58.

³⁸⁸ Freedom House, *Freedom in the world 2022-Libya*, F 4, 28 February 2022.

³⁸⁹ Confidential source, 21 September 2022.

³⁹⁰ UNHRC, *Report of the Independent Fact-Finding Mission on Libya*, A/HRC/50/63, 27 June 2022, p.10.

Violence against LGBTI people

Although there is no active prosecution policy on the part of the authorities, expressions of LGBTI identity are monitored by governments and armed groups, including LGBTI content and activism on social media. The tracking down of LGBTI people through research into their online activities is largely done manually and informally. It is done by individuals belonging to an armed group. Such individuals are present everywhere – on the streets, but also, for example, in schools and on university campuses. The social media of people suspected of being LGBTI or who stand up for the rights of LGBTI people are often investigated. A search is made for digital evidence in order to pressure and intimidate them.³⁹¹ See also 3.2.1. One source stated that there were no cases of criminal prosecution of persons due to their sexual orientation during this reporting period. The twelve most recent cases documented by this source involved gay men. None of those cases led to criminal prosecution and/or arraignment before a judge. The most recent Libyan case documented by the source was in 2020. Usually, there were no formal charges, but threats and arrests by armed groups based on the suspicion that someone was homosexual and/or defended the rights of LGBTI people. The arrests, detentions and torture by armed groups appeared to be designed to intimidate the victims.³⁹² Another source stated that it had information that groups of people had been arrested three times in 2022, in Zliten (five people), Misrata (seven people) and Tripoli (two people). Photos of them were posted online, sometimes with the faces blurred. The arrests and detentions were arbitrary. Two of the groups of people were released without any legal reason being given. They faced a smear campaign, rejection by their families, exclusion from their community and discrimination. They could not get help from a therapist. They were socially stigmatised. Some were able to leave Libya, and according to the source there had also been suicides.³⁹³

According to one source, it is generally the families of the LGBTI people themselves who are the perpetrators of violence against LGBTI people. Lesbian or bisexual women were often forced into marriage with a man. Individuals are also sometimes pressured to undergo religious or medical conversion practices in order to change their sexual orientation or gender identity.³⁹⁴ Another source indicated that the suspicion that a man is homosexual can have negative consequences for him. This suspicion may arise because someone comes across as 'feminine' in their way of talking or moving.³⁹⁵

There were no known cases of honour-related violence in connection with sexual orientation or gender identity during the reporting period. One source noted in this regard that if there is an honour-related murder, families will not report the crime because of their child's sexual orientation. It is therefore very difficult to distinguish whether honour killings are committed because of sexual orientation or gender identity or for other reasons such as an extra-marital relationship.³⁹⁶

³⁹¹ Confidential source, 21 September 2022.

³⁹² Confidential source, 21 September 2022. The case from 2020 involved a journalist. The person concerned had openly campaigned for the rights of LGBTI people. He was captured by an armed extremist Islamic group in Tripoli and detained in Tripoli. After his release, he moved to Benghazi. There he was again arrested - after a complaint from the armed group Tarek Bin Ziyad - and detained for several days. The person concerned subsequently fled to Tunisia. He had been tortured and beaten. He had also been forced to undergo an internal examination. In particular, he was accused of being an atheist and of supporting homosexuality.

³⁹³ Confidential source, 21 December 2022.

³⁹⁴ Confidential source, 21 September 2022.

³⁹⁵ Confidential source, 17 October 2022.

³⁹⁶ Confidential source, 21 September 2022.

3.3.3 *Minors (including unaccompanied minors)*

For information about the position of minors and shelter options, see the general country of origin information report of September 2021.³⁹⁷ The following information supplements this.

According to a source, the Libyan government has orphanages where minors are taken care of. In addition, there is the so-called *kafalasystem*³⁹⁸ in which minors are taken care of in a host family. There are said to be between eleven and 25 orphanages and possibly more in Libya. The Ministry of Social Affairs, in collaboration with the UN, is drawing up an inventory of the reception, care and protection facilities for minors in Libya. The inventory will cover Tripoli, Benghazi and Sebha. According to the source, the information is incomplete; the situation needs to be identified in more detail and the nature of the assistance given in practice needs to be verified.³⁹⁹

According to the law, a Libyan is of age and legally competent from the age of eighteen.⁴⁰⁰ Law 10/1984 specifies twenty years as the legal age of marriage. In 2015 (Law 14/2015), the then government, the General National Congress (GNC) in Tripoli, decided to lower the age of marriage to eighteen years. However, this decision is only recognised in western Libya.⁴⁰¹

When one parent dies, legal authority over the children passes to the other parent. In the event of the death of both parents, legal authority over the minor is transferred to relatives, according to the order of inheritance and kinship. Where relatives are in an equal position a court appoints a member of the minor's family who is considered suitable to hold legal authority.⁴⁰²

For developments regarding the situation of children born to a Libyan woman married to a non-Libyan man, see 2.1.

3.3.4 *Opponents and demonstrators*

Libyan security forces violently broke up a three-month sit-in outside UNHCR's Community Day Centre (CDC)⁴⁰³ in the Al-Serraj neighbourhood of Tripoli. An estimated two thousand migrants, refugees and asylum-seekers, including women and children, took part in the protest. Six hundred of these were arrested and detained. Security forces fired live rounds of ammunition at the demonstrators, killing six migrants according to information from the LAN. An unknown number of people were injured.⁴⁰⁴ The protesters were complaining about their continued exposure to abuse, violations and detention and demanding protection and evacuation. The sit-in had been prompted by the violent behaviour of security forces and armed groups affiliated with the Ministry of the Interior. On 1 October 2021, these units conducted violent raids of the living quarters of migrants in the

³⁹⁷ Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, September 2021 (Dutch only), pp. 60-63; Confidential source, 23 January 2023. This source states that, as far as is known, no new developments or significant changes have occurred since October 2021 with regard to the position and situation of (unaccompanied) Libyan minors.

³⁹⁸ For more information about kafala in relation to the reception of minors, see for example: African Human Rights Law Journal, Arsin, Usany Maria & Sloth-Nielsen, Hulia. *Islamic kafalah as an alternative care option for children deprived of a family environment*, January 2014, p.329-331.

³⁹⁹ Confidential source, 23 January 2023.

⁴⁰⁰ Confidential source, 14 September 2022; Confidential source, 3 November 2022.

⁴⁰¹ Confidential source, 14 September 2022.

⁴⁰² Confidential source, 3 November 2022.

⁴⁰³ CDCs are locations where UNHCR provides assistance to refugees and asylum-seekers. For more information, see: UNHCR, *Update Libya*, 15 November 2022.

⁴⁰⁴ LAN & OMCT, *Libya: new patterns of human rights violations and absence of accountability. Observations of the Libyan Anti-torture Network from January 2022 to early June 2022*, 28 June 2022.

Gargaresh district of Tripoli, arresting thousands of people. Several migrants died as a result of the violence and there were beatings and other acts of violence.⁴⁰⁵

Amnesty reported that around eleven people were held, including a journalist (see 3.3.5), after participating in a demonstration in Sirte on 19 March 2022. The peaceful demonstrators were calling on the international community and local authorities to help victims of the NATO aerial bombardments in 2011.⁴⁰⁶

The oil blockades in April 2022, as well as causing a major loss of government revenue, also had negative economic consequences. They led to mass protests on 1 and 2 July 2022 against poor living conditions, including frequent power cuts, and political crises. Demonstrators demanded improved access to basic services (education, health care, drinking water), national elections, the removal of the two governments, the House of Representatives (HoR), the High Council of State (HCS) and the Presidential Council⁴⁰⁷ (PC), and the departure of all foreign forces and mercenaries. The largest protests took place in Tripoli and were organised by civil society organisations. Demonstrations also took place in Misrata, Zliten, Sarata, Zintan, Zawiya and Sebha. During the protests in Tobruk the parliament building was set fire to. Most of the security agencies and armed groups stayed largely on the sidelines during the protests. However, there was evidence that some demonstrators were arrested by armed groups and taken to unknown locations. In Tobruk, eighteen young men and a woman were arrested by the eastern ISA in the early morning of 3 September 2022. The men were taken to the public prosecutor's office, and the woman to the prison in Al-Rajma near Benghazi.⁴⁰⁸

The BBC, citing local news sources, reported demonstrations in several southern cities in early August in protest against poor living conditions. There were also threats to block access to a number of oil fields.⁴⁰⁹ The immediate cause of the protests was the explosion of an overturned tanker on 1 August 2022 in Bent Bayya, near the city of Sebha. The explosion, which killed at least 23 people and injured many others, occurred as people were trying to get fuel from the tanker.⁴¹⁰

3.3.5 *Journalists, human rights activists and lawyers*

Libya ranked 143rd out of 180 countries in the overview provided by the international NGO Reporters without Borders (RSF) for 2022. RSF considers Libya to be a true 'information black hole'. Most Libyan media and reporters have fled their country. Those left behind try to ensure their safety by working under the protection of one of the warring factions, and foreign journalists no longer have the opportunity to report on events. RSF reported in September 2022 that the leaders of armed groups do not believe there are independent local journalists. They believe that reporters are all controlled by one clan or another. Journalists in north-western Libya are unable to report freely on political and military groups in Tripoli; journalists in eastern Libya are unable to report about the groups there either. According to RSF, many Libyan media outlets belong to or depend on one faction or another, making it almost impossible for these organisations to be independent.⁴¹¹

⁴⁰⁵ Faculty of Law Blogs / University of Oxford. Denaro, Chiara, *Beyond violent raids, sit-in evictions and arbitrary detention in Tripoli (Libya): How black refugee voices refuse to be silenced*, 17 March 2022.

⁴⁰⁶ Amnesty International, *Libya: the LAAF is 'brutally crushing' freedom of expression and peaceful assembly*, 19 April 2022.

⁴⁰⁷ UNSMIL & LPDF, *Chapter on unified executive authority*, accessed 1 December 2022. Article 2, paragraph 1. The PC serves as the head of state and supreme commander of the Libyan Armed Forces. The current president of the PC is Mohamed Al-Manfi.

⁴⁰⁸ Confidential source, July 2022.

⁴⁰⁹ BBC monitoring, *protesters in southern Libya threaten to shut oil fields*, 7 August 2022.

⁴¹⁰ BBC monitoring, *Libya's GNU to compensate families of fuel blast victims*, 14 August 2022.

⁴¹¹ RSF, *Libya*, accessed 19 September 2022. Libya was ranked 165 in 2021. Before 2022, a different method was used, which meant that a comparison was not really possible, according to RSF; RSF, *Libyan journalists threatened by rival militia's*, 8 September 2022.

Press photographer Saddam Al-Saket was detained in October 2021 by unidentified men while reporting on a sit-in by refugees in Tripoli.⁴¹² Siraj Abdel Hafeez Al-Maqsabi, a journalist from the Libyan newspaper Al-Hayat, was kidnapped by an armed group in Benghazi city in November 2021.⁴¹³

No journalists were killed in Libya between early 2022 and mid-December 2022; one journalist was in detention in mid-September 2022. In mid-December 2022, no journalist or media employee was detained, according to RSF.⁴¹⁴

In February 2022, a female journalist was physically assaulted while reporting in Benghazi. Another journalist was attacked in Tripoli while reporting on the commemoration of the 2011 uprising against Qadhafi's regime.⁴¹⁵

Ali Al-Rifawi, a journalist working for the private TV channel 218, was arrested in Sirte by ISA on 26 March 2022 and detained at an unknown location. The arrest came after Mokhtar Al-Madani, the mayor of Sirte, filed a complaint against Al-Rifawi for his articles in the press about corruption in Sirte. Al-Rifawi was released on 5 July 2022 after a hundred days in detention.⁴¹⁶

Mohamed Messaoud, a correspondent for the international TV news channel Al-Arabiya, was physically assaulted in the eastern city of Tobruk. He was covering a session of the Tobruk-based parliament on 15 August 2022 when he was attacked by individuals later identified as members of the Libyan internal security agency.⁴¹⁷ Mabrouka Mismari, a correspondent from 218 TV Channel Benghazi, was threatened and beaten by fighters from an armed group in February 2022. The attack was said to have been triggered by a broadcast by *218News* about the alliances behind the formation of a new executive branch. Mismari is also one of the founders of the NGO *The Libyan Women's Forum for Peace*.⁴¹⁸

In a report on the first half of 2022, the Libyan NGO *Libyan Anti-torture Network (LAN)* and the *World Organisation Against Torture (OMCT)* referred to death threats on social media against human rights defenders and organisations working on documenting torture. Seven young human rights defenders were arbitrarily arrested and detained by the ISA of the authorities in Tripoli between November 2021 and March 2022. This case is also known as the Tanweer case, after a Libyan organisation that works for LGBTI and women's rights, among other causes. See also 3.2.2. The authorities shared on social media confessions by those concerned; according to the LAN, these were obtained under duress in a context in which legal safeguards were virtually non-existent.⁴¹⁹ The ISA in Tripoli posted videos of the detained men on Facebook, in which they 'confessed' that they were 'atheist',

⁴¹² Amnesty International (AI), *Libya 2021*, accessed 13 December 2022; Article 19, *Article 19 condemns the kidnapping of a journalist in Benghazi*, 26 November 2021.

⁴¹³ Article 19, *Article 19 condemns the kidnapping of a journalist in Benghazi*, 26 November 2021; Defender Center for human rights, *A year of missed opportunities; a summary of the human rights situation in 2021*, December 2021, p.33

⁴¹⁴ RSF, *Libye*, accessed 19 September 2022 and 13 December 2022.

⁴¹⁵ UNSC, *United Nations Support Mission in Libya, Report of the Secretary-General, S/2022/409*, 20 May 2022, p.10.

⁴¹⁶ CPJ, *Libyan journalist Ali al-Rifawi detained since march after reporting on corruption*, 21 April 2022; RSF, *Libyan journalists threatened by rival militia's*, 8 September 2022.

⁴¹⁷ RSF, *Libyan journalists threatened by rival militia's*, 8 September 2022; Article 19, *Libya: security sources must face prosecution for attacking journalist*, 18 August 2022.

⁴¹⁸ 218 News, *UN mission in Libya condemns assault on 218 TV correspondent in Benghazi*, 14 February 2022.

⁴¹⁹ LAN & OMCT, *Libya: new patterns of human rights violations and absence of accountability. Observations of the Libyan Anti-torture Network from January 2022 to early June 2022*, 28 June 2022; Confidential source, 18 September 2022. This source reported that on 7 September 2022, 'confession videos' of nine civil society activists (some of them from the NGO Tanweer) and other human rights defenders were published. Those concerned had been arrested in February 2022. The trial was postponed for a fourth time until 5 October 2022; Bajec, Alessandra, *Intensified crackdown on civil society in Libya further embeds impunity*, 22 November 2022, TIMEP.

'areligious', 'secular' and 'feminist' and that they used social media to promote atheism and contempt for religion, in particular Islam'. The 'confessions', which were coerced, also involved several other men and women, many of whom went into hiding after receiving death threats. The videos, which were posted on Facebook and later removed, also sparked widespread hate speech against human rights defenders. During the reporting period, there was widespread hate speech and incitement targeting civil society organisations and individual activists, accusing them of promoting a 'Western agenda contrary to Libyan values'. According to human rights defenders, a list of activists' names circulates on social media, with calls for them to be prosecuted as 'apostates' under Sharia law and sentenced to death if found guilty.⁴²⁰ According to information from Amnesty, those concerned were transferred to Al-Jadida Prison or Mitiga Prison after being held at the ISA headquarters.⁴²¹ At least one human rights defender stood trial in July 2022 for 'destruction of the foundations of society', a charge punishable by death under Article 207 of the Libyan Penal Code if the person concerned was convicted. The court hearings were held in a room in a detention centre run by the SDF, an armed group working with the internationally recognised government in Tripoli.⁴²²

A lawyer, Adnan Abdelkader Al-Arifi, was kidnapped and detained for initiating legal proceedings against the deputy governor of the Central Bank in eastern Libya on corruption charges. Al-Arifi was held in Al-Kuwayfiyah Prison for thirteen days. Lawyers protested in Benghazi against his arrest.⁴²³

3.3.6 *Members of the judiciary*

Judges and prosecutors, faced with threats, intimidation, violence and lack of resources, expressed concern about the general lack of security in and around the courts in different parts of the country.⁴²⁴

USDOS, citing human rights groups, reported that judges were among those who had been forcibly disappeared after being arrested by security forces or armed groups in eastern or western Libya.⁴²⁵ Armed groups and families of the victims or accused regularly threatened lawyers, judges and prosecutors.⁴²⁶ According to one source, it is common for people to bring in an armed group to put pressure on the judge to make a decision in their favour. This happens, for example, in court cases involving a divorce or an inheritance. Pressure was also exerted on judges when they were deciding whether certain individuals were eligible to run for president. But judges can also be faced with threats in criminal cases. One judge had to flee after imposing the death penalty on a person. Women's rights activists and lawyers who support women in legal proceedings, for example in divorce cases, are also at risk of being threatened.⁴²⁷

3.3.7 *Libyan employees of international organisations*

Libyan authorities often view UN employees as well as employees of international NGOs as spies. According to a source, a local employee working for such an organisation is by definition suspicious in the eyes of those who hold power locally.

⁴²⁰ UN Special Rapporteur on Human Rights Defenders, *What I'am hearing from human rights defenders in Libya*, 7 July 2022; Confidential source, 25 March 2022; Confidential source, July 2022.

⁴²¹ Amnesty International, *Libya, the Internal Security Agency intensifies crackdown on freedom of expression*, 23 March 2022.

⁴²² UN Special Rapporteur on Human Rights Defenders, *What I'am hearing from human rights defenders in Libya*, 7 July 2022.

⁴²³ LAN & OMCT, *Libya: new patterns of human rights violations and absence of accountability. Observations of the Libyan Anti-torture Network from January 2022 to early June 2022*, 28 June 2022; Panafrican News Agency (PANA), *Lawyers protest in Benghazi against arrest of a colleague*, 16 May 2022.

⁴²⁴ USDOS, *2021 Country report on human rights practices: Libya*, 2 June 2022, p.13.

⁴²⁵ USDOS, *2021 Country report on human rights practices: Libya*, 2 June 2022, p.5.

⁴²⁶ USDOS, *2021 Country report on human rights practices: Libya*, 2 June 2022, p.14.

⁴²⁷ Confidential source, 17 October 2022.

Local staff may be harassed. One source describes as an example how a few months ago one of the mobile teams working for an international organisation was arrested by the local authorities, taken to the local police station and questioned. The employees were questioned about their activities. The organisation intervened and the employees were released after a few hours. These are the kinds of situations in which local employees can find themselves. In general, the organisation receives a note verbale from the Ministry of Foreign Affairs in Tripoli, approving certain activities. Thus employees who travel have written approval with them. But this does not always mean that the approval is accepted by armed groups. The area may be controlled by another group not loyal to the government.⁴²⁸

In early April 2022, after ten months of disappearance, local Red Crescent director Mansour Ati Al-Maghrabi from Ajdabiya, a city in eastern Libya, was released by unknown kidnappers. His release came after mediation by the Maghariba tribe.⁴²⁹

3.3.8 *Qadhafi loyalists and alleged Qadhafi loyalists*

For information on this subject, see the previous general country report.⁴³⁰ The following information supplements this.

One source says that members of tribes deemed to be Qadhafi loyalists risk being accused of supporting the former regime and thus facing arrest if they are found outside the 'safe' tribal area. The source notes that suspicion of ties to the Qadhafi regime may lead to arrest and/or reprisals when people return to Libya. Many senior figures from Qadhafi's regime are still in detention⁴³¹, such as Abdullah Al-Senussi, the head of the intelligence service who was sentenced to death in 2015. Al-Senussi, a member of the Magarha tribe, is held in Mitiga Prison.⁴³²

3.3.9 *Stateless Libyans*

Qadhafi's Arab nationalist government marginalised non-Arab communities in Libya. The government revoked the citizenship of some of those living in the Sahara in Libya, including minorities such as the Toubou and Tuareg. As a result, there were many stateless people in Libya.⁴³³ USDOS states, based on a number of reports, that thirty percent of the population in the south have an undetermined legal status. This fuelled discrimination in the labour market. These stateless citizens do not have a national identification number or access to basic services. They cannot register births, marriages or deaths, participate in elections or stand for election. They also cannot receive a salary from the government.⁴³⁴

The situation of these people did not change during this reporting period.

3.3.10 *Palestinians and Syrians* *Palestinians*

⁴²⁸ Confidential source, 31 October 2022.

⁴²⁹ The New Arab, *Libya Red Crescent official freed after 10-month abduction*, 3 april 2022; HRW, *World report 2023:Libya*, January 2023, p.390

⁴³⁰ Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, September 2022 (Dutch only), pp.67 and 68.

⁴³¹ Confidential source, 17 October 2022; HRW, *World report 2023:Libya*, January 2023, p.388.

⁴³² The Libya Herald, *Unknown if Gaddafi's intelligence chief is dead or alive, says family*, 10 August 2022.

⁴³³ USDOS, *2021 Country report on human rights practices: Libya*, 2 June 2022, p.23.

⁴³⁴ USDOS, *2021 Country report on human rights practices: Libya*, 2 June 2022, p.28.

The exact number of Palestinians in Libya is not known.⁴³⁵ As of 1 November 2022, 1,156 Palestinians were registered with UNHCR Libya as asylum-seekers or refugees.⁴³⁶

For information about the position of the Palestinian community in Libya, see the general country of origin information report of September 2021.⁴³⁷ The following information supplements this.

According to a source, Palestinians in Libya do not experience any problems simply due to not having a residence permit. Palestinians in Libya may be eligible for a residence permit for work or other reasons. To be able to travel abroad and return, a Palestinian in Libya must possess a residence permit. With this permit, an exit and return visa can be obtained. For the return visa, the person must provide a document from their employer.⁴³⁸ However, another source notes that until recently, Palestinians who left Libya were unable to return. This is primarily a problem for those who leave for Egypt. However, the GNU recently issued a decree allowing Palestinians to obtain a five-year multiple-entry visa (Decree No. 995/2022 of 30 November 2022). It is not yet clear how this decision will be implemented and whether it will also be implemented in eastern Libya. The Palestinian authorities have a consulate in Libya that issues travel documents to Palestinians. In practice, such documents are of little value because Palestinians have trouble gaining access to other places. Recently, the source said, more young Palestinians have also been trying to leave Libya in an irregular manner, due to the lack of opportunities for them.⁴³⁹

Palestinians both with and without residence permits work in Libya. They work in the private sector as well as in some government institutions in areas such as education and health care. Their children have free access to government schools, higher education and universities. They are exempt from tuition fees. Medical treatment in government hospitals is free of charge.⁴⁴⁰ Another source states that the Palestinians generally manage fairly well in Libya. However, their rights are limited: they have no access to Libyan nationality and no right to vote.⁴⁴¹

Palestinians cannot register property in their own name, such as a house or land. A child born from a marriage between a Palestinian father and a Libyan mother does not acquire Libyan nationality simply because the mother has Libyan nationality. More generally, a foreigner cannot acquire Libyan nationality through marriage to a Libyan citizen.⁴⁴² See also 2.1.

Syrians

As of 1 November 2022, 15,325 Syrians were registered with UNHCR Libya as asylum-seekers or refugees.⁴⁴³

Syrians need a visa to enter Libya through the airport. They have to pay an entrance fee (according to information from the source, this can range from several hundred to one thousand USD). From a social point of view, Syrians are accepted in Libya.

⁴³⁵ LIFOS, *Thematic report: Palestinians and Syrians in Libya*, 23 February 2016, pp.8-10. This report states that before 1994 there were approximately thirty thousand Palestinians in Libya. Following the Oslo Accords between the PLO and Israel, Muammar Qadhafi decided to expel the Palestinians from the country. Between 1994 and 1996, approximately

seventeen thousand Palestinians were expelled.

⁴³⁶ UNHCR, *Operational Data Portal*, accessed 8 November 2022.

⁴³⁷ Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, September 2021 (Dutch only), pp.71 and 72.

⁴³⁸ Confidential source, 15 September 2022.

⁴³⁹ Confidential source, 21 December 2022.

⁴⁴⁰ Confidential source, 15 September 2022.

⁴⁴¹ Confidential source, 21 December 2022.

⁴⁴² Confidential source, 15 September 2022.

⁴⁴³ UNHCR, *Operational Data Portal*, accessed 8 November 2022.

However, they have no legal protection. They can gain access to basic services such as health care and education.⁴⁴⁴

If a Syrian enters Libya illegally, it is not considered a serious crime. Syrians are considered a 'brother people' by the authorities in Libya. This, the source said, appears to be based on an agreement with the Syrian authorities. Syrians intercepted on boats bound for Europe are normally released from detention with a document instructing them to leave Libya. In practice, the authorities do not follow up on this.⁴⁴⁵ Another source notes that there are Syrians in detention centres. The fact that they are Arabs does not protect Syrians from being held.⁴⁴⁶

3.3.11 *Ibadites, Sufis and Christians*

In both eastern and western Libya, Sufi Muslims and their institutions have been targeted, in particular by Madkhali Salafis. According to the source these Madkhali Salafis have ties with security forces. When asked, this source stated that it did not know of any incidents targeting Sufis having taken place in the reporting period.⁴⁴⁷ Salafists continued to intimidate the Ibadite Muslim minority, and some Salafi sheikhs openly rejected Ibadism as non-Islamic. For more information about Ibadism as well as about Madkhali Salafists, see the general country of origin information report on Libya of September 2021.⁴⁴⁸ On the basis of contacts with NGOs, USDOS reported that since 2020 Sufi Muslims in the western part of the country have been able to practise their faith more openly. In Tripoli, according to representatives of human rights organisations, some armed groups continued to place restrictions on women regarding their dress and to punish men who behaved in an 'un-Islamic' manner.⁴⁴⁹

USDOS reported that harassment of and incitement against the Ibadite Muslim minority by Salafist groups continued. In October 2021, Salafist Sheikh Tariq Dorman publicly stated that Ibadism was based on a rejection of Islam and on spreading chaos.⁴⁵⁰

Small Christian communities continued to exist in Tripoli, where Catholic, Anglican and Protestant churches are active for foreigners. Christian communities were also present in Misrata, Al-Bayda, Benghazi, Tobruk, Sebha, Ghat, Ubari and Murzuq, among other places. In some cases, Catholic communities held church services in places other than church buildings, including in Benghazi, where IS destroyed church property in 2015.⁴⁵¹ International Christian NGOs, according to USDOS, stated that Christians who had converted to Christianity practised their faith in semi-secrecy. They faced violence and intense pressure from their families and communities to renounce their faith.⁴⁵² Criminal proceedings were initiated against a former Muslim who had converted to Christianity. See 3.3.12.

3.3.12 *Apostates, converts and moderate Muslims*

For information about the position of apostates and converts, see the general country of origin information report of September 2021.⁴⁵³ The following information supplements this.

⁴⁴⁴ Confidential source, 21 December 2022.

⁴⁴⁵ Confidential source, 31 October 2022.

⁴⁴⁶ Confidential source, 21 December 2022.

⁴⁴⁷ Confidential source, 17 October 2022.

⁴⁴⁸ Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, September 2021 (Dutch only), pp.51-52 and 73-74.

⁴⁴⁹ USDOS, *2021 report on International Religious Freedom, Libya*, 2 June 2022, p.3.

⁴⁵⁰ USDOS, *2021 report on International Religious Freedom, Libya*, 2 June 2022, p.9.

⁴⁵¹ USDOS, *2021 report on International Religious Freedom, Libya*, 2 June 2022, pp.8 and 9.

⁴⁵² USDOS, *2021 report on International Religious Freedom, Libya*, 2 June 2022, p.8.

⁴⁵³ Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, September 2021 (Dutch only), pp.75 and 76.

Several organisations, including the OHCHR⁴⁵⁴, reported arbitrary detention during the reporting period based on allegations of apostasy and other national security and anti-foreign rhetoric by the ISA. See 3.3.5 on the Tanweer case. Civil rights activist Dia Eddin Balau was sentenced to death by the Misrata criminal court in September 2022 for apostasy (for converting to Christianity), after he had rejected the opportunity to repent. Law 20 of 2016 offers the possibility of absolving the person concerned from the death penalty.⁴⁵⁵ HRW states that the sentence is not yet final, since under Libyan law the Supreme Court automatically reviews all death sentences.⁴⁵⁶ See also 3.1.5.

⁴⁵⁴ OHCHR, *Deepening crackdown on civil society*, 25 March 2022.

⁴⁵⁵ Confidential source, 18 September 2022; Barnabas, *Libyan Christian convert from Islam sentenced to death for apostasy*, 15 September 2022.

⁴⁵⁶ HRW, *World Report 2023: Libya*, January 2023, p.389.

4 Displaced persons, migrants and refugees

Various sources indicate that Libya remained a very unsafe country during the reporting period for migrants, refugees and asylum-seekers, as a country of origin, destination country, transit country and country of embarkation and disembarkation.⁴⁵⁷

4.1 Displaced persons

The International Organisation for Migration (IOM) reported that at the end of June 2022, there were 143,419 internally displaced persons in Libya. The number of internally displaced persons had fallen by 55 percent since October 2020.⁴⁵⁸ However, an NGO, the Defender Center for Human Rights, stated in May 2022 that there were about 278,000 displaced persons in Libya, including 40,000 from Tawergha.⁴⁵⁹

Most of the displaced persons were in Benghazi, Misrata and Tripoli. Of the displaced persons surveyed by the IOM, 81 percent lived in self-rented accommodation. 93 percent of the displaced persons surveyed said they had been displaced due to the deteriorating security situation.⁴⁶⁰

According to one source, most of the remaining displaced persons fell into three main categories:

- former residents of Tawergha, who were seen as supporters of former president Qadhafi. The city has been destroyed and the facilities necessary to live there are still lacking;
- displaced persons from Murzuq in the south. There are still ethnic conflicts in this region, which cause people to be displaced from time to time;
- people who mainly had ties to Islamic groups and who fled from east to west or vice versa because of their alleged political views.⁴⁶¹

There are no official IDP camps in Libya. Displaced persons stay in urban areas, including in informal settlements.⁴⁶² UNHCR, among others, in cooperation with partner organisations, provides basic aid to displaced persons in Libya, including relief supplies and financial assistance. Financial assistance helps the most vulnerable displaced families to get shelter and meet their basic needs. UNHCR cooperates with international NGOs such as the International Rescue Committee

⁴⁵⁷ Confidential source, 21 December 2022. This source refers to UNHCR, *UNHCR position on the designations of UNHCR, UNHCR position on the designations of Libya as a safe third country and as a place of safety for the September 2020*. The source states that the picture has largely remained the same; OHCHR, *Nowhere but back: assisted, return, reintegration and the human rights protection of migrants in Libya*, October 2022; Médecins Sans Frontières (MSF), *Out of Libya, opening safe pathways for vulnerable migrants stuck in Libya*, 22 June 2022.

⁴⁵⁸ IOM, *DTM Libya, Key findings round 42 (May-June 2022)*, accessed 31 October 2022.

⁴⁵⁹ Defender Center for Human Rights, *Libyan human rights organizations condemn the forced eviction of Tawerghans and call on the Libyan authorities for a permanent solution*, 12 May 2022.

⁴⁶⁰ IOM, *DTM Libya, Key findings round 42 (May-June 2022)*, accessed 31 October 2022. This report also contains information about the research methodology used by the IOM. A total of 4,077 people were interviewed in this round of the study.

⁴⁶¹ Confidential source, 31 October 2022. This source talked about IS fighters and their family members; Confidential source, 21 December 2022.

⁴⁶² Confidential source, 19 December 2022; OCHA, *Libya: durable solutions strategy for internally displaced people: a necessary step towards long-term recovery*, 24 August 2022.

(IRC) and the Norwegian Refugee Council (NRC) as well as local organisations such as LibAid.⁴⁶³

There are informal settlements which are mainly inhabited by former residents of Tawergha. These people were displaced in 2011 when their city was completely destroyed. The main settlements during the reporting period were in or near Tripoli, Tarhuna (south-east of Tripoli) and Benghazi. During the reporting period, authorities in the east and west attempted to close settlements to force people to return to their places of origin. Issues such as land ownership also played a role in this.⁴⁶⁴

The situation of the largely displaced population of the city of Tawergha remained a cause for concern. For more background on the events leading up to the displacement, including the alleged support for Qadhafi in 2011, see the general country report of September 2021.⁴⁶⁵ Eleven Libyan human rights organisations condemned the forced removal by the SSA of displaced residents from Tawergha from IDP camps in Tripoli on 3 May 2022. Around 530 families were removed. Only 38 families returned to Tawergha; the others remained displaced in suburbs of Tripoli, Tarhuna, Bani Walid, Souk Al-Sabt, Souk Al-Ahad, Al-Sbai'a and Wadi Al-Rabi. The organisations called on the Libyan government to find a permanent solution. They stated that five years after an agreement brokered by UNSMIL to facilitate the return and compensation of Tawergha residents, returnees had still not received compensation, and the basic services necessary for people to live were lacking.⁴⁶⁶ On 30 May 2022, residents of the Dawaa Eslameya settlement in Tripoli, where 113 Tawergha families were living, were ordered to leave.⁴⁶⁷

Libyans returning to Libya

Between 2016 and June 2022, a total of 688,121 internally displaced persons returned home. The number of returnees has increased by 21 percent since October 2020. The returns were mainly to Benghazi, Tripoli and Aljbara. Of those who returned, 87 percent went back to their former home. 98 percent said that they had returned because of the improved security situation.⁴⁶⁸ The returns were to areas that usually lacked shelter and basic facilities.⁴⁶⁹

4.2 Refugees and migrants

Migrants, asylum-seekers and refugees continued to experience very serious violations of international humanitarian law, human rights and refugee law in Libya during the reporting period. The violations included human trafficking, arbitrary detention, alleged slavery during detention, collective deportations and sexual and gender-based violence. The perpetrators were both state and non-state actors.⁴⁷⁰

⁴⁶³ UNHCR, *Libya Update*, 1 November 2022.

⁴⁶⁴ Confidential source, 19 December 2022.

⁴⁶⁵ Dutch Ministry of Foreign Affairs, *General country of origin information report on Libya*, September 2021 (Dutch only), pp.68-70.

⁴⁶⁶ Defender Center for Human Rights, *Joint open letter: human rights organizations call for renewal of UN-fact-Tawerghans and call on the Libyan authorities for a permanent solution*, 12 May 2022; OCHA, *Libya: durable solutions strategy for internally displaced people: a necessary step towards long-term recovery*, 24 August 2022. The residents were at the Fallah 1 and Fallah 2 settlements in Tripoli; they were ordered to vacate the site the next day.

⁴⁶⁷ OCHA, *Libya: durable solutions strategy for internally displaced people: a necessary step towards long-term recovery*, 24 August 2022.

⁴⁶⁸ IOM, *DTM Libya, Key findings round 42 (May-June 2022)*, accessed 31 October 2022. UNHCR, *Operational Data Portal*, accessed 8 September 2022.

⁴⁶⁹ UNHCR, *Repaired Benghazi home brings comfort after loss and displacement*, 29 April 2022.

⁴⁷⁰ Confidential source, 21 May 2022; OHCHR, *Nowhere but back: assisted, return, reintegration and the human rights protection of migrants in Libya*, October 2022, pp.4 and 5; De Telegraaf, *Het leven van zijn zoon op het spel*

The UN Panel of Experts stated in a report covering the period March 2021 to April 2022 that it had identified serious human rights violations against migrants and asylum-seekers in Libya. These violations were committed by traffickers along human trafficking and smuggling routes and, in official and unofficial detention centres for migrants and during maritime operations of the Libyan authorities, in particular the Libyan coast guard and the SSA.⁴⁷¹ During the reporting period, the victims were mostly men, but also included women and children.⁴⁷² See also 1.2.1.1, 1.3. and 3.1.4.

Legislation and regulations

Libya is not a party to the 1951 Refugee Convention, but it is a party to a number of international human rights conventions.⁴⁷³ Although the right to asylum is enshrined in Article 10 of the Constitutional Declaration of 2011, there is no asylum law or procedure. This means that all non-Libyans, regardless of their status or protection needs, including asylum-seekers and refugees, are covered by national immigration laws. Under applicable Libyan law, irregular entry, stay or departure, for example without the appropriate documentation or via unofficial border crossings, is a criminal offence. No distinction is made between asylum-seekers/refugees, migrants and victims of human trafficking. The law states that violations carry unspecified prison sentences with hard labour or a fine of approximately one thousand Libyan dinars and deportation after the punishment has been completed.⁴⁷⁴ The presence of the UN refugee organisation UNHCR is also a sensitive issue for the Libyan authorities. UNHCR operates without formal agreements with the Libyan authorities and is forced in practice to limit registration for international protection to nine designated nationalities. In line with this, UNHCR mainly registers individuals as 'vulnerable persons' from Ethiopia, Eritrea, Iraq, the Palestinian Territories, Somalia, Sudan, South Sudan, Syria and Yemen.⁴⁷⁵ These UNHCR-registered persons can obtain a declaration from UNHCR. However, they cannot derive a right of residence from this declaration. Even those in possession of such a document can still be arrested, detained and deported.⁴⁷⁶

Numbers

According to IOM estimates, there were about 650,000 migrants of more than forty nationalities in Libya in the first half of 2022. This number, OHCHR said, is difficult to verify in the absence of Libyan government data. The number also includes registered refugees and asylum-seekers.⁴⁷⁷ According to IOM data, 76 percent are male, 12 percent female and 12 percent minors. Almost half of the minors are unaccompanied. More than half of the migrants come from sub-Saharan Africa. The highest numbers of migrants come from: Niger (25 percent), Egypt (19 percent), Sudan (18 percent), Chad (13 percent) and Nigeria (5 percent).⁴⁷⁸ See also 1.1.1.

gezet, 5 November 2022. The smugglers 'belong to armed groups to whom they hand over their income,' says Matteo Colombo, human smuggling expert at the Clingendael Institute. 'Due to the lack of a strong government in Libya, it is difficult to counter this.'

⁴⁷¹ UNSC, *Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya*, S/2022/427, 27 May 2022, pp.15-17.

⁴⁷² Confidential source, 21 December 2022.

⁴⁷³ UNHCR, *UNHCR position on the designations of Libya as a safe third country and as a place of safety for the purpose of disembarkation following rescue at sea*, September 2020, p. 3. OHCHR, *United Nations human rights treaty bodies*, accessed 6 January 2022.

⁴⁷⁴ UNHCR, *UNHCR position on the designations of Libya as a safe third country and as a place of safety for the purpose of disembarkation following rescue at sea*, September 2020, p. 3. In September 2020, 100 Libyan dinars was

worth approximately USD 730.

⁴⁷⁵ UNHCR, *UNHCR position on the designations of Libya as a safe third country and as a place of safety for the purpose of disembarkation following rescue at sea*, September 2020, footnote 25 on pp.3 and 4.

⁴⁷⁶ Confidential source, 19 December 2022.

⁴⁷⁷ OHCHR, *Nowhere but back: assisted, return, reintegration and the human rights protection of migrants in Libya*, October 2022, p.4; IOM, *Migrant Report Round 41, February-April 2022*, p.4.

⁴⁷⁸ IOM, *Migrant Report Round 41, February-April 2022*, p.8.

Shelter and protection

At the beginning of November 2022, 43,000 people were registered as refugees or asylum-seekers with UNHCR in Libya. For more than 42 percent of these, Sudan was the country of origin. Over 36 percent came from Syria and over 11 percent came from Eritrea. The others came from Ethiopia, the Palestinian Territories and Somalia, among other places.⁴⁷⁹ UNHCR and partner organisations provide assistance to the most vulnerable among them. Non-Arabs have little access to basic services in Libya. Arab refugees and asylum-seekers have access to educational and health facilities.⁴⁸⁰ The possibilities for resettlement are very limited.⁴⁸¹

During the reporting period, the IOM conducted research into knowledge about COVID-19 and vaccination readiness among migrants in Libya. The survey among the interviewed migrants showed that almost all migrants were aware of the availability of vaccines against COVID-19. Some misunderstandings persisted among migrants about the fact that everyone in Libya could get free vaccination without having to present official documents or an identity document.⁴⁸²

Libya has no camps for refugees and asylum-seekers. There are no camps for migrants either. They stay in urban areas, including in informal settlements. Many are illegally imprisoned.⁴⁸³ Libya is an unsafe country for migrants, especially for non-Arabs. One source said that there are constant risks for migrants on the streets, including the risk of being rounded up and detained. Local communities are hostile to non-Arabs. Smuggling networks prey on them. It is a lucrative trade.⁴⁸⁴ Another source states that Libya is a country characterised by xenophobia. In October 2022, there were large-scale manhunts for refugees and migrants. This also happens on a small scale: people are rounded up, detained and forced to leave Libya, or even deported.⁴⁸⁵

Migration routes

Both the migration routes through Libya over land and those from Libya by sea to Europe are dangerous, with migrants regularly dying.⁴⁸⁶

According to the Libyan authorities, there are five major cities that serve as transport hubs on the smuggling routes in Libya: Tripoli, Ghadames, Kufra, Qatrun and Ajdabiya.⁴⁸⁷

More migrants left for Europe from the Libyan coast in 2021 than in the previous years since 2017. More than 60,000 migrants left in 2021, compared to 39,000, 19,500 and 27,000 in the years 2018 to 2020 respectively.⁴⁸⁸ Most migrants tried to cross the Mediterranean from western Libya with the help of people smugglers. During the reporting period, the number of migrants trying to reach Europe from the coast of eastern Libya rose sharply, many of them Egyptians and Bangladeshis.⁴⁸⁹ After arriving, many of these migrants reported that they had been held for more than a year in various warehouses in the east of the country. They spoke of

⁴⁷⁹ UNHCR, *Operational Data Portal*, accessed 8 November 2022.

⁴⁸⁰ Confidential source, 21 December 2022.

⁴⁸¹ Confidential source, 21 December 2022; Confidential source, 21 December 2022.

⁴⁸² IOM, *COVID-19 and vaccination in Libya*, August 2022, p.V.

⁴⁸³ Confidential source, 19 December 2022; Confidential source, 19 December 2022.

⁴⁸⁴ Confidential source, 21 December 2022.

⁴⁸⁵ Confidential source, 21 December 2022; OHCHR, *Nowhere to go but back: migrants in Libya compelled to accept 'voluntary' return*, 2 November 2022.

⁴⁸⁶ IOM, *50,000 lives lost during migration: analysis of missing migrants project data 2014-2022*, 23 December 2022, More than 20,000 people have died or disappeared on the Central Mediterranean sea route since 2014. Another 5,620 have died or disappeared on the Sahara route during the same period.

⁴⁸⁷ UNODC, *Newsletter issue 1/2022-Libya*, Romena, p.6.

⁴⁸⁸ Horsley, Rupert & Gerken, Jessica, *Global Initiative against transnational organized crime, Libya. Stability fuels rebound in human smuggling*, July 2022, p.10.

⁴⁸⁹ Novanews, *Libya: a boat with 500 migrants stopped off the coast of Tobruk*, 1 December 2022.

increasing abuses, torture and beatings. Syrians said they had paid about USD 6,000 for the whole journey, while some stated that they had paid more than USD 20,000 to avoid beatings, pay ransoms and/or receive food while in Libya.⁴⁹⁰ According to one source, crossings of migrants from eastern Libya are better organised, as higher-quality boats are used.⁴⁹¹ Another source states that the LNA facilitates people smuggling and generates income from this.⁴⁹²

Casualties

The IOM reported that a total of 34,425 migrants who had been stranded at sea were brought to land in Libya in 2021. The IOM recorded that in 2021, 662 people died and 891 people went missing on the Central Mediterranean route from North Africa to Europe.⁴⁹³ In 2022 as a whole, 24,684 stranded migrants on the Central Mediterranean sea route were returned to Libya, according to IOM data. There were also 529 dead and 848 missing.⁴⁹⁴ The IOM states that the data it collects only represent a fraction of the actual number of missing and dead. No state publishes figures on the numbers of dead migrants.⁴⁹⁵

From 2014 to mid-2022, the IOM documented the deaths of more than 2,000 migrants in the Libyan Sahara. Experts believe that the real figure is higher.⁴⁹⁶

Sea rescue and interception operations

Several Libyan institutions were involved in sea rescue and interception operations, namely the Libyan navy and the Libyan coast guard under the Ministry of Defence, the General Administration for Coastal Security of the Ministry of the Interior and maritime units of the SSA. The UN Panel of Experts recorded that individuals from the Libyan coast guard, as well as SSA units, subjected persons in distress at sea to cruel and degrading, life-threatening treatment, including shooting, beatings, confiscation of property and verbal threats. The experts also received information about incidents in which the Libyan authorities failed to carry out search and rescue operations for ships in distress in order to rescue those on board.⁴⁹⁷ HRW states that the EU agency Frontex cooperates with the Libyan coast guard in intercepting boats carrying migrants and thus sends migrants back to Libya where they may possibly be detained.⁴⁹⁸

UN position on the return to Libya of migrants rescued and/or intercepted at sea

UNHCR believes that persons rescued or intercepted at sea should not be disembarked in areas where their lives and freedoms are in danger. For that reason, UNHCR and the IOM have called on states to refrain from returning these individuals to Libya.⁴⁹⁹

⁴⁹⁰ Confidential source, 11 December 2022.

⁴⁹¹ Confidential source, 31 October 2022.

⁴⁹² Confidential source, 22 November 2022.

⁴⁹³ IOM, *IOM Libya Maritime Update (12-18 June 2022)*, accessed 11 October 2022.

⁴⁹⁴ IOM, tweet, accessed 23 January 2023, https://twitter.com/iom_libya.

⁴⁹⁵ IOM, *50,000 lives lost during migration: analysis of missing migrants project data 2014-2022*, 23 December 2022.

⁴⁹⁶ IOM, *IOM deploras death at Chad-Libya border and calls for stronger action for migrant protection*, 1 July 2022.

The article was prompted by the deaths of 20 people, including 18 Chadian migrants who died of dehydration in the desert. See also: Aljazeera, *Bodies of 27 migrants, including children found in Chad desert*, 13 December 2022.

⁴⁹⁷ UNSC, *Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya*,

S/2022/427, 27 May 2022, p.17.

⁴⁹⁸ HRW, *Frontex delivers cruelty from the skies*, 14 December 2022.

⁴⁹⁹ UNHCR, *UNHCR position on the designations of Libya as a safe third country and as a place of safety for the purpose of disembarkation following rescue at sea*, September 2020, p.17; UNHCR, *IOM and UNHCR condemn the return of migrants and refugees to Libya*, 16 June 2021.

4.3 Returns and expulsion of migrants from Libya

As mentioned earlier, under Libyan laws and regulations irregular entry into and residence in Libya and the irregular departure of migrants from Libya constitute criminal offences. Under the law, any foreigner convicted of irregular immigration is liable to mandatory detention and deportation. In addition, the internationally established rights of specific, legal categories of migrants such as refugees, migrant workers, victims of human trafficking and children are not respected.⁵⁰⁰

Based on its research, OHCHR states that migrants in Libya often feel compelled to accept assistance to return to their countries of origin in order to escape poor detention conditions, the threat of torture, ill-treatment, sexual violence, enforced disappearances, extortion and other human rights violations.⁵⁰¹

According to Amnesty, the armed group Tarek Bin Ziyad has been involved in the expulsion of thousands of refugees and migrants from Sebha and the surrounding area since late 2021.⁵⁰² The Libyan NGO LAN reported forced expulsions and collective deportations by the Libyan authorities of migrants, refugees and asylum-seekers across the desert in the south. Migrants were left on the border with Chad or Sudan without food, water or shelter. According to LAN, nearly five hundred migrants have been forcibly expelled from Libya since January 2022. Expulsions of migrants took place in the first half of 2022 from Shahat, Al-Bayda and the Ganfouda detention centre in the eastern region to Kufra in the southern region. A large-scale deportation of migrants took place in early June 2022, with more than 200 migrants being transferred by truck to the southern border in the Libyan desert. Migrants were mistreated and abused during the deportation.⁵⁰³

⁵⁰⁰ OHCHR, *Nowhere but back: assisted, return, reintegration and the human rights protection of migrants in Libya*, October 2022, p.5.

⁵⁰¹ OHCHR, *Nowhere but back: assisted, return, reintegration and the human rights protection of migrants in Libya*, October 2022, p.2.

⁵⁰² AI, *Libya: hold commanders of Tariq Ben Zeyad armed group accountable for 'catalogue of horrors'*, 19 December 2022.

⁵⁰³ LAN & OMCT, *Libya: new patterns of human rights violations and absence of accountability. Observations of the Libyan Anti-torture Network from January 2022 to early June 2022*, 28 June 2022.

5 Returns

As stated in previous country reports, illegal entry into and exit from Libya are criminal offences under Laws 19/2020 ('on combatting irregular migration') and 6/1987 ('regulating entry, residence and exit of foreign nationals to/from Libya', amended by Law no. 2 /2004).⁵⁰⁴ Libyans do not need an exit visa, but there are known cases where not having an exit stamp in a Libyan passport can lead to further investigation at the time of the person's return.⁵⁰⁵

Due to a lack of well-connected sources in this area⁵⁰⁶, no information could be obtained about specific persons of Libyan nationality who returned during the reporting period, either voluntarily or forcibly, and experienced difficulties on entering the country with the authorities.

Armed groups and intelligence agencies affiliated with the authorities are known to be present at the international airports of Tripoli and Benghazi. Travellers who travel in or out through these airports are subject to intensive checks.⁵⁰⁷ See also 1.3.

USDOS reports in its 2021 annual report that many armed groups with ties to the GNU or LNA maintain databases of persons wanted because of their alleged opposition activities or identity. Some journalists and human rights activists chose to leave the country rather than stay and endure intimidation.⁵⁰⁸ One source stated that for Libyan human rights activists who have fled abroad, returning to Libya is out of the question. Even if a person is not a known activist, there is a risk that his or her name has been mentioned by someone else who has been beaten by armed groups in order to get names of activists. The source said it did not know of any Libyans having returned to Libya and been arrested on arrival.⁵⁰⁹ Another source referred to the situation in Benghazi and stated that security agencies may check whether someone is active on social media. Past criticism of armed groups active in Benghazi may lead to arrest on arrival at the city's airport.⁵¹⁰

Following a stabbing incident by a suspected Libyan in Paris in early January 2023, the French authorities stated: 'We do not return people to Libya, firstly due to the instability of the country, and secondly because we do not have a communication channel for identifying nationals'.⁵¹¹

For the return of internally displaced persons in Libya, see 4.1. For the return of migrants from Libya, see 4.3.

UNHCR's position on forced returns of Libyan nationals or of persons habitually resident in Libya, including those whose asylum applications have been rejected. UNHCR has urged all states to suspend forced returns to Libya until the security and human rights situation has improved significantly. Given the volatility of the situation, the fragmentation of control and the large number of armed groups, the UNHCR believes that the relevance and reasonableness criteria for an internal flight or relocation alternative are unlikely to be met in the current circumstances.

⁵⁰⁴ Dutch Ministry of Foreign Affairs, General country of origin information report on Libya, September 2021 (Dutch only), pp.88 and 89.

⁵⁰⁵ Confidential source, 19 December 2022.

⁵⁰⁶ Confidential source, 6 February 2023.

⁵⁰⁷ Confidential source, 19 December 2022; Confidential source, 19 December 2022.

⁵⁰⁸ USDOS, *2021 Country report on human rights practices: Libya*, 2 June 2022, p.18.

⁵⁰⁹ Confidential source, 29 November 2022.

⁵¹⁰ Confidential source, 14 September 2022.

⁵¹¹ Le Figaro, *Gare du Nord: l'homme qui a blessé des passants à l'arme blanche était sous le coup d'une OQTF*, 12 January 2023.

Suspension of forced return of nationals and habitual residents to Libya serves as a minimum standard. This suspension should not replace international refugee protection for persons found to meet the criteria for refugee status under the 1951 Convention and the 1969 Organisation of African Unity Convention.⁵¹²

⁵¹² UNHCR, *UNHCR position on returns to Libya (Update II)*, September 2018, p. 20 and 21, paragraph 37; Confidential source, 6 February 2023. This position remains applicable in full.

6 Appendixes

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6.3 Translation of the Decree setting out certain provisions concerning the children of Libyan women married to non-Libyans

Government of National Unity

**Government of National Unity Council of Ministers Decree
Number 902, year 2022 A.D.
setting out certain provisions concerning
the children of Libyan women married to non-Libyans**

The Council of Ministers:

- having regard to the Constitution of 3 August 2011 and the amendments thereto;
- and the Libyan Political Agreement signed on 17 December 2015;
- and the output of the Libyan Political Dialogue Forum, held on 9 November 2020;
- and the Law on the Financial System of the State, the Budget, the Accounts and the Treasuries, and the amendments thereto;
- and the decisions made by Parliament on 10 March 2021, placing confidence in the Government of National Unity;
- and the letter from the Council of Ministers Secretary number 24709, of 18-10-2022;
- and the twelfth regular meeting of the Council of Ministers in the year 2022;

has decided:

Article 1

Children of Libyan female nationals married to non-Libyans shall enjoy the same rights as Libyan nationals, such as free [medical] treatment and education in the country, admission to Libyan schools abroad, and other rights granted to Libyan nationals.

Article 2

Children of Libyan female nationals married to non-Libyans shall be exempt from the visa requirement when they come to Libya. The foreign spouses of Libyan female nationals shall also be exempt from the requirement for a visa prior to travelling and shall only have to obtain an entry visa on arrival. Libyan embassies and consulates abroad shall also be obliged to provide the same services to them as they would to Libyan nationals.

Article 3

This decision shall enter into force on the day of its issue, and the competent authorities must implement it.

[signature]

The Council of Ministers

[stamp:]

Complaints
Issued on 23 rabie I 1444 A.H.
Corresponding to 19-10-2022 A.D.
[illegible]

6.4 List of abbreviations

ACLED	Armed Conflict Location & Event Data Project
AQIM	Al-Qaida in de Islamitische Maghreb
CBL	Central Bank of Libya
CID	Criminal Investigation Department
DACOT	Deterrence Apparatus for Combatting Organized Crime and Terrorism
DCIM	Directorate for Combating Illegal Migration
FFM	Independent Fact-Finding Mission on Libya
GNA	Government of National Accord
GNS	Government of National Stability
GNU	Government of National Unity
HCS	High Council of State
HNEC	High National Elections Commission
HoR	House of Representatives
HRW	Human Rights Watch
ICC	International Criminal Court
IOM	International Organisation for Migration
IRC	International Rescue Committee
IS	Islamic State
ISA	Internal Security Agency
LAN	Libyan Anti-torture Network
LDPF	Libyan Political Dialogue Forum
LAAF	Libyan Arab Armed Forces
LNA	Libyan National Army
MSF	Médecins Sans Frontières
NGO	Non-governmental organisation
NOC	National Oil Company
NRC	Norwegian Refugee Council
SDF	Special Deterrence Force
SSA	Stabilization Support Apparatus
UNHCR	United Nations High Commission for Refugees
UNODC	United Nations Office on drugs and Crime
UNSMIL	United Nations Support Mission in Libya
USDOS	United States Department of State
UN	United Nations
WFP	World Food Programme