



# Developments of the policies and legislations related to human rights and the democratic transition

in Libya

The Libyan issue is considered exceptional due to the outbreak of the civil war since April 2019. As the war is intensified gradually during the last three years (conflict among Egyptian, Turkish and Libyan army of Khalifa Hifter) with the evolution in the role of the international actors and supporters for the warring parties. The Turkish and Russian role has developed in influencing the Libyan situation over the European role, which searched for gaining a foothold in the Libyan political track. As a result of the failure that dominated all the negotiations stages, which was distinguished as the first triumvirate of 2020, the military conflict internally led to the division of state institutions and fissures of the Libyan society which parties and tribes were aligned according to the conflicting parties. This led to the decline of mediations which are built from the start. And the failure of the UN envoy, Ghassan Salama, was proof of that critical situation, as he was trying to bring all parties together out of the communication with tribes and all parties. However, his efforts ended in failure, especially after foreign intervention that created a real obstacle in the political solution. Therefore, an atmosphere of distrust and hate speech prevailed among Libyans, especially in the mass media and social media. Also, the statements of the tribal councils were limited. And meanwhile, human rights violations continued with complete impunity.

# The legal and constitutional framework related to the democratic transition

The demand for peace and armistice in Libya is considered as the main discourse but it is absent due to the military role and in the corridors of a series of international conferences concerning Libya. Thus, it is necessary to introduce the highlights of the Libyan political and military division, and the features of foreign intervention in the Libyan affairs.

The demand for peace and truce is highly requested in the political discourse but is violated by military conflict and in the corridors of successive conferences on Libya and among continents. Thus, it is necessary to expose the most outstanding features of the Libyan political and military division, and the features of foreign intervention in Libyan affairs.

## The results of using drones and jets by the two parties of the conflict in the capital Tripoli



## The most outstanding features of the Libyan political and military division:

The capital, Tripoli, represents the center of the Libyan war, but attempts to control other cities, especially due to the strategic importance of some of them, are always ongoing. This confirms the priority of military strategies over others. The front lines of the conflict are moving in Tripoli, but the continuation of bombing tactic that is adopted by the General Command forces led by Haftar has been continuing regularly since the beginning of the attempt to control Tripoli. The confrontations between the two sides lead to target residential neighborhoods and civilians. The bombing attacks coincided with the celebrations of the Libyan Revolution Day which reflects the depth of the Libyan division. While

## The number of air strikes that were carried out by the two parties in the conflict



celebrations were held in the western region, they remained limited in a small scale in the eastern region, especially in Benghazi. All calls for a truce failed until March, especially the humane calls due to the appearance of the spread of the first cases of the Coronavirus.

For example, on Monday the 6th of January, the General Command forces led by Major General Khalifa Haftar were able to achieve a military progress by controlling Sirte that has a strategic importance which is about 450 km far from the capital, Tripoli. The fight escalated in late January 2020 on separate sites on the suburbs of the capital, Tripoli

At the end of January, it is reported that four children were killed in the “Al-Hadba area, Taksim Al-Badri,” according to the Ministry of Health of the Government of National Accord which its counter attacked the fight of the forces of the General Command by targeting points belonging to the latter on Al-Matbat Street, on the suburbs of Tripoli. The forces of GNA destroyed four vehicles and killed a number of “multinational elements and mercenaries” as what is described by the spokesman for the information office of the «Government of National Accord» forces.

Regarding the confrontation axes in Sirte, which the General Command forces have controlled, the source said that it is in the Western outskirts and suburbs, between a battalion fights under the Government of National Accord called the «Battalion 604» and another called «The River Brigade» affiliated with the General Command led by Haftar. These are a continuous confrontation to control Libya’s Oil Cres-

cent which is the lifeblood in Libya. Meanwhile, the spokesperson of the General Command, Major General Ahmed Al-Mesmari, announced on the 22nd of January 2020 that an air ban was imposed over Tripoli completely, especially over Mitiga International Airport. And the spokesperson for the General Command which had recently agreed to a ceasefire in response to the Russian-Turkish initiative, warned against using the Maitiga Airbase and Mitiga Airport as part of the military operations areas, stressed that any civilian or military aircraft, regardless of their affiliation, entering the restricted area “will be destroyed directly”.

The UN Security Council called the conflict parties in Libya to reach an immediate agreement to stop fighting.

The balance of the military conflict had shifted due to Turkey’s intervention in Libya had turned the tide in Libya’s ongoing civil war in favor of the qualitative superiority of the Government of National Accord (GNA). As the drones of the Government of National Accord began to change the map of the conflict by allowing its forces to advance on the ground in several axes, despite the fact that the General Command forces have succeeded controlling some of them constantly.

The military operations continued to regularize in Libya since the celebrations the Libya revolution reaching the spread of virus Corona. All calls for a humanitarian failed, as the fighting forces took advantage of the critical health situation to achieve field advances.



### Libyan institutions are victimized by conflict and its tools:

#### Educational institutions and schools:

During 2019, Fighting caused the closure of 13 health institutions and 220 schools. And as a result, several institutions suffered from its inability to offer services due to armed groups' attacks on health institutions by the intention of stealing medicines as for example. Also, the Libyan Ministry of Health of the internationally recognized (GNA) faces many problems due to the rampant corruption within it. On the other hand, several schools were turned into buildings which means that more than 115,000 children are deprived of education due to the clashes.

The United Nations referred to some attacks, including what happened on the 5th of January, "the recent attacks on educational facilities and the general insecurity in and around Tripoli made children's lives in danger by going to school every day and schools transformed into places of fear.

On the 23rd of January, the operations of five oil ports and the Sharara and El Feel oil fields which are the two largest oil fields in the country were suspended due to the issuance of a statement signed by the «Libyan Tribes and Cities Forum» intending to «stop exporting oil from all Libyan ports, starting with the Zueitina oil port». Although, the statement didn't mention the name any tribe or city, it demanded the relevant authorities and the international community to

«open an account to deposit oil revenues until the formation of a government representing all the Libyan people». As soon as the statement was issued, the protesters entered the port and they declared its closure. And the statement described the action of the Libyan tribes behind this act as attributed to the authorities in eastern Libya.

In response to this serious development Libya's National Oil Corporation declares force majeure on its largest oil field after shutdown by militia explaining that this comes after «the General Command and the Petroleum Facilities Guard in the central and eastern regions have stopped oil exports from the ports of Brega, Ras Lanuf, Hariga, Zueitina and Sidra». And also declared «Force Majeure» in the El Sharara and El Feel fields.

The oil is sold and the money is transferred to the external bank of Libya, then it is transferred within 48 hours to the Central Bank of Tripoli, and then these funds are transferred according the financial plan by the internationally recognized government (GNA). This explains the reason of positioning oil at the center of the military and political conflict in Libya.

«Force majeure» which is imposed by the Petroleum Corporation is one of the terms of the contract that binds the Corporation to its clients, which exempts it from its legal obligations to supply them with oil and gas due to facing circumstances beyond its control, including war, political unrest and bad weather. Stopping exporting crude oil from ports leads to losses in crude oil production of 800,000 barrels

per day, in addition to daily financial losses estimated at about \$ 55 million per day, according to estimates by the National Petroleum Corporation.

It should be mentioned that attempts to illegally export crude oil and the refined petroleum products have continued in Libya, which made the Security Council condemn on the 12th of February 2020, as these illegal operations aren't under the responsibility of the internationally recognized institutions. This is confirmed as a result of a resolution adopted by the UN Council, according to Chapter VII of the United Nations Charter with the approval of 14 countries from 15 and Russia's abstention from voting. And after the Council extended in its resolution No. 2509 concerning arms embargo to Libya until the 30th of April 2021.

It is noteworthy that Libyan oil production has decreased to its lowest level since August 2011 after stopping the production from the Sharara field, the largest oil field in the country, which produces 300 thousand barrels per day, and the declaration of force majeure at the ports of Harika, Brega, Zueitina, Sidra and Ras Lanuf.

It is also noted that during the monitoring period, the airport and the port in Tripoli are constantly being bombed as part of the siege strategy which belongs to the General Command forces. This also happened after launching the truce on the 12th of January 2020, and it continued after Berlin Conference and during the negotiation tracks. Also, this happened during the celebrations of the 17th of February revolution as in the next day of the celebrations, the two sites faced direct bombardment which prevented the supply of biofuels for civilian use. It is also mentioned that the closure of petroleum installations in the east of the country had cast a shadow over the living situation in the country in general, as the director of the Central Bank in Tripoli stated that the continuous closure had affected the budget. As a result, they delayed the salaries of January and February for all employees in the public sector.

The ongoing crisis of closing oil facilities is aggravated by continuing smuggling of Libyan crude oil, which the National Oil Corporation (NOC) described as «an almost daily practice». The last episode of the Libyan oil smuggling series was what was revealed by A report by the non-governmental organizations, Trail International and Public Eye, revealed the involvement of a Swiss company in smuggling Libyan oil to Europe, in cooperation with Libyan smugglers during the years 2014 and 2015. The Maltese newspaper

stated that «the company was reselling oil in the European market and the oil was accepted despite fraudulent certificates of origin, and numerous protests from Libyan leaders about the smuggling of oil to Malta» To tanks leased from Enemed, Malta's state petroleum company through the Kol-

**Chapter VII of the United Nations Charter sets out the UN Security Council's powers to maintain peace. It allows the Council to determine the existence of any threat to the peace, breach of the peace, or act of aggression and to take military and nonmilitary action to restore international peace and security.**

mar company.

What is essential is that the oil income is distributed according to the following mechanism,

The revenues of selling oil are transferred to the external bank of Libya, then it is transferred within 48 hours to the Central Bank of Tripoli, and then these funds are transferred according the financial budget plan by the internationally recognized government (GNA). This explains the reason of positioning oil at the center of the military and political conflict in Libya. So far, the National Oil Corporation is still consistent while headed by a chairman, it enjoys international support and is headquartered in Tripoli, and it is the only one that has the right to sell oil.

At the community level

Some rare tribal initiatives were issued to reconcile the division, but remain limited as the Libyan cohesive community has become controlled due to the escalating military and political conflict from April 2019.

On Tuesday the 28th of January 2020, the city of Bani Walid initiated the activities of the Consultative Forum for Tribes. It is a meeting of the social components organized by the

## Al-Sarraj and Haftar will meet separately with Russian officials and with representatives of the Turkish delegation that is cooperating with Russia on this file, in addition to officials from Egypt and the UAE who will also be present as observers in the talks



Lev Dengov  
Head of the Russian Contact  
Group on the Libyan settlement

Social Council of the tribes of Warfalla in the presence of representatives of the tribes and cities from almost all regions of the country, in order to discuss the developments and conditions in Libya. And the agenda of the forum was determined from all attendees and was handed over to the presidency of the forum, and then the speech was given to sheikhs who represent their tribes to start the discussion with the raised points. The agenda of the forum included the situation regarding the foreign intervention, the unity of the military, political dialogues to unify civilian insti-

tutions, and the consolidation of the principle of peaceful coexistence. Thus, the forum ended with the formation of a committee to communicate with the Libyan tribes and the social components to coordinate organizing another forum after 21 days with the participation of all Libyans inside one of the Libyan cities.

It is noticed that these initiatives were only a reflection of the recent alignment in Libya, and its penetration into the Libyan cohesive community. It has also become a hidden tool for military strategies by regions. On the 22nd of February, the city of Tarhuna witnessed the activities of the General Forum of the Sheikhs, Notables and Elite of Libya, under the slogan “Come to Jihad” for homeland. As, the forum confirmed in its final statement that Libya is democratic state with sovereignty that is not allowed to be tampered with or its capabilities. Also, the statement stressed that all the laws issued by the House of Representatives are enforceable. And the forum considered, in its closing statement, that comprehensive national reconciliation is the basis for resolving the Libyan crisis, reiterating its rejection of all extremist organizations and formations that pose a threat to the unity of the civil state, and calling for the United Nations and the international community to withdraw their recognition of the Government of National Accord.

And during the monitored period it was observed that the tribal element was involved or was exploited in an unrevealed way in the confrontation between the two parties (the conflict between the Government of National Accord led by Fayez Al-Sarraj and the House of Representatives led by Aquila Saleh) as what was mentioned. It is also reported that such movements often lead to disabling the electricity and water supply to several cities in the Western Region.

The suspension of the oil fields ended with the announcement of the National Oil Corporation on the 13th of March 2020, that austerity measures will be activated as a result of the continued closure, indicating that it has not received the 2020 budget despite a duration of more than 70 days since the new year has passed. Also, the Corporation said in its statement that will result in compelling it and its subsidiaries to «reduce unnecessary expenditures due to the decline in oil revenues”. It Points out that the austerity measures include «freezing or postponing some contracts, stopping the payment of overtime wages, and reducing some services in addition to some measures”.

### Foreign intervention and conflict in conferences



The Turkish role is moving on different levels at the same time. This role gradually developed to reach the point in turning the balance of the military equation, especially in terms of armament. The aforementioned development steps began with a Maritime Boundary Treaty «Memorandum of Understanding between the Government of the Republic of Turkey and the Government of National Accord – State of Libya on delimitation of the maritime jurisdiction areas in the Mediterranean». This was supported by the meetings between Moscow and Ankara, which made the European role limited at a certain stage, until the latter sought to return through the Berlin Conference. However, this did not change much in the situation, especially with all parties preserving supplying Libya with weapons. As due to the Turkish qualitative edge and superiority, this resulted in the initial stability of confrontations and its results, until the impression prevailed that all are losers in the Libyan war and without possible results.

On the 27th of November, Turkey and the Government of National Accord have signed 2 Memorandum of Understanding, the 1st one is a Maritime Boundary Treaty in the Mediterranean, while the 2nd one is dealing with military and security cooperation between the two parties. By taking all possible opportunities to impose the government’s effectiveness, its existence, and thus its legitimacy. The Turkish role is gradually progressing towards a gradual increase in

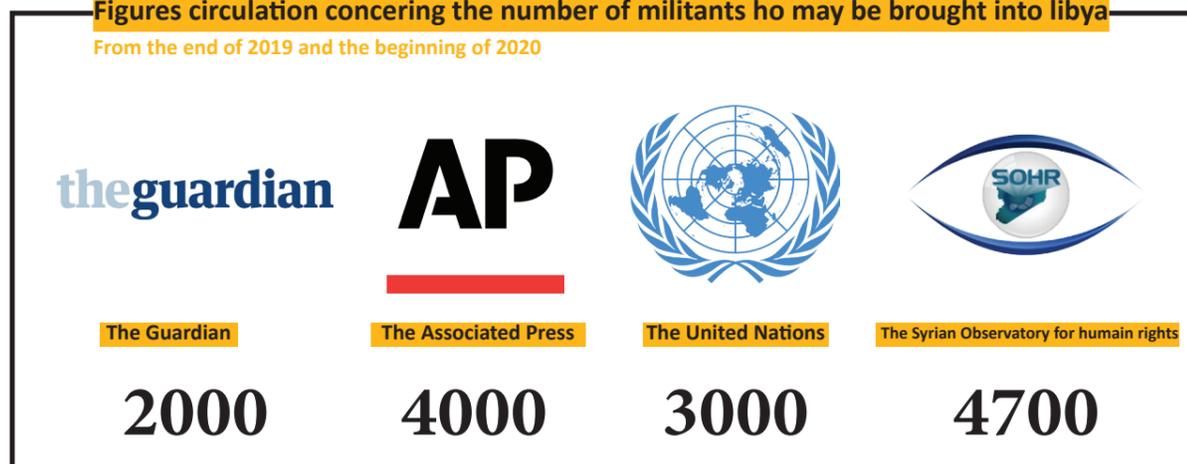
military support. Under the “legitimacy of the government” which represents an important input and is permissible for strengthening at all levels, while the opposite party (Haftar) maintains denial of this legitimacy despite its direct involvement in the field. Parallel to all of this, Turkey is working within a strategy of enhancing multi-level strategic influence, whether militarily, economically or legally.

### Foreign military intervention and the development of the Turkish role

On the 2nd of January 2020, the Turkish parliament approved a presidential memorandum which authorized the government to send troops to Libya to support the UN-backed government in Tripoli. That raised the Arab and international condemnation as the Turkish representatives authorized Erdogan to send soldiers to Libya in support of the Government of National Accord. The Turkish parliament’s decision raised the concern of the European Union and prompted US President Donald Trump to warn against any “foreign intervention” in Libya. And Erdogan emphasized that Turkey’s goal is not “to fight” but “to support the legitimate government and avoid a humanitarian tragedy (crisis)”. On the 5th of January 2020, the Turkish President Recep Tayyip Erdogan has announced that Turkish soldiers had begun deploying to Libya after the green light after receiving approval from parliament.

**Figures circulation concerning the number of militants ho may be brought into libya**

From the end of 2019 and the beginning of 2020



Within the context of continued consultations and coordination, the Foreign Ministers of Egypt, France, Cyprus and Greece met in Cairo on January 8, 2020 affirmed their opposition to Turkey's decision to send troops to Libya. In an indication of the international division regarding Libya, it is noted that despite the presence of the Italian Foreign Minister at the Cairo meeting, he didn't attend the press conference, and Italy did not sign a final statement of the meeting, according to what was announced in the press conference. The European situation regarding Libya is uncertain, especially among the countries of the Mediterranean Bank facing Libya, Italy and France. This is due to the immigrant crisis that Turkey uses from time to time as a pressure card.

Turkey continued its communication with all those who involved in the Libyan as President Erdogan met with the Russian President Putin on the margins for TurkStream inauguration gas pipeline in Istanbul, Turkey. After their meeting, the two parties called for a ceasefire in Libya. And on Wednesday the 8th of January 2020, in a statement by the Turkish Presidency, "we call all parties in the Libyan conflict to cease hostilities at 00:00 on the 12th of January and to declare a permanent ceasefire".

**Ceasefire Initiative and Moscow Conference**

Naturally, the ceasefire initiative was internationally welcomed, but a UN mission to monitor the ceasefire wasn't sent like the one in Yemen, even after the end of the Moscow conference and the Truce enters into force.

In this regard, on Wednesday the 8th of January, Turkey and Russia called the conflicting parties in Libya for a ceasefire, starting at midnight on Sunday the 12th of January,

to give an opportunity for a peaceful solution in an effort to find a political settlement to the Libyan conflict.

The spokeswoman for the Russian Foreign Ministry, Maria Zakharova, announced the start of Russian-Turkish negotiations among the foreign and defense ministers of the two countries in Moscow, and they will be joined later by representatives of the Libyan parties, who arrived at a Reception House Of The Russian Foreign Ministry, according to the Russian news agency «Sputnik». The head of the Russian contact group on intra-Libyan settlement, Lev Dengov, said that Sarraj and Haftar shall meet «separately with Russian officials and with representatives of the Turkish delegation that is cooperating with Russia on this file», noting that officials from Egypt and the UAE will also present as observers in the talks.

According to the received information about the circumstances of signing the ceasefire agreement, the commander of the General Command, Major General Khalifa Haftar, left the Russian capital, Moscow, without signing the ceasefire agreement with the Libya's internationally recognized Government of National Accord (GNA). Also, it was stated the media advisor to the Speaker of the Tobruk Assembly of Representatives, Abdul Hamid Al-Safi, in press statements, that the Speaker of the Assembly Aquila Saleh and his accompanying delegation left the Russian capital, on the same day, without signing the agreement. The Foreign Russian Minister Sergey Lavrov stated in a press statement earlier, that both the head of the Government of National Accord (GNA), Fayeze al-Sarraj, and the head of the Libyan Supreme Council of State, Khaled al-Mishri, signed a draft text to ceasefire, while the delegation of the General Command requested one day's notice.

A truce enters into force between the two sides at the midnight on Sunday the 12th of January, but each side accused the other of violating it. The truce is announced without signing any agreement. The declaration of the ceasefire isn't followed by sending a committee to monitor the implementation and respect to ceasefire. And a month later, on the 12th of February 2020, the UN Security Council adopted a resolution for a permanent ceasefire in Libya with the approval of 14 out of 15 members but with the Russian abstaining from voting this time. Moreover, Britain had requested the vote after preparing the text after holding consultations over a period of more than three weeks. The resolution affirms "the necessity of a permanent ceasefire in Libya, at the first opportunity and without preconditions".

**Berlin conference**

The paths of negotiations, differences in the description and the absence of mechanisms, are the outcomes of the Berlin Conference in the ongoing crisis

On the 8th of February 2020, the first round of the Joint Military Committee 5 + 5 talks, which had started its work on Monday, February the 3rd of February 2020, ended at the headquarters of the United Nations in Geneva with the presence and participation of the Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya (UNSMIL), Dr. Ghassan Salameh. The work of this committee is one of the three tracks that the mission is working on, in addition to the economic and political tracks.

The Libyan parties indicated the importance of continuing the truce that enters into force on the 12th of January 2020, respecting it and avoiding its breach. Also, it is noticed that there is a broad consensus between the two parties on the urgent need for Libya to preserve Libya's sovereignty, territorial integrity, protect its borders, and the need to refrain from subjugating the national decision and the country's capabilities to any external force. Besides, stopping the flow of non-Libyan fighters and expelling them from Libyan territories. Also, it is stressed the continuation of the fight against terrorist groups which were classified by the United Nations as Al-Qaeda, ISIS, and Ansar al-Sharia which its activities are declined at the end of 2019 and the beginning of 2020. The two parties also supported the recent ongoing process of a Prisoner exchange, returning the bodies and appreciated the participation of the UN mission whenever the need arises. The two parties emphasized that the cur-

rent committee which is in charge of this issue represents a support to the meetings of the 5 + 5 Committee in Geneva. While the two parties agreed on the necessity to return displaced persons to their homes, especially in the areas of clashes, but they did not reach a complete understanding about the best ways to restore normal life in these areas. And the two parties have agreed on the need to continue negotiations and reach a comprehensive ceasefire agreement.

An atmosphere of extreme discretion and confidentiality surrounded the work of the meeting which was held for a period of 2 days in Cairo on the 10th of February 2020 concerning the economic process for the Libyan dialogue - emanating from the outcomes of the Berlin conference - so that the participants agreed at the conclusion of the meetings on the mechanisms of the Economic Experts Committee, the basis of its work, and holding a meeting at the beginning of March.

**There is a lack of adequate coordination between the three countries in North Africa. This was confirmed by the Berlin Conference in terms of the absence of Tunisia and Morocco and the joining of Algeria**

Concerning the mechanisms of the expert committee and the basis for its work, the UN mission's statement affirmed "the establishment of three working groups improve the administrations of revenue and distribution, particularly how to enhance transparency and decentralization. As well as addressing the urgent banking crisis, and the challenges and opportunities available for reconstruction and development". It is noteworthy that the Cairo meeting was one of the three tracks set by the United Nations to solve the Libyan crisis, in addition to the military and political tracks. The meeting had the participation of economic experts



from international monetary and financial institutions. On the 30th of January, the UN envoy, Ghassan Salameh, announced during his briefing to the Security Council on the 9th of February the date of a second economic meeting on Libya to be held in Cairo.

The economic path was not far from the military one, as the Cairo meeting took place two days after the end of the first round of the meetings of the Joint Military Committee 5 + 5 which is the military track of the Berlin outcomes indicating a lack of understanding about ways to restore normal life to the areas of clashes. The committee noted that there is agreement between the two parties on the importance of continuing the truce that began on the 12th of January, respecting it and avoiding breaching it. And the UN Mission proposed the 18th of February as a new date for resuming the committee's meetings. However, the internationally recognized Government of National Accord announced the suspension of its participation in the talks in Geneva, after the General Command forces attacked Tripoli during the previous two days in conjunction with the celebrations of the Libyan revolution. On Saturday, the 22nd of February 2020, the Supreme Council of State unanimously decided to suspend the participation of its representatives in Geneva concerning the political dialogue until three factors (conditions) are fulfilled and the decision took place during a session attended by 86 members, to discuss the observations of the State Council to participate in the dialogue.

Despite the above mentioned, the 3rd round of negotiations began in Geneva with the presence of 35 Libyan personalities according to what is announced by the UN envoy, Ghassan Salama. The negotiations began relying on the communication with the main parties who did not attend

the 26th of February sessions. The UN Envoy took this step to impose a *fait accompli* due to his inability to bring the Libyans together on one table, especially in the meantime, military operations continued on the outskirts of Tripoli. This explains the request of the UN Envoy at the beginning of March to be relieved of his duties. Salameh said on his official page on Twitter that “after the Berlin summit and the launch of the three tracks after the issuance of Resolution 2510, it is the time to resign as his health is no longer able for stress.

And in a German attempt to push the Libyan dialogue again, Angela Merkel received General Khalifa Haftar, and before him she made a call with Al-Sarraj in Tripoli, in a move to support the efforts to dialogue after the resignation of the UN Envoy. However, it is noteworthy that similar meetings did not lead to tangible results, such as the meetings held in Geneva in supporting the ceasefire, but violations continued after that.

### The Weak regional and African role

The African Union attended the Berlin conference and was part of supporting the negotiation process among the Libyans. But this role somewhat remains a minor and dependent role. The countries of the region, especially neighboring Libya and in Maghreb States, have witnessed a decline in their role in terms of the dominance of the policy of pillars and the aligned countries which control the requirements of the political track and the negotiation process. In this direction, for example, the closing statement of the African Union summit, which was issued on the 10th of February 2020, expressed a clear rejection of foreign intervention in Libya. And the African Union called all parties

in the conflict to abide by banning supplying Libya with weapons and to reach a political settlement. The initiatives supported by the African Union are welcomed by Libya, especially due to the acceptance it receives in Libyan circles, unlike the European Union, which is considered a front for companies and economic institutions which are looking for collecting gains in Libya. However, it is noticeable that the aforementioned statement itself has indicated an important part for oil, oil institutions, and everything related to it, beyond the concern for peace in Libya and the safety of the Libyan people, which was just limited in calling the support for the political track.

According to the outcomes of the Berlin conference, the Libyan Neighboring Countries Conference was held in Algeria at the end of January. It is stressed in the conference the rejection of foreign intervention as one of the five principles that include respecting the sovereignty and unity of Libya, the involvement of neighboring countries, the involvement of the African Union and the rejection of the flow of weapons. The aforementioned conference is considered a positive sign in terms of the presence of the German Foreign Minister in a conference of neighboring countries, which implies the convergence of the tracks of the two shores of the Mediterranean and foreign countries. Also, the Algerian Prime Minister Abdelaziz Jarad announced, on the 12th of March that his country is ready to host the Libyan national reconciliation conference that shall be held in the next July in Ethiopia, which aims to gather representatives of all tribes, sects, and actors in Libya in order to prepare the formation of a national accord government. The difference in political situations among neighboring countries, especially with Egypt's alignment with one of the parties which represents an important obstacle in developing the role of neighboring countries. And that was a reason to cast a shadow over all negotiation processes and rounds. And it is noticed that many of the Libyan participants don't trust the Egyptian role, and the Tunisian role witnessed turmoil and instability due to internal political transformations. It can be stated that the Libyan issue has become a critical security issue to all countries due to political failure.

### Signs of foreign military support

On the 4th of February 2020, the Secretary-General of the United Nations, António Guterres described the situation in Libya as a «scandal», criticizing the countries that participated in the Berlin conference in January. And he added that “They pledged not to intervene in the Libyan process

or send weapons or participate in the fighting in any way” and that “The fact is that the arms embargo that is imposed by the Security Council is still being violated.

From January to February, Turkey was able to safely deliver its ships carrying the most valuable military equipment to Tripoli by using its frigates. The General Command forces at sea do not have anything comparable to Turkish combat capabilities. As well a part of the Turkish equipment has been transported by air, but the most valuable and large deliveries, such as armored vehicles were through the sea. The internationally recognized Government of National Accord receives a support from Turkey and to a lesser degree from Qatar and Italy. While on the other side, Haftar's General Command forces receive support from the United Arab Emirates and Egypt as well as France and Russia. And the Turkish sends Syrian mercenaries to Libya, and also to the Russians who allow the presence of Wagner mercenaries. And regarding the American role in Libya, it is away from direct intervention despite the presence of 3000 soldiers in Libya. Thus, the option of direct intervention is far, but it can be possible whatever balances didn't change The Europeans remain the most involved in the Libyan conflict compared to the United States, specifically the French, as for the Italians and the Germans, who have a similar concept that tends to adopt a political solution because they have direct interests with Libya related to oil, the issue of asylum, and human smuggling through Libya. Also, Italy, for example, had an earlier situation in dealing with armed groups on the ground by using security and military confrontation, especially in coastal cities, in order to confront irregular migration at its point of departure.

The leaders of the participated countries in the Berlin conference concerning the Libyan crisis agreed on the 19th of January to respect the arms embargo imposed by the United Nations in 2011, and to stop any foreign intervention in Libya in order to achieve a peaceful political solution with the disbandment of illegal armed groups and extremist groups with a permanent ceasefire. As these are the elements which bet the political process and control its inputs by controlling its progress on the transformations of the military field.

But what was happening on the ground contradicts with the international political discourse. The British newspaper, The Guardian, published a report stating that 2,000 Syrian fighters had arrived in Libya from Turkey during January 2020, to fight on the side of the internationally recognized

Government of National Accord headed by Fayeز al-Sarraj. And the transfer is usually carried out by the Libyan «African» and «wings» airlines as it starts from the Turkish-Syrian border to the Turkish city of Gaziantep.

The circulating figures for the number of militants who shall be transferred reach 6000.

The Guardian quoted from Syrian sources in the three countries, Syria, Libya and Turkey, confirming that 300 members of the Second Armored Division or what is known as the «Syrian National Army» which is a group of fighters supported by Ankara, entered Turkey through the Hawar Kilis military crossing on the 24th of December 2019. Another group of 350 fighters entered on the 29th of December of the same year. The Guardian also says that the fighters were transported by air to Tripoli, where they were sent to the confrontation sites, mainly east of the capital. According to the newspaper, on the 5th of January about 1,350 fighters entered Turkey from Syria, and some of them were sent to Libya, while others received training in camps in southern Turkey. These numbers exceeded previous estimates of the actual number of Syrian fighters who entered Libya. Moreover, the Guardian stated that sources in the «Syrian National Army» reported that the fighters (mercenaries) signed contracts for six months directly with the Government of National Accord and not with the Turkish army. And they receive salaries of 2000 dollars for each fighter monthly which is a large amount compared to 90 dollars per month receiving from Turkey to fight in Syria, and also, they have promises to obtain Turkish citizenship.

During December, Social Media published a video footage by a cell phone of men with a Syrian accent claiming that they belong to the «Free Syrian Army» and that they are in Libya «to defend Islam». Both Ankara and Tripoli, as well as the Syrian National Army, repeatedly denied the existence of Syrian fighters in Libya.

Various reports have been circulated concerning the Turkish Support and bringing fights from Syria. As the Chief Command of an Armed group in Tripoli confirmed in his statement to the Associated Press that Turkey transferred 4000 fighters to Tripoli since the beginning of 2020 and that 'dozens of them belong to extremist groups.

It is noted that on Thursday the 6th of February 2020, Cargo ship arrested by the Italian authorities for suspected arms trafficking between Turkey & Libya. Italian sources

confirmed that an investigation was carried out with the captain. The Lebanese-flagged cargo ship, which stopped in the Italian port of Genoa due to a breakdown for the purpose of maintenance, until the third officer aged 25 years old left the ship and sought asylum in Italy and protection, revealing that he had information and a video about the trafficking of weapons, tanks and machinery on board the ship from Turkey to Libya.

It is noteworthy that the mechanism of bringing mercenaries and militants is increasing in parallel with the truce that was announced for ceasing fire during January as it started with an international initiative in the corridors of the Moscow conference, between Russia and Turkey. But as days passed, it became obvious that all parties in the conflict had their military options on the ground. The ceasefire entered into force on the 12th of January at midnight but the breach started in the next day. While the talks concerning the truce and the ceasefire in Libya continued, the two sides continued to raise the allegations of accusing each other of violating it.

In a report by the Inspector General at the Pentagon on Tuesday, the 11th of February 2020, concerning counterterrorism activities in eastern, northern and western Africa between the 31st of October and the 31st of December 2019, an increase in the number of Russian mercenaries associated with the Russian security company, Wagner, was noted. In the last quarter of last year in Libya significantly. The report added that the Russians have worked to support the so-called «Libyan National Army», which is under the control of retired General Khalifa Haftar.

There is a challenge between the role of the Russian and American military presence in the region. The report explained that an US drone was shot down by the Russian air defense systems, and «Russian mercenaries» who were fighting alongside Haftar's General Command forces, on the 21st of November 2019, that emphasize the impact of Russians over the US presence in the region.

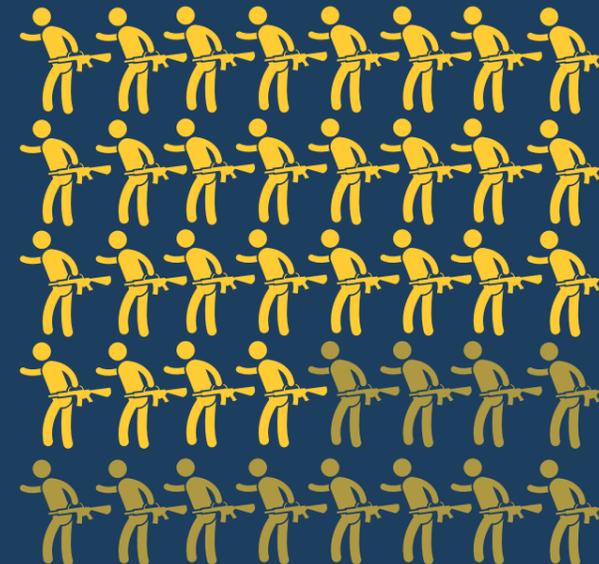
## Pentagon report concerning the number of Russian mercenaries in Africa

September 2019



**200** mercenaries

December 2019



**Between  
800 And 1400**  
mercenaries

Human rights violations continue in Libya, but the details of many of these violations are missing, except what is filtered from media sources or monitored by local and international civil society. In this regard, the monitoring mentioned examples of violations that occupied Libyan public opinion which was an evidence of the violations and its enormity against the Libyan society.

### Freedom of expression in Libya

During the first two weeks of January, the Monitoring Team observed the arrest of the two activists from Benghazi city Fahd Al-Bakoush and Bin Zablal who had participated in the initiative recently launched by a group of youths aimed to stop the fighting and return to dialogue. Some sources reported that Military Intelligence had arrested them on Monday, the 13th of January 2020 in Benghazi, while others who support General Khalifa Haftar, they confirmed that Al-Bakoush and Bin Zablal were the ones who went to the General Intelligence Service because they were threatened by unknown persons in the first half of January. There is no accurate information about the truth of the two stories, but it is proven that Al-Bakoush and Bin Zablal are under arrest and there is no accurate information about their fate during the first half of January. One of the reasons for the above is the absence of an accurate information about the work of the security services in Libya, especially under the institutional division.

Regarding continuing violations concerning freedom of expression, ethnic and religious diversity in Libya which represent the basis of the formation of people, the shrine Zawyet bin Isa devoted to Sufi in the city of Sirte was destroyed on the 5th of February 2020, in addition to the arrest of a number of Sufis in Sirte.

Freedom of expression is being violated continuously in Libya under the spread of hate speech, physical and verbal violence. As traditional and social media sites played a part in that, which have become an outlet for all. Freedom of expression and its situation in Libya reflect the deep division within the state and society, as every violation of any party is justified as there is no role of law concerning that. And regarding that we can take the city of Benghazi as a model for that example.

### Freedom of expression in the city of Benghazi:

Under that situation, there is an absence of the opportunity of opposition and diversity in Benghazi due to the controlling power using military and weapons which forms a religious, tribal, regional belonging. The Benghazi's situation is considered very exceptional as in the enforced disappearance of the lawyer Siham Sergewa (which will be detailed in the section on enforced disappearance) as her fate is a chilling reminder of the consequences of peaceful criti-

cism in today's Libya,. This case was one of the indications concerning the situation of freedom of expression as her arrest was due to her criticism of the military operations led by the General Command forces in Tripoli. After her arrest, the gunmen who arrested her wrote Phrases threatening everyone who criticizes the army.

In Benghazi, there is just one point of view, as one satellite channel promotes the General Command and General Khalifa Haftar, whose pictures are everywhere. Also recently, the Madkhali Salafists control mosques, they demolished the shrines of the Sufis, and also prevented celebrations on the occasion of Earth Day. A general close to the Madkhali Salafist movement also tried to prevent women from traveling without a regent. And as a result, protests against the decision took place in the city, forcing him to retreat from his decision. Also, unknown bombings spread in the city that didn't witness military operations from a while. That happens due to the control of the Salafist, tribal and military groups which created a status of fear and insecurity in the city. For example, the tribal death squad called Awliya al-Dam ('avengers of blood' an armed group linked to Khalifa Haftar's forces and involved in many crimes in Libya) which is blamed for a long series of enforced disappearances and killings of politicians in the city.

The entry of foreign journalists or human rights groups to Benghazi is severely restricted, and residents must also obtain an official permission to travel abroad which sometimes requires questioning by security men, some are forced to provide reports about those they met outside Libya and sometimes information. Concerning friends and neighbors

### Enforced disappearance in Libya

This crime is considered a widespread crime against Libyans and it is associated with several other violations, such as violence, assault and 'PHYSICAL LIQUIDATION'. Its presence is also strengthened by the lack of respect for the law and procedures under the control of armed group forces, and the lack of unified and strong law enforcement institutions. There are many cases that have occupied Libyan public opinion, especially what happened against two activists. As every time an accident occurs to a specific person, it is noted that news concerning his situation is almost non-existent to follow as we don't find records the case in courts or in prisons and many of persons remains missing to this day.

### Enforced Disappearance of lawmaker Siham Sergewa

The enforced disappearance of Siham Sergewa, a prominent Libyan women's rights defender and member of the Tobruk-based House of Representatives (HoR). On 17 July 2019, she was taken from her home in Benghazi by two armed men. Her whereabouts remain unknown. This crime represents an attempt to silence the voice of one of the most prominent Libyan women and discourage others from participating in the political life of the country. Ms. Sergewa's enforced disappearance constitutes an attempt to silence one of Libya's prominent female voices and to intimidate others seeking to participate in the country's political life. Violence against women in politics also threatens gender equality and the building of robust and resilient democratic institutions. The UNITED NATIONS SUPPORT MISSION IN LIBYA issued a statement regarding Mrs. Sergewa's enforced disappearance in Benghazi. Six months ago, Siham Sergewa, an elected member of the House of Representatives, was seized at night from her home in the heavily fortified Buhedima District of Benghazi. Since her violent abduction, Ms. Sergewa's fate remains unknown. UNSMIL continues to follow up on the enforced disappearance of Ms. Sergewa and reiterates that the authorities in eastern Libya are responsible for respecting international human rights law and are legally obliged to establish the fate and whereabouts of Ms. Sergewa. The United Nations condemns the abduction and the disappearance of Ms. Sergewa. We demand the immediate release for her and for all victims of forced disappearance and that those responsible be held accountable.

### The case of the kidnapping of Ali Milad Daou:

On the evening of Sunday, the 1st of March 2020, the Director General of Al-Afriqiya Airways company in Tripoli was kidnapped by an armed group at 10.55 p.m. in front of his house on Omar Mukhtar Street, in the center of the capital, Tripoli, while he was returning home, adding that until this moment there is no connection with Daou as his whereabouts have not yet been determined according to what was announced by the General Administration of African Airlines. And the National Committee for Human Rights in Libya called, in a statement to the Ministry of Interior of the Government of National Accord and the security bodies and the Directorate of National Security in Tripoli, to move quickly to establish the fate and whereabouts of Ali Milad



- Daou, and to Release him, and uncover the perpetrators and bring them to justice.
- The fate of Daou remains unknown, it is not reported that he is still detained
- Serious violations of human rights in Libya since the beginning of the attack on Tripoli
- Air strikes targeting schools, airports and residential neighborhoods
- Assassinating the civil activist Ahmed Al-Kawafy and the attempt to hide his body in the sea
- The abduction of of Siham Sergewa, who is member of the Tobruk-based House of Representatives (HoR) due to her call to stop the fights between Haftar's forces and the Agreement of National Accord

**Enforced Disappearance and the Journalists:**

**Mohamed Abdel Nasser Abouras is an example**

Journalist Mohamed Abdel Nasser Abu Ras who works as a tv program presenter in Libya National Channel, was kidnapped after he was taken from his workplace in the chan-

nel to an unknown location by four armed men belonging to the Special Deterrence Force of the Interior of the Government of National Accord, on Wednesday the 15th of January 2020. Today, Sunday, the Libyan Crime Monitoring Organization condemned the kidnapping of Libyan journalist and media presenter Abu Ras by masked men in the Libyan capital, Tripoli. The aforementioned organization also noted the repeated crimes of the Government of National Accord forces, including kidnapping, enforced disappearance, unlawful arrest, arbitrary detention and threats against journalists, media workers, human rights activists and politicians in Tripoli.

In the absence of information, the fate of the journalist Abu Ras Majho is still unknown, and it is noted, according to some reports, that he is still in detention.

**The humanitarian situation of irregular migrants**

**During October: According to the United Nations data, since the beginning of 2019**

- 8,400 people crossed into Italy
- 7400 were intercepted.

**Until February, there is in Libya:**

- 650,000 immigrants from sub-Saharan Africa and the Middle East
- 43,000 of them are asylum seekers, fleeing from conflict and the rest are immigrants who look for improving their conditions and standard of living. And there are less than 5% of the total number of asylum



seekers in the shelters under the administration of the internationally recognized Government of National Accord. Also, there is a presence of internal migrants and displaced people who are the forced Libyans to leave their homes due to the conflict. Most of them are from the suburbs of the capital, Tripoli where it has become the scene of the border conflict between Haftar's General Command forces and the internationally recognized Government of National Accord forces. By mid-February, the number of displaced people, most of them from the suburbs of the capital reached 177.000 and nearly 6000 families.

The United Nations Support Mission in Libya (UNSMIL) published a new report focuses on two airstrikes that targeted the Daman building complex in Tajoura, on 2 July 2019. and the report indicated that a "air-delivered bomb"

struck a vehicle repair workshop there operated by the Daman Brigade, used by the security forces of the Government of National Accord, which is 105 meters away from the migrant shelter which was a second raid ten minutes after the first. It is also stated that: "The center was hit by a bomb thrown from the air, and a large part of it was found in the hole it created. And the military experts on the mission team evaluated that the net explosive content of the bomb ranges between 50 and 100 kilograms, and that the total weight of the bomb is much higher which means at least 250 kilograms. It is unclear whether this air strikes were commanded by the General Command forces or by a foreign country.

According to several witnesses interviewed, the Head of the detention centre entered the hangar between the first and the second airstrike and shot dead three male migrants and refugees who were trying to open the doors and escape from the building. Interviewees did not provide the names of the victims or any other details, noting their fear of reprisals by Tajoura DCIM personnel. But the head of the agency denied the allegations. Migrants and refugees also stated that a number of them were forced to work in the vehicle repair workshop, especially those with experience in vehicle maintenance. UNSMIL was not able to ascertain the exact number of persons who may have been forced to work there, blaming the security battalion led by Adel Dredder, which controls the building complex, because it did not do sufficient efforts to protect the migrants, and it also failed to release them despite the compound suffered a previous strike in May.

The UNSMIL recommended to close all Migration Detention Centres, ensuring that released migrants and refugees promptly receive protection and assistance, giving urgent priority to closing detention centres located on or next to compounds controlled by parties to the conflict.

Among the repercussions of targeting shelters, the United Nations High Commissioner for Refugees announced the suspension of its operational work at the Gathering and Departure Facility in Tripoli, fearing for the safety and protection of people in the facility, its employees and partners with the exacerbation of the conflict in the capital, Tripoli.

UNCHR has identified dozens of refugees who encounter danger to be resettlement or relocated to third countries. Then they have been relocated by UNHCR from the facility to safer locations. The UNHCR indicated that it will

also facilitate the evacuation of hundreds of other people to urban areas. This includes, according to UNHCR, about 400 asylum-seekers who left the Tajoura detention center, which was previously bombed, in addition to

About 300 asylum seekers from the Abu Salim detention center who entered the Gathering and Departure facility, in November 2019, after they were released by the Libyan authorities, and the UNHCR said it would provide everyone with cash assistance, relief materials and medical assistance at the UNHCR Community Day Center in Tripoli.

Since December 2018, UNHCR has revealed the evacuation of about 1,700 people, who were previously detained, to safety place outside Libya, through the Gathering and Departure Facility, and with nearly 900 people entering the facility spontaneously since July, the facility has become severely overcrowded. It became no longer serving as a transit center, UNHCR continues to urge all parties to the conflict in Libya to protect civilians and civilian infrastructure.

The features of the journey of death begins on the road from the desert to the Libyan coast

It is noted that five immigrants, mostly from Nigeria, and one of their smugglers died in the crash accident of their truck with another truck in the Libyan Sabha on the night of the 5th of February 2020 while crossing to the capital. 26 immigrants in a smuggling truck came from Africa of different nationalities, most of them from Nigeria, Niger and two from Ghana, including two minors' girls aged sixteen and seventeen, who traveled more than 800 kilometers with the aim of reaching Tripoli. Among the dead was a woman and the smuggler's assistant, while others were taken to the hospital in a critical condition, while the smuggler and the bus driver escaped with a few other migrants, according to the Immigration Organization.

One of the injured migrants in the hospital tried to «smuggle» others who were with him before the arrival of a team from the International Organization for Migration and the head of the Nigerian community to visit the injured, but the employee there prevented them from doing so.

The road through the desert is dangerous because it is under the control of criminal groups with branches in Libya and in other countries such as Nigeria, Niger and Chad. The Daily Telegraph newspaper published a report written by Roland Oliphant from Tripoli telling the stories of African migrants falling into the trap of smugglers in Libya. The re-



port deals with the story of Osas Akahumen, a 28-year-old Nigerian immigrant who left his country in 2016 or finding a suitable job in Europe. Akahumen said, “What he saw during his trip was unimaginable” as they left us in the desert claiming they would get water, but they did not return. We spent 8 days in the desert, and circumstances forced us to drink our urine to stay alive. Eleven people died from thirst. I watched my cousin, 19 years old, die in front of me, and Akahumen adds that when he arrived in the Libyan city of Sabha, which became the gateway to the migration route, he was kidnapped and detained for 4 months, until his family in Nigeria paid a ransom of 612 pounds, according to the report. He said that when he reached the coastal city of Zawiya, west of Tripoli, he was kidnapped again. He was imprisoned in a cell for 6 months. After more than a year of work, he collected a sum of £ 500 to book a place on a boat to cross the Mediterranean. However, his journey stopped after a few hours of sailing, as the coast guard spotted the boat. The author describes the Tripoli Detention Center as a fenced compound with warehouses housing 160 detainees. The center has a women's wing with 73 women. 53 people were killed last year when a migrant detention center in Tajoura, east of Tripoli, was targeted by raids that seemed to target nearby military facilities.

It is noted that the shelters in Tripoli gather immigrants who are being arrested, whether on land or at sea. In Libyan territorial waters by the Libyan Coast Guard forces which are supported by Italy in particular. And the cooperation continued since the ratification of an agreement between Rome and Tripoli, which was extended during the begin-

ning 2020 despite the Council of Europe's request to the Italian government to stop supporting the activities of the Coast Guard, and to introduce guarantees on the memorandum of understanding signed between the two parties regarding the respect for human rights.

**Recommendations:**

- Restoring the Libyan-Libyan political path
- The Libyan parties should take the control and stop relying on foreign power which aims to protect its interests while pushing the Libyan people into the international coalitions conflict.
- The Libyan political path starts with the support of the Libyan parties and a transitional constitutional document, then free and fair elections under the supervision of the United Nations in order to rebuild the path of legitimacy in Libya
- Consolidating state institutions, rebuilding the Libyan army, and disarming armed groups

The Libyan civil society:

- Framing the work of the Libyan civil society and consolidating the institutional work in order to build an integrated political approach with a proper and fair life. This requires strengthening civil society while ensuring the participation of vulnerable and fragile groups.
- Protecting activists and reviewing laws related to asso-

ciation's work

Human Rights in Libya:

- Working quickly to improve the situation of migrants and refugees and dismantle the smuggling networks that benefit from the spread of weapons, especially as some of them work in favor of the state departments in Libya
- Improving the situation of shelters in Libya, respecting the principles of international law regarding them, and stopping the strengthening of the security approach regarding that.
- Framing the conditions of foreign workers legally and materially to avoid scenarios of exploiting them in economic, especially for workers from sub-Saharan Africa
- Protecting Libyan women and enhancing their participation in political life and civil society, and guaranteeing their equal participation in political and administrative positions
- Protecting the rights of the Libyan child which has collapsed due to the destruction of schools and educational institutions and the deterioration of the economic situation of the whole country
- Punishing the perpetrators of crimes, especially who engaged in enforced disappearances, torture and extrajudicial killings especially what the international civil society has documented
- Ensuring the conditions for freedom of expression, press



and media, and freedom to create websites

Stopping internet censorship and tracking activists, whoever committed these violations.

**Sources:**

On the ninth anniversary, the scourge of the 17th of February 17, and Tomorrow the future and of Libya, the channel of Libya 24, February 16, 2020. <https://bit.ly/32fwhJ0>

Economic institutions in Libya:

Concerning the high cost of living, Al-Araby newspaper. <http://bit.ly/2uQ4bbh>

The National Corporation announces austerity measures as a result of the continued closure of petroleum installations. <https://bit.ly/3fySjw2>

Foreign intervention and conflict hallways

Libya: Can Erdogan and Putin achieve a ceasefire? <https://bbc.in/2YLZvxN>

A statement from the United Nations Support Mission in Libya (UNSMIL) on the first round of talks of the Libyan 5+5 Joint Military Commission (JMC), February 08, 2020.

<https://bit.ly/2v37mwf>

State Council suspends its participation in the political dialogue in Geneva.

<https://bit.ly/3hzMnVf>

The weak regional and African role

Can the solution to the Libyan crisis lie in Africa? BBC Arabic, February 11th, <https://bbc.in/39SVZFS>. 2020

Signs of foreign military support

America's delegate: The time has come for everyone who violates the arms embargo in Libya to face real consequences. <https://bit.ly/2Ci3ueb>

From Gaziantep to Tripoli ... UN sources monitor the mercenaries' path, Sky News Arabia, 09 Fe-

bruary <https://bit.ly/38MVRaX> 2020

Italy detained a ship on charges of trafficking arms to Libya. <https://bit.ly/2YHKPzX>

Russian mercenaries "support Haftar in eastern Libya," BBC Arabic, 12, February, <https://bbc.in/2T0nS8l>. 2020

Libyan human rights organizations denounce the abduction of Libyan journalists in the capital, Tripoli. <https://bit.ly/3fzoTO>

A UN report reveals new details concerning the massacre in the «Daman Complex» in Tajoura <https://bit.ly/30RAX9i>

Due to the causes of safety concerns, UNHCR is suspending its operations at the Gathering and Departure Site in Tripoli. <https://bit.ly/2UQVyqy>

The news of A migrant's report February <https://www.infomigrants.net/ar/2020/post/22627>

He left his country to work in Europe, and ended up in "the inferno of Libya" BBC Arabic, February 14, <https://bbc.in/2T2srPn>. 202