



## COI QUERY

<b>Country of Origin</b>	<b>Libya</b>
<b>Title</b>	<b>Human rights abuses against civilians with Libyan nationality by the state authorities and armed militias in Libya</b>
<b>Reference period</b>	July 2022 to July 2023
<b>Topic(s)</b>	<ol style="list-style-type: none"><li><a href="#">Overview of human rights abuses committed against civilians with Libyan nationality by the state authorities and by armed militias in Libya</a></li><li><a href="#">Instances of human rights abuses committed against civilians with Libyan nationality by state authorities and armed militias in Libya</a><ol style="list-style-type: none"><li><a href="#">Instances of human rights abuses committed by state authorities</a></li><li><a href="#">Instances of human rights abuses committed by armed militias</a></li></ol></li><li><a href="#">Access to state protection</a></li></ol>
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## COI QUERY RESPONSE – Libya

### Human rights abuses against civilians with Libyan nationality by the state authorities and armed militias in Libya

#### 1. Overview of human rights abuses committed against civilians with Libyan nationality by the state authorities and by armed militias in Libya

Sources indicated that government-aligned groups, the Libyan National Army (LNA) aligned groups, foreign actors, mercenaries, and non-state actors committed arbitrary and unlawful killings of civilians.<sup>1</sup> The proliferation of militias, criminal networks, and extremist groups have contributed to the lack of physical security in the country.<sup>2</sup> Sources reported that both state and non-state armed actors were accused of committing human rights abuses.<sup>3</sup> Some of the violations attributed to the state authorities were arbitrary killings, enforced disappearance, serious abuses in conflict, including widespread civilian deaths or harm, restrictions on free expression and media, and restrictions with freedom of association and peaceful assembly.<sup>4</sup> Some of the violations attributed to armed militias were indiscriminate violence against civilians, arbitrary detention, unlawful force in repressing protests, torture and enforced disappearance.<sup>5</sup> In 2022, clashes among rival groups have ‘resulted in the deaths and injuries of hundreds, including civilians, the destruction of civilian infrastructure, the contamination of civilian neighborhoods with landmines and unexploded ordnance, and displacement’.<sup>6</sup> In some areas, military operations and violence have led to human rights violations, including ‘incidents of killing, corpse desecration, enforced disappearance, pillaging and destruction of civilian objects’.<sup>7</sup>

Serious violations by mercenaries, militias, and foreign actors, including fighters from Chad, Russia, Sudan, Syria, have been documented.<sup>8</sup> Similarly, security forces ‘aligned with both the Government of National Unity and the Libyan National Army, including contracted elements of Russia’s Wagner Group supporting the Libyan National Army, committed numerous abuses’.<sup>9</sup> These abuses included the placement of military explosives in civilian homes and public areas.<sup>10</sup>

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<sup>1</sup> USDOS, 2022 Country Reports on Human Rights Practices: Libya, 20 March 2023, [url](#), p. 2-3, 15-16; UN, Human Rights Council, Report of the Independent Fact-Finding Mission on Libya, 20 March 2023, [url](#), paras. 2-3, 37

<sup>2</sup> Freedom House, Freedom in the World 2023 – Libya, 9 March 2023, [url](#); UNSMIL, SRSG Abdoulaye Bathily opening remarks at the meeting of security group for Libya, 8 December 2022, [url](#)

<sup>3</sup> USDOS, 2022 Country Reports on Human Rights Practices: Libya, 20 March 2023, [url](#), p. 2; UN, Human Rights Council, Report of the Independent Fact-Finding Mission on Libya, 20 March 2023, [url](#), paras. 2-3; AI, Report 2022/23: State of the World’s Human Rights – Libya, 27 March 2023, [url](#)

<sup>4</sup> USDOS, 2022 Country Reports on Human Rights Practices: Libya, 20 March 2023, [url](#), p. 2

<sup>5</sup> AI, Report 2022/23: State of the World’s Human Rights – Libya, 27 March 2023, [url](#)

<sup>6</sup> HRW, Libya – Country Events 2023, 12 January 2023, [url](#)

<sup>7</sup> UN, Human Rights Council, Report of the Independent Fact-Finding Mission on Libya, 20 March 2023, [url](#), paras. 26

<sup>8</sup> UN, Human Rights Council, Report of the Independent Fact-Finding Mission on Libya, 20 March 2023, [url](#), para. 37

<sup>9</sup> USDOS, 2022 Country Reports on Human Rights Practices: Libya, 20 March 2023, [url](#), p. 16

<sup>10</sup> UN, Human Rights Council, Report of the Independent Fact-Finding Mission on Libya, 20 March 2023, [url](#), para. 37



Sources indicated that security services and government-affiliated armed groups throughout the country are accused of forcibly disappearing or detaining civil society activists, politicians, judges, and journalists.<sup>11</sup> Similarly, Amnesty International (AI) reports that ‘[d]ozens of people were arbitrarily arrested for their actual or perceived political or tribal affiliation or criticism of powerful militias or armed groups, and subjected to enforced disappearance or held incommunicado for up to 11 months. Some were held as hostages to extort ransoms.’<sup>12</sup> Protesters, LGBT persons, and Libyan rights groups are also targeted by state and non-state armed groups alike.<sup>13</sup>

## **2. Instances of human rights abuses committed against civilians with Libyan nationality by state authorities and armed militias in Libya**

### **2.1 Instances of human rights abuses committed by state authorities**

The World Organization Against Torture documented evidence of 581 cases of extrajudicial killings of civilians by state and nonstate armed groups between January 2020 and March 2022, of which 487 deaths occurred in the more densely populated eastern and western region.<sup>14</sup>

The Human Rights Watch Country Report on Libya covering 2022 described that ‘Libya’s Justice Ministry holds thousands of detainees, including women and children, in at least 27 prisons nominally under its control’. The report added that the special representative and head of the United Nations Mission in Libya, Abdoulaye Bathily, in a briefing to the Security Council, said that the ‘Libyan Justice Ministry as of October 1 held nearly 11,000 convicted individuals, including 55 women’ and ‘nearly 6,000 more, including 113 women, were held in pretrial detention, many of whom had no access to judicial review’.<sup>15</sup>

The US Department of State (USDOS) annual report covering human rights practices in Libya in 2022, described that ‘an unknown number of individuals were arbitrarily held without judicial authorization, for extended periods and without legal charges, in unknown locations, in prisons nominally controlled by the Ministry of Interior or the Ministry of Defense, or in extra-legal facilities controlled by government-affiliated armed groups, LNA-affiliated armed groups, and other nonstate actors’.<sup>16</sup> For instance, in a case of a kidnapping by state authorities, the same report described that attorney Adnan Abdelkader al-Orfi was reportedly kidnapped by the government’s Internal Security Agency in Benghazi on 12 May 2022 ‘in response to corruption cases he had filed against Ali al-Hebri, the deputy governor of the Central Bank of Libya’. Leading regional NGOs reported that he was released from prison after 13 days and it

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<sup>11</sup> USDOS, 2022 Country Reports on Human Rights Practices: Libya, 20 March 2023, [url](#), p. 2; AI, Report 2022/23: State of the World’s Human Rights – Libya, 27 March 2023, [url](#)

<sup>12</sup> AI, Report 2022/23: State of the World’s Human Rights – Libya, 27 March 2023, [url](#)

<sup>13</sup> AI, Report 2022/23: State of the World’s Human Rights – Libya, 27 March 2023, [url](#)

<sup>14</sup> OMCT, Extrajudicial and Unlawful Killings in Libya, September 2023, [url](#), p. 9

<sup>15</sup> HRW, Libya – Country Events 2023, 12 January 2023, [url](#)

<sup>16</sup> USDOS, Country Report on Human Rights Practices for 2022 – Libya, 20 March 2023, [url](#), p. 10



was the third time he had been arbitrarily detained.<sup>17</sup> Furthermore, the same report also described that activist, Mansour Ati, was released on 2 April 2022 from captivity in a Benghazi prison, 10 months after his enforced disappearance by the LNA-affiliated 302 Brigade.<sup>18</sup>

The 2022/23 AI report described that ‘between February and March [2022], at least seven men were arrested solely for peacefully expressing their views and/or for their affiliation to the civil society group Tanweer’. The men were sentenced to between one and ten years in prison, ‘following unfair trials’ with six being convicted for offending the Islamic religion and the ‘misuse of internet networks’.<sup>19</sup>

No further information could be found on human rights abuses committed by state authorities among the sources consulted by EUAA within the time constraints.

## **2.2 Instances of human rights abuses committed by armed militias**

The 2022/23 AI Report on Human Rights in Libya noted that militias and armed groups tortured detainees with impunity.<sup>20</sup> ‘In May [2022], Stability Support Authority (SSA) militiamen abducted Ahmed Al-Daykh, a staff member of the Libyan Audit Bureau, from in front of his workplace after he raised concerns over domestic corruption. They subjected him to enforced disappearance for eight days, before releasing him without charge’.<sup>21</sup>

The Human Rights Watch Country Report on Libya reported that in August 2022, the General Prosecutor’s Office in Tripoli announced that authorities had continued to discover unmarked individual and massive graves, ‘where hundreds went missing between 2014 – 2020 under Al-Kani militia control’. The authorities ‘identified 120 out of 259 bodies extracted from graves in Tarhouna and announced that they had opened 280 criminal cases into unlawful killings, torture, enforced disappearances, armed robbery, and kidnappings in the town, 10 of which had been referred to trial’.<sup>22</sup>

The 2022 USDOS country report on human right practices in Libya reported that, an ‘unknown number of individuals’ held in facilities controlled by criminal and nonstate armed groups, were routinely tortured, abused and subjected to arbitrary killings, ‘according to dozens of testimonies shared with international aid agencies and human rights groups’.<sup>23</sup>

No further information could be found on human rights abuses committed by armed militias among the sources consulted by EUAA within the time constraints.

However, the USDOS annual report on human rights practices in Libya covering 2022 also described that ‘government-aligned groups, LNA-aligned groups, and other armed

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<sup>17</sup> USDOS, Country Report on Human Rights Practices for 2022 – Libya, 20 March 2023, [url](#), p. 4

<sup>18</sup> USDOS, Country Report on Human Rights Practices for 2022 – Libya, 20 March 2023, [url](#), p. 4

<sup>19</sup> AI, Report 2022/23; The State of the World’s Human Rights: Libya, 27 March 2023, [url](#)

<sup>20</sup> AI, Report 2022/23; The State of the World’s Human Rights: Libya, 27 March 2023, [url](#)

<sup>21</sup> AI, Report 2022/23; The State of the World’s Human Rights: Libya, 27 March 2023, [url](#)

<sup>22</sup> HRW, Libya – Country Events 2023, 12 January 2023, [url](#)

<sup>23</sup> USDOS, Country Report on Human Rights Practices for 2022 – Libya, 20 March 2023, [url](#), p. 6



groups were reportedly responsible for the disappearance of civilians, although few details were available. Kidnappings targeted activists, journalists, government officials, migrants, and refugees. Kidnappings for ransom, including of migrants and other foreign workers, remained a frequent occurrence in many cities'.<sup>24</sup>

### **3. Access to state protection**

According to the 2022 USDOS annual report on human rights practices in Libya, the responsible bodies to investigate human rights abuses and to pursue prosecutions were the Ministry of Interior, Ministry of Justice, and Office of the Attorney General, 'but were either unable or unwilling to do so in most cases due to severe resource or political constraints'.<sup>25</sup>

The 2022/23 AI Report on Human Rights in Libya noted that 'authorities failed to protect women, girls and LGBTI individuals from killings, torture and unlawful deprivation of liberty by militias, armed groups and other non-state actors'.<sup>26</sup> The same report added that 'officials and members of militias and armed groups responsible for crimes under international law enjoyed near total impunity. Authorities continued to fund abusive armed groups and militias, integrating their members into state institutions without vetting'. For instance, in the case of the extrajudicial execution of 27-year-old Altayeb Elsharari in March [2022], AI reported that 'Libyan authorities took no steps to hold the Joint Operations Force (JOF) militiamen accountable' and 'continued to provide state funding to the militia'.<sup>27</sup>

No further information could be found on access to state protection among the sources consulted by EUAA within the time constraints.

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<sup>24</sup> USDOS, 2022 Country Reports on Human Rights Practices: Libya, 20 March 2023, [url](#), p. 17

<sup>25</sup> USDOS, Country Report on Human Rights Practices for 2022 – Libya, 20 March 2023, [url](#), p. 3

<sup>26</sup> AI, Report 2022/23; The State of the World's Human Rights: Libya, 27 March 2023, [url](#)

<sup>27</sup> AI, Report 2022/23; The State of the World's Human Rights: Libya, 27 March 2023, [url](#)



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## **ADDITIONAL SOURCES CONSULTED**

Africa News; Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD); Asylum Research Center (ARC); Deutsche Welle (DW); Immigration and Refugee Board of Canada (IRB); ECOL.net; European Union – EUAA COI Portal; Refworld; United Nations High Commissioner for Refugees (UNHCR); United States Institute of Peace (USIP); World Organisation Against Torture (OMTC)