



# Libya

The policies and legislations related to the democratic transition and human rights

The spread of weapons is the main reason in blocking the paths of the Libyan dialogue as it is considered a power that penetrates the institutions and puts pressure in certain directions, while there is no progress in launching social and national reconciliations that go beyond the recent bloody past. It has also the direct responsibility under the political patronage of the existing parties to do the most violations.

The thinking in the political process dominates the Libyan reality. Despite its importance, it shouldn't cancel the direct responsibility of the authorities in Eastern and Western Libya concerning the human rights, social and economic situation. And that would be under the system of the international law, while respecting the law in force.





The Libyan-Libyan conflict which has an international support and a direct international intervention, always has led to block the paths of the dialogue. It is an obstacle that always remains on the table of the Libyan file as the fear from returning backwards prevails permanently. This issue requires learning the lessons of the recent past in order to guarantee the continuation of the new political path since the start of 2020

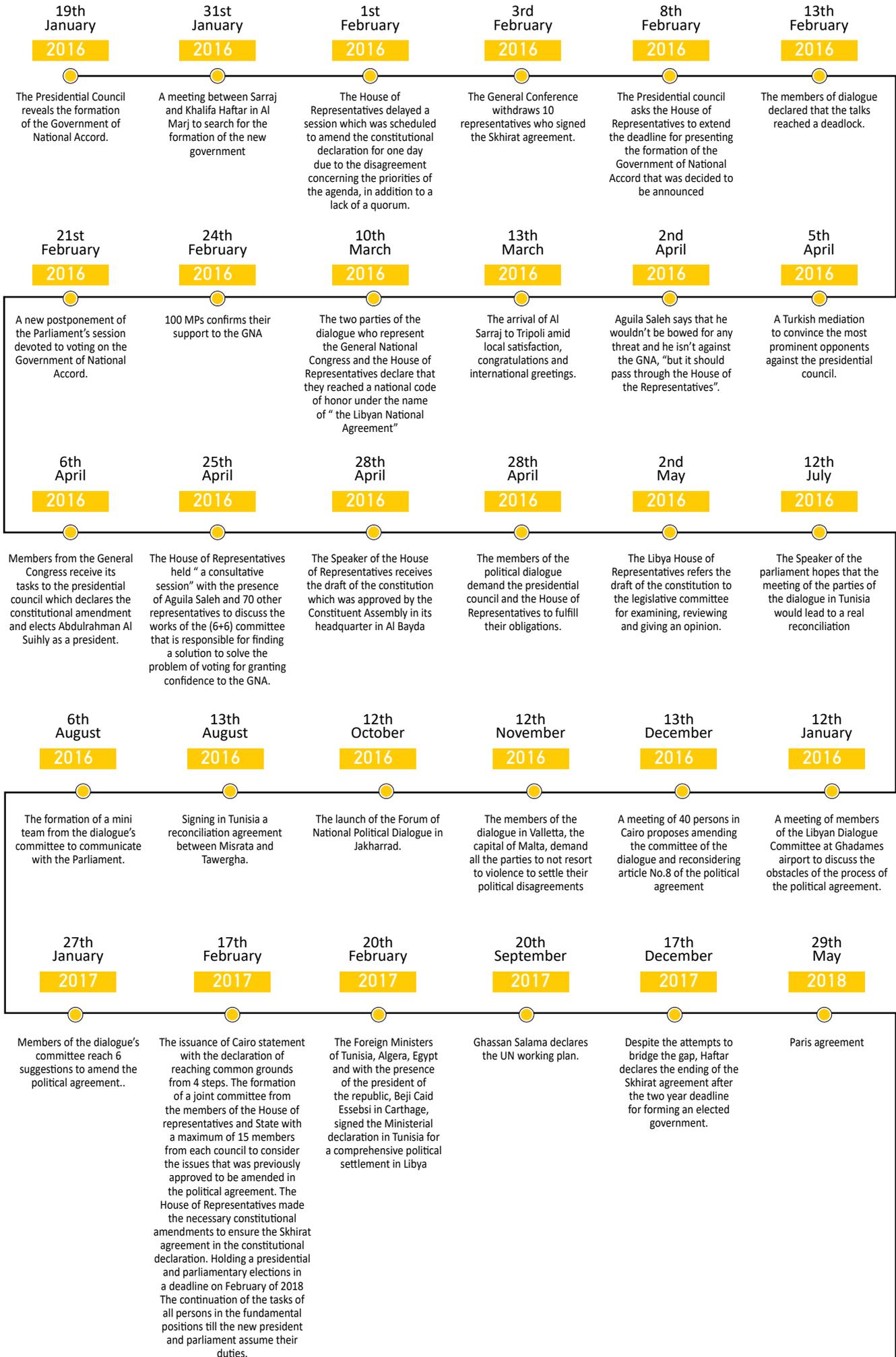
**The Libyan file: A dialogue is between political setbacks and armed confrontations**

Libya has witnessed several paths of dialogues and they are all similar in terms of the closeness in reaching agreements which are capable of ending the conflict and resuming the democratic

**The policies and legislations related to the democratic transition in Libya**

transition, but they end quickly in renewing the armed and political conflicts. Hence, it is necessary to mention the levels of the Libyan dialogue until today, and the most important agreements and failures would be highlighted:







Within this complicated and long path, the international, regional and local factors participated in blocking the paths of the Libya/Libyan dialogue. Whenever the control of one party in Libya increases or decreases, the international party moves to support it. While the role of the neighboring countries remains relatively limited, despite the joint diplomatic endeavours to unify the efforts.

The war continued in Libya till 2020. The forces of the General Command Forces led by General Haftar, couldn't enter to the capital and under an international pressure, they started to withdraw from their positions, especially after the balances changed after the control of the forces of GNA in Tripoli on the 6th of June of 2020, as Sirte has become due to the change in the military map, the turning point between two forces. This issue has given the chance to restore the political path, despite the sensitivity and impacts of the armed conflict which caused divisions inside the Libyan community.

The Berlin Conference has become the reference for the Libyan political path according to a plan which was prepared in the German capital, where the UN Mission was able to obtain a decision from the Security Council to adopt the Berlin outcomes as a basic framework for dialogue paths in Libya on the three levels (military - economic - and political).

After the ceasefire was established through the Berlin Conference, the neighboring regional countries to Libya moved to move the wheel of initiatives through which they try to restore the movement of the political dialogue from these initiatives, the most important of which is (the Cairo Declaration), which states the following:

- Emphasizing the unity, integrity and independence of the Libyan territories, and respecting all international efforts and initiatives and Security Council resolutions, in addition to the commitment of all parties to a ceasefire as of the 8th of June of 2020.
- The initiative is based on the outcomes of the Berlin conference, which resulted in a comprehensive political solution that includes clear implementation steps (political, security and economic paths), the respect for human rights, and benefiting from the conference's outcomes concerning the agreements of the leaders of the relevant countries with the Libyan crisis.
- The completion of the work of the path of the joint military committee (5 + 5) in Geneva, under the auspices of the United Nations. The United Nations and the international community has to oblige all foreign parties to withdraw all the foreign mercenaries from all Libyan lands, dismantle militias and hand over their weapons. So that the armed forces, in cooperation with the security bodies, could carry out their responsibilities, and the Military and security tasks in the country.

This declaration has come to support the initiative of Aguila Saleh, the Speaker of the Libyan House of Representative in Tobruk, when he launched an initiative to solve the Libyan crisis on May 21, 2020, after the withdrawal of the General Command forces led by General Khalifa Haftar from Tripoli towards Sirte. Aguila Saleh presented his vision to overcome the crisis in the country which is based on the political solution and the search for a military solution, which will end with parliamentary and presidential elections.

In the same context, after Aguila Saleh announced the complete military ceasefire operations, the Presidential Council of the Libyan Government of National Accord announced on Friday, the 21th of August of 2020, instructions to all its military forces, in which it ordered an immediate ceasefire in all Libyan lands. Aguila Saleh, the Speaker of the Tobruk Parliament, in turn, said that the ceasefire makes Sirte a temporary headquarter for the new presidential council, and a police force from various regions would secure it.

This announcement came in support of the initiative of Aguila Saleh, the speaker of the Libyan Parliament in Tobruk, when he launched an initiative to solve the Libyan crisis on May 21, 2020, after the withdrawal of the General Command forces led by General Khalifa Haftar from Tripoli towards Sirte



This declaration is considered as the first step for the two parties in the conflict in Libya to return to the political path. This is what practically happened after that in the meeting of Aguila Saleh, the Speaker of Parliament in Tobruk and Khaled al-Mishri, President of the Supreme Council of State in Abu Zenika in Morocco on August 8, 2020. As there were understandings between the two Libyan delegations in the Moroccan city of Bouznika, regarding the thorny issues in the crisis.

The Libyan parties have agreed on the post of the governor of the Central Bank and the distribution of the seven sovereign positions equally, which opens the door to restructuring the Presidency Council.

This is a very big step to be added to the course of the Libyan dialogue since it was suspended last year due to the war that broke out in April / April 2020.

In the midst of the vigorous efforts led by several local and international parties to end the crisis of closing the Libyan ports and oil fields in the center and east of the country. The Vice President of the Presidency Council, Ahmed Maiteeq, blew a surprise by announcing that an agreement had been reached with the retired Major General Khalifa Haftar to restore production.

The agreement was announced by Maiteeq in a statement on September 18, 2020, and included several items, most notably the formation of a committee to manage oil revenues which was rejected by the National Oil Corporation. And the Central Bank distanced itself from the Maiteeq agreement, denying its link to any understanding about the distribution of oil revenues.

In a related context, the Commander of the Western Military Region, Major General Osama Jouili, expressed his rejection of the agreement, calling on the Presidential Council and the Representatives to take a clear situation towards it. On the contrary, Ahmed Al Mesmary, the spokesman of Haftar, congratulates the agreement. And that confirms the continuation of the pressure of the armed balances, the chaos of weapons in Libya which could be able to disrupt the political path in Libya.

### The chaos of weapons in Libya

Before the important military transformation with the Al-Wefaq forces taking control of the capital, Tripoli, the UN mission had expressed its grave concern about the continued flow of weapons to the two parties to the conflict in Libya.

Despite the changing balances, weapons still exist in light of the division of the military establishment and the spread of armed groups.

The estimates of the UN indicated that the number of weapons in Libya reached:

**29 million items of all kinds.**

Weapons in Libya vary among light, medium and heavy, and the above-mentioned number has

not been recorded in any other country during the past forty years.

In this regard, the United States of America has sought, through direct dialogues with the parties since June and July of 2020, to find appropriate ways to integrate armed groups, reduce the chaos of weapons in Libya and disarm others.

This is aimed at ensuring that there is no rejection by armed groups of any possible future political solution.

A report which was issued by the United Nations, held the General Command forces led by General Khalifa Haftar the responsibility for 81% of the civilian war victims in Libya that they documented during the first quarter of 2020.

The report indicated that the General Command forces had caused:

- 49 civilians were killed out of 64 which were documented by the UN mission to Libya.
- It also injured 57 out of 67 civilians from January 1 to March 31, 2020.

The report carried the United Nations military forces of the Government of National Accord the responsibility of 5% of the victims. And added that the party who targeted 14% of the victims wasn't revealed, pointing out that the entire death toll represents an overall increase of 45% of the losses among civilians that were documented, compared to the previous period In the last quarter of 2019.

However, the change in Tripoli contributed to pushing the ceasefire, despite some irregular violations.

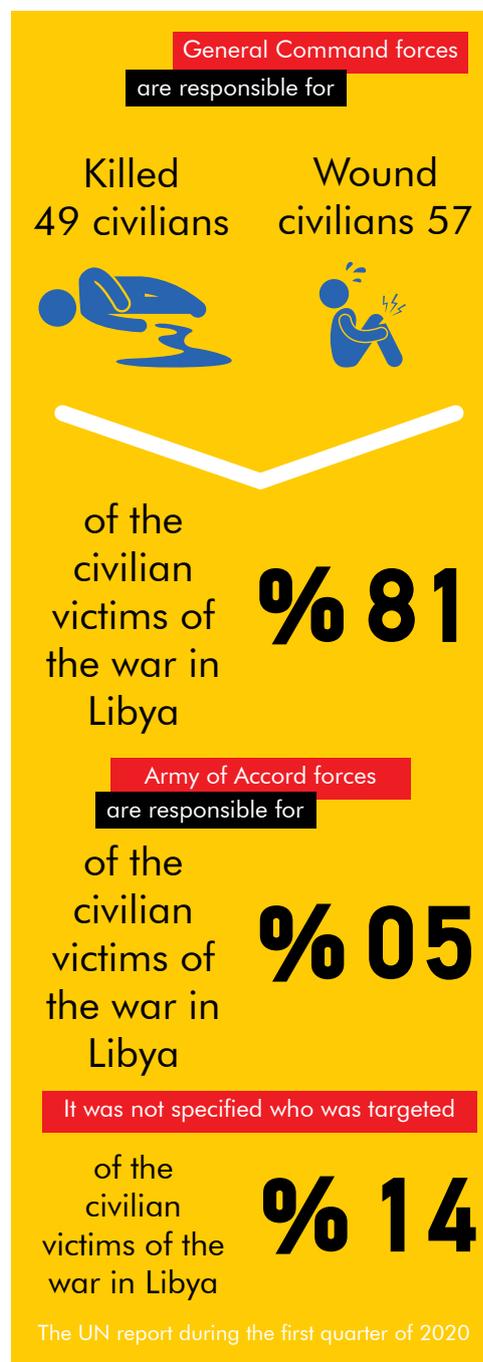
This was done by two separate and simultaneous statements of the Presidential Council of the Government of National Accord (internationally recognized) and the House of Representatives (Tobruk) which is loyal to Field Marshal Khalifa Haftar. These statements were broadcasted by the Libyan News Agency (Wall).<sup>1</sup>

However, at the same level, the division of institutions and the lack of clarity of their structure, especially at the level of the ministries of defense and the interior, and the weakness of the judiciary and its continuous targeting, pose serious problems for strengthening the unity of the state and restoring its prestige, due to the continued presence of armed and paramilitary groups.

### The epidemiological, social and economic crisis in Libya New influencing element

Hundreds of Libyans gathered in the capital, Tripoli, on the evening of Sunday, August 24, 2020, where they demonstrated to protest against the deterioration of living conditions, the spread of corruption, the interruption of services such as electricity and water, and the long waiting in front of gas

1 Concerning the statements of ceasing fire Look at the following link: <https://bit.ly3/oOhYpK>



stations in the country that has been witnessing armed conflicts for years.

The protesters also gathered in front of the headquarters of the unity government before turning to Martyrs' Square in central Tripoli and chanting poems such as "Libya! Libya!" And "no for corruption".

Large demonstrations also took place in Misrata and Al-Zawiya on August 23, 2020, and a new popular movement was organized, namely the "People's Movement 23/8" or "the Movement of the Youth's Spirit 8/23", on August 23, 2020, protests to criticize the authorities in the east And the West because of the living conditions.

Demonstrators complained of power cuts that could last for up to three days, and demanded social justice and elections.

The demonstrations also began on August 24, 2020, in the cities of Zliten and Al-Khums, east of Tripoli, and in "Sebha and Ubari" in the south.



It is reported that the slogans of the demonstrators showed anger at the money and wages of the members of the armed groups in light of the living conditions of the Libyans.

This reflects a deep crisis in which weapons have become an economic and social solution for many.

At this level, the economic and social crisis has become an element of a solution after it confirmed the slow political and military track's separation from the concerns of the Libyans, and its indulgence in the private interests of the conflicting parties locally and internationally.

Among the political dimensions of the demonstrations was a statement by the Moroccan tribe of young people, which emphasized its rejection of political figures in the East.

The statement was issued on September 20, 2020, and the statement affirmed their support for the path of the UN mission to resolve the Libyan crisis, "which was launched in Geneva to reach a political settlement that achieves stability and peace in Libya."

This tribe is considered one of the balanced tribes in the east regarding its size and the role of some of its members in the first stage of the transformations in Libya until the year 2013<sup>2</sup>.

The social movement with an economic and living background represented an outlet for pressure and transformation in the Libyan scene.

It is noteworthy that other tribes, such as the Almoravid tribe, announced their support for Aguila Saleh as a political representative, which troubled Field Marshal Khalifa Haftar.

As for the epidemiological situation, and with the increase in the number of new cases of the Coronavirus in Libya, medics and health system officials in the country warned that the pandemic poses a serious risk.



«There is a new millionaire every day in Libya, and the middle class is shrinking day after day, and the political class in Libya has a great deal of corruption on the forehead.»

The resigned UN envoy to Libya, Ghassan Salama

Ahmed Al-Hassi, spokesman for the government medical committee which is responsible for combating the virus in eastern Libya, said during August of 2020, that the public needs to take the necessary precautions, otherwise the medical personnel which suffer from a lack of resources would be “unable to cover” the needs.

For his part, Rick Brennan, the Director of Emergency of the World Health Organization in the Middle East, said that the agency faced serious logistical obstacles in Libya, including “major challenges in bringing in supplies for personal protection and checks.”

With the sharp decline in living standards, many people face difficulty in bearing even a few expenses, including what is needed to buy masks.

The health system in Libya is experiencing a retreat and a decline in the level of services due to the lack of security and the struggle of the parties over power. Hospitals and medical facilities are no longer able to provide the necessary health care to citizens due to the lack of equipment, equipment, as well as medical supplies.

The Libyans complain about the weakness of the medical service provided in light of the severe shortage of medical and paramedical staff, in addition to the continuous breakdown of devices due to the absence of maintenance and renewal of spare parts, which prompted them to travel to neighboring countries, especially Tunisia, Egypt, Jordan and Turkey to receive the necessary treatment and care despite their expensive costs.

In addition to the above, Libyans complains from the rooted corruption in the health sector, especially that the funds that were allocated to combat the crisis of Corona have been manipulated. This includes the incident related to members of the Military Medicine Authority, where officials proceeded to pass financial transactions in violation of the applicable laws and regulations, as well as approving and disbursing funds without the corresponding work on the ground in projects of health isolation centers within the municipalities of Nalut, Zintan and Zwara.

This was confirmed by the Accounting Office in the Government of National Accord.

Travel bans were issued against Muhammad al-Haytham and 6 other members of the agency, namely Liwa Omar Huwaidi, Director General of the Military Medicine Authority, Muhammad Hussein Salem, the Director of Projects Department in the Agency, Ammar Mansour al-Taeb, the Financial Supervisor, and engineers in the Projects Department, Abdul Hakim Salem Attiyah and Adnan Al-Bashti.

“There is a new millionaire every day in Libya, the middle class is shrinking day after day, and the political class in Libya has a great deal of corruption, and there are those who reap huge fortunes from positions that are invested outside Libya, and what we see in Libya is unfortunate. They steal the public money and then invest it abroad, 3the resigned UN envoy to Libya, Ghassan Salam, Despite the many difficulties, it seems that the Libyan scene is heading towards strengthening the political track.

Acting Head of the United Nations Support Mission in Libya Stephanie Williams announced that Tunisia would host the broadened and comprehensive Libyan Political Dialogue Forum, in early November of 2020.

 **The protest movements which considered that the corrupt put the Libyans in front of the danger of death from the virus and the risk of poverty and shortage of living. This is justified, as corruption rates in Libya continue to rise.**

And that the forum aims to achieve a unified vision about the governance arrangements that would lead to elections in the shortest time frame, adding that the participants in the Libyan Political Dialogue Forum would be chosen from the various main components of the people on the condition that they do not assume any executive positions later. She pointed out that the forum will be held according to a mixed format due to the pandemic of Corona so that there are sessions via video call and others directly, The Libyan scenario remains open due to the open crises on all levels.

This actually requires a united Libyan will in this direction to prevent penetration of the Libyan interest, even temporarily, from breaching international balances.

It is noticeable that the openness of other files between European countries and Turkey, and the changes in the American role in an attempt to influence important presidential elections, have moved the Libyan military and political files.

Also, the health status is a sword over the necks of the Libyans, added to the always open rifles.





The Universal Periodic Review (UPR) reported an explicit assertion of the total failure to implement recommendations regarding the human rights situation in Libya since 2015.

Violations of the right to demonstrate were the most prominent element during the monitoring period, especially after the peaceful social protests that took place in several Libyan cities throughout August and September.

Outlawed or undisciplined armed groups were the source of these violations.

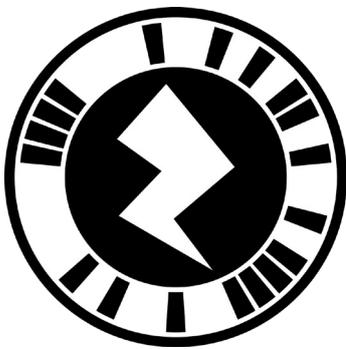
The degree of division within the authorities in western Libya caused mismanagement of the demonstrations and the demands of the Libyan people.

In eastern Libya, the file is without effective follow-up by the existing authorities.

### Assaults against protesters

Security practices could be examined, and armed groups' exploitation of the weakness of civilian authority, and most of them could be located according to the balance between the political leaders who support them.

It also became clear that the authorities' interaction was ineffective for the peaceful demonstrators.



The development  
of policies and  
legislations related  
human rights

Large demonstrations began in Tripoli, Misrata, and Al-Zawiya on August 23, 2020, and a new popular movement was organized, the “People’s Movement 23/8” or “the Movement of Youth’s Spirit 8/23” on August 23 to protest against the authorities in the East and West because of the living conditions that “Unbearable”.

Demonstrations also began on August 24 in the cities of Zliten and Al-Khums, east of Tripoli, and in Sebha and Ubari in the south.

Human Rights Watch interviewed 19 people about the demonstrations and the violent response to them, including protesters, relatives, and friends of protesters, journalists, lawyers, and activists.

It documented 24 cases of arbitrary detention between 23 and 29 August 2020, and many of them were released, and pictures and videos of the security forces using excessive force were spread on top of social media platforms.

Witnesses who took part in a demonstration said that the demonstrations in Tripoli and elsewhere were largely peaceful.

Armed groups in Tripoli and associated with the Government of National Accord responded, by forcibly gathering protesters and detaining them in initially undisclosed locations, and since August 24, 2020, armed groups have quietly released detainees, and the current number of protesters who were detained in Tripoli is still unknown.

Relatives and friends of two of the released protesters, who were held for at least four days in a prison at the Maitika military base in Tripoli, also stated that the two men reported being repeatedly beaten and forcing them to sign pledges not to participate in future demonstrations.

The prison is managed by the Special Deterrence Force led by Khaled al-Bunni.

Three witnesses indicated that Liwa al-Nawasi, which controls the Martyrs Square, was primarily responsible for using machine guns and heavy weapons to disperse the demonstrators and arbitrarily arrest the demonstrators on August 23, 2020, and the following days.

Two demonstrators confirmed that the police officers present in Martyrs Square did not intervene to protect them.

A video posted on Facebook on August 23, 2020, shows armed groups using heavy weapons and machine guns to disperse the demonstrators in the presence of police cars parked in the square and none of their accompanying members moved to protect the protesters in any way.

### **Institutional instability: The power of armed groups in the field**

On August 26, 2020, the “Presidential Council” of the Government of National Accord imposed a four-day curfew, citing the outbreak of the “Coronavirus.

He extended the curfew for 10 days on August 30, 2020, and banned the curfew outside from 9 pm to 6 am, which the demonstrators interpreted as an attempt to prevent them from demonstrating and they often ignored it.

Despite the above, popular demonstrations continued in Benghazi, following which the activist “Rabi` al-Arabi”, whose friends confirmed that they had lost contact with him, was arrested since his participation in the “Friday of Saving Libya from Corruption and Corrupt” demonstration called by young Benghazi activists.

One of the witnesses to the arrest said that people got out of a black car with dark windows and without license plates, and went towards the activist Rabie al-Arabi, and spoke with him, before they drove him to the car, and then to an unknown destination

The activists added that the Ministry of Interior in the Interim Government granted the organizers of the demonstration a permit allowing them to demonstrate, but they were surprised when they arrived at the demonstration square in military cars and others without plates and military and security elements deployed in the place, and that some people sheltering in these elements tried

to provoke the demonstrators, calling the life of the commander in chief Field Marshal Khalifa Haftar.<sup>1</sup>

Security bodies which are affiliated to the General Command forces in the East are considered, among them the anti-phenomenon Body and the anti-terrorism Body, which are made up of armed intervention persons, responsible for launching a widespread campaign of arrests in more than one city, chiefly Benghazi, during the period of demonstrations.

While the Nawasi Brigade and the Deterrence Forces in western Libya are primarily responsible for suppressing demonstrators.

Eyewitnesses reported that the Nawasi Brigade sent armed cars to the Shatt Road in Tripoli and followed the demonstrators.<sup>2</sup>

Although the President of the Presidency Council, Fayeze Al-Sarraj, announced his coordination with the Office of the Attorney General for the immediate release of all those not involved in acts of sabotage of public and private property.

In a statement, the president also announced that he would take the necessary legal measures to investigate any violations that occurred against the demonstrators and any injuries that resulted from that.

Although the Public Prosecutor announced the arrest of those who were accused of assaulting the demonstrators, their identities, or the course of the investigation, were not announced.

This requires the judicial authorities to take care to avoid politicization and to submit to the pressure of armed groups to impose law enforcement.<sup>3</sup>

### Immigrants, refugees and asylum seekers

The United Nations High Commissioner for Human Rights said that the Libyan Coast Guard (affiliated with Fayeze Al-Sarraj) continued to violate the rights of illegal immigrants in the Mediterranean.

The Commission stated that the “Coast Guard” continues to return boats to the shores from where they originated, and arrest migrants who are intercepted in arbitrary detention facilities where they face horrific conditions, including torture, ill-treatment, sexual violence, lack of health care and other human rights violations.

The UNHCR indicated that these overcrowded facilities are undoubtedly at risk of spreading Covid-19 on the largest possible scale, calling for the stop of all operations to seize boats and return them to Libya, reaffirming the need for states to always comply with their obligations under international human rights law and refugee law.

In a briefing from Geneva, UNHCR spokesperson Robert Colville expressed grave concern over reports that the Maltese authorities have asked merchant ships to push boats carrying distressed migrants to the deep sea.

The UNHCR also expressed concern that humanitarian search and rescue vessels, which usually patrol the central Mediterranean region, have been prevented from supporting the afflicted migrants, at a time when the number of people trying to make this perilous voyage from Libya to Europe has increased.

On April 15, 2020, UNHCR said that the United Nations Support Mission in Libya had verified the return of a ship carrying 51 migrants and asylum seekers, including 8 women and 3 children, to Libya on a private Maltese boat after it had pulled them out of Maltese waters

The Libyan authorities sent migrants to Sikka prison, and during the six days they spent at sea, five people died and seven others were missing, presumably drowned.

1 Concerning the arrest of Rabai Al Araby Look at the following link :<https://bit.ly2/HUsU4D>

2 Some details of shooting of protesters .Look at the following link :<https://bit.ly3/jkWVR9>

3 Concerning the statement of the Attorney General Look at the following link :<https://bit.ly3/kMsL1i>

## The April 15 ship accident



Report of the United Nations High Commissioner for Human Rights

The agency also referred to allegations that the relevant maritime rescue coordination centers did not respond to the distress calls they received or that they ignored them.<sup>4</sup>

Despite the proportional decline in migration operations due to the Corona pandemic, smuggling gangs have resumed their activities from the Libyan coast.

The Bloomberg Agency report stated that nearly 900 illegal immigrants set off from the Libyan shores from 14 to 28 May 2020, heading to the coasts of Europe and 679 of them were intercepted and returned to Libya, while the rest managed to escape and reach the other bank of the Mediterranean.

Since the outbreak of the Corona crisis, most humanitarian rescue ships, such as the “Ocean Viking” and “Sea Watch”, have suspended rescue activities for migrants in the Mediterranean.

The measures to combat the pandemic have also led to the closure of borders and airports in various countries of the world, which prompted UNHCR and the International Organization for Migration to suspend all resettlement flights.

But months later, during June 2020, these organizations resumed their humanitarian activities.

The period of relative decline to the borders of April came after a significant increase compared to the same period last year.

- 298% The percentage of the Increase in attempts to migrate
- 6629: The number of attempts to migrate from the Libyan coast

The source: The organization of Sea Watch. <sup>5</sup>

In the largest toll of migrants who drowned on the Libyan coast, 45 people, including children, were missing while trying to flee from Libya. About 82 migrants on a boat towards European coasts, the boat’s engine exploded and the boat capsized, leaving behind 45 drowned people, including 5 children.

Before the disaster, the “alarm phone” group had received a warning that a boat was sailing on Sunday, August 15, 2020, from the Libyan coast, and confirmed in a tweet on Twitter that it had informed “all the authorities” concerned that there were migrants in need of help, after the engine of their boat exploded.

However, it appears that the appeals of the NGOs were not heard.

“Italy, Malta and Europe, the responsibility for the drowning of people lies with you,” the organization added, sternly.<sup>6</sup>

During May and August of 2020:

- 3500 persons tried to cross the Mediterranean

On September 15, 2020, the Greek coast guard announced that three immigrants, a woman and two children, died on Monday evening, when their boat sank off the eastern coast of Crete, while 53 others who were accompanied by them were rescued.

In a related context, media outlets reported that at least 24 migrants drowned or were lost after their boat capsized in the Mediterranean near Libya.

In this accident, 17 Egyptian immigrants died, others were detained by smuggling gangs, whose number is estimated at 15.

The gangs demanded that they receive money in exchange for their release.

On the other hand, security coordination continues between Libya and the northern Mediterranean.

Both Malta and Libya decided to establish “coordination centers” in Tripoli and Valletta, to enhance ways of confronting illegal immigration across the Mediterranean. These centers would be established in the capitals of the two countries, with funding from Malta.

This is to “provide the necessary support to confront illegal immigration in Libya and the Mediterranean.”

Despite these efforts, the problem remains persistent regarding immigration detention centers, which represent a real breakthrough in the legal, human rights and institutional system in Libya, as they continue to exist, taking advantage of the existing network of social, political and military relations.

It represented a real threat to migrants during the health epidemic.

Which called the Secretary-General of the United Nations to close it.

- 2,400 migrants and refugees in official detention centers

The source: UN envoy briefing

Both the High Commissioner for Refugees and the International Organization for Migration estimate the number of official detention centers in Libya to be more than 33 centers. And the UN calls to close migrant detention centers come at a time when Libya is struggling to deal with the Corona pandemic with poor capabilities and a dilapidated health sector, which exposes migrants and asylum seekers to the risk of infection. With the epidemic, regarding the overcrowding of detention centers, the state of laxity, the



**% 298**

Increase in attempts to migrate



**6629**

The number of attempts to migrate from the Libyan coast

Source: Sea Watch.



**The so-called Libyan Coast Guard told us that their ship had a malfunction and could not intercept the affected people. The Italian authorities told us that they are not responsible for the region, Italy, Malta and Europe. The responsibility for the drowning of people lies with you**

Group «alarm phone»

lack of sanitation and facilities, and the lack of the most basic humanitarian services and medical care.

On the other hand, migrants and asylum seekers lived a terrifying and bloody nightmare for an entire year, which lasted until July 2020, when the bombing of their detention centers was affecting their detention centers, amid confrontations between the Government of National Accord forces and the Libyan National Army forces led by Khalifa Haftar.

At the time, the Office of the High Commissioner for Human Rights indicated that the failure to transfer detainees from areas near possible military targets or not to transfer military targets which are located near a detention center is a war crime and violations of international law obligations calling for taking all possible measures to protect civilians from the effects of potential attacks.

According to international reports, the reasons for prolonging the detention of immigrants in detention centers are due to understandings between human smuggling gangs and some security personnel, coast guards and armed groups, in order to arrange transport routes, determine the required date and number, and prepare the necessary fishing boats and inflatable rafts.<sup>7</sup>The Semi-Final report of the Democratic Transition and Human Rights Center (DAAM) and its papers on this file, described the detention centers that are outside official statistics, and their contribution to the violation of human rights in Libya.

### **Mass graves: A battle from the relic of battles**

After the end of the confrontations in Tripoli, the International Criminal Court announced the start of an investigation into the mass graves that were found in several areas, after Libyan government demands and widespread international condemnation, but the humanitarian aspect in them is still absent.

In the city of Tarhuna alone, southeast of Tripoli, alone, 11 mass graves were found, containing the remains of dozens of dead people, some of them civilians, according to a statement by the Ministry of Foreign Affairs in the Government of National Accord in mid-August / August 2020. The Public Authority for Search and Identification of the Missing, a government body, was published. A National Accord affiliated with, on its Facebook account, photos of exhuming bodies that it said were buried in a mass grave on a farm.

The commission confirmed that ten bodies were recovered despite the discovery of “tampering” with them, following up that it “appreciates the burning of people for their missing sons, but they have to help specialists, instead of trying to extract the bodies themselves.”

Several media outlets close to the Government of National Accord reported that the majority of the dead were residents of the city.

These sources blamed the al-Kani militia or the Kaniyat militia, a militia loyal to Khalifa Haftar, whose leaders were killed weeks earlier in the military operations.

In 2017, this militia was known for its wide-spread killing, and was linked in its beginnings with the reconciliation government, but the two parties’ relationship worsened before Khalifa Haftar announced his campaign to control Tripoli<sup>8</sup>

### **The freedom of press in Libya**

According to the latest statistics of Missioners Without Borders for this year, Libya ranked 162 in the global index of press freedom, and the organization explained that the decline in Libya’s ranking is caused by the political and security instability that the country has been experiencing for years, and the armed conflicts and wars that accompanied it, have been reflected. This negatively affected the lives of journalists, and led to the killing of a number of them, in addition to their arbitrary arrest.

7 Migrants in Libya between the European dream and the nightmare of detention centers .Look at the following link: <https://bit.ly2/HQW3gT>

8 The official Twitter page of Operation Volcano of Anger .Look at the following link :<https://bit.ly2/HQXzQ7>



# 83

Libyan journalists left the country in three years to escape the deteriorating security conditions



# 384

A crime of serious assault on Libyan journalists from 2015-2018

.Reporters Without Borders report / May 2020

It did not remain in the lowest position in this global index, over the past years, it ranked 164th in 2019, and 162nd in 2018, and the index measures the state of press freedom in 180 countries around the world.

### The enforced disappearance

A year after the disappearance of lawyer and activist Siham Sergewa, her fate remains unknown.

On the 17th of July 2020, the United Nations Mission issued a statement in this regard .<sup>9</sup>

The monitoring period has witnessed during the health crisis in the country, the disappearance of a doctor in Benghazi who criticized the authorities' handling of the epidemic.

The contact was lost with Dr. Muhammad Ajram, an ophthalmologist in Benghazi, on March 30, 2020, after he criticized the Al-Hadath channel, loyal to General Khalifa Haftar, of the eastern region authorities for their mismanagement and handling of the Corona crisis.

The doctor asked about the 300 million dinars which were allocated to the Ministry of Health, while the simplest supplies were not provided, including the samples tests strip analysis , which could be provided with a small amount.

However, after the interview, he posted on his Facebook account, "the people of the country are the ones who destroy it!"

Let us convey the word of truth, and do not fear in God the blame of anyone. Then he revealed that he had been interrogated, and was informed that he had been summoned by the so-called "chief of staff" of Haftar's militia, Abdul Razzaq Al-Nazouri, before contact with him was permanently cut off, according to close associates.<sup>10</sup>

The Red Cross report confirms that Libya tops the global blacklist of cases of enforced disappearance. In a report on the occasion of the International Day of Forced Disappearance.

The Committee stated that "conflict and migration are the two main factors behind the number of disappearances in Libya, and that the number of disappeared persons in Libya has reached more than 1600 people"

The conflict continues in the institutions overseeing the media after the controversy over Al-Sarraj's appointment of "Muhammad Ba'ayo" as head of the Libyan Media Authority.

And in accordance with Resolution No. (597) of the Presidency of the Government of National Accord, the Libyan Media Foundation was established, which has a legal personality and independent financial responsibility and is affiliated with the Council of Ministers of the GNA, and its main headquarters is in Tripoli.

The decision grants the institution to implement the plans and general policy of the state in the field of media, and it has in particular the following:

- Proposing and implementing plans, programs and projects of development and development of the corporation and its affiliated bodies and its budget



Mohammed Ajram

**The Red Cross report confirms that Libya tops the global blacklist of cases of enforced disappearance, explaining that “conflict and migration are two main factors behind the number of disappearances in Libya, and that the number of disappeared persons in Libya has reached more than 1,600 people.**

- In proposing draft laws, regulations and regulations related to national media work, developing and applying standards and controls regulating media work in all its aspects, and taking all necessary to raise its level of efficiency and performance, and to contribute to securing national immunity and fortifying the state and society.

- Issuing the necessary licenses and permissions to practice media work, organizing the granting of terrestrial and satellite radio frequencies, setting the controls to prevent theft and infringement of literary rights, and proposing regulations and prices for media production for approval by the Council of Ministers.

Implementing policies related to economic investment in media fields and organizing partnership and cooperation with the private media sector.

The following bodies are affiliated with the Libyan Media Foundation:

Later, the GNA president’s decision to appoint Ba’ayu came to reveal the fragility of the decision-making mechanisms and its institutions.

Several influential parties, especially the Tripoli revolutionaries, have refused due to differences over financial appropriations in the Ministry of Information and the sharing of influence between armed groups and their loyalists.

- Public Authority for Press
- Radio Libya
- Libyan News Agency
- Al Shorouk Radio
- New Media Center
- Holy Quran Radio
- Libya National Channel
- Libya News Channel
- Libya official channel
- Abrarun Amazigh channel
- Libya Satellite Channel “Libya TV”
- Al Hedaya Channel
- Libya Sports Channel
- Media Research and Studies Center
- Youth Channel
- Any other party affiliated with the General Media Authority
- Youth Radio

### Clampdown on civil society

The legal framework regulating association work and Libyan civil society remains deficient.

In the Universal Periodic Review of the human rights situation in 2015, Libya pledged a series of reforms mainly related to changing the legal system inherited from the Gaddafi era.

But the reality of the situation confirmed a complete failure in this path, leading to the periodic review of the year 2020, which is to be held during the month of

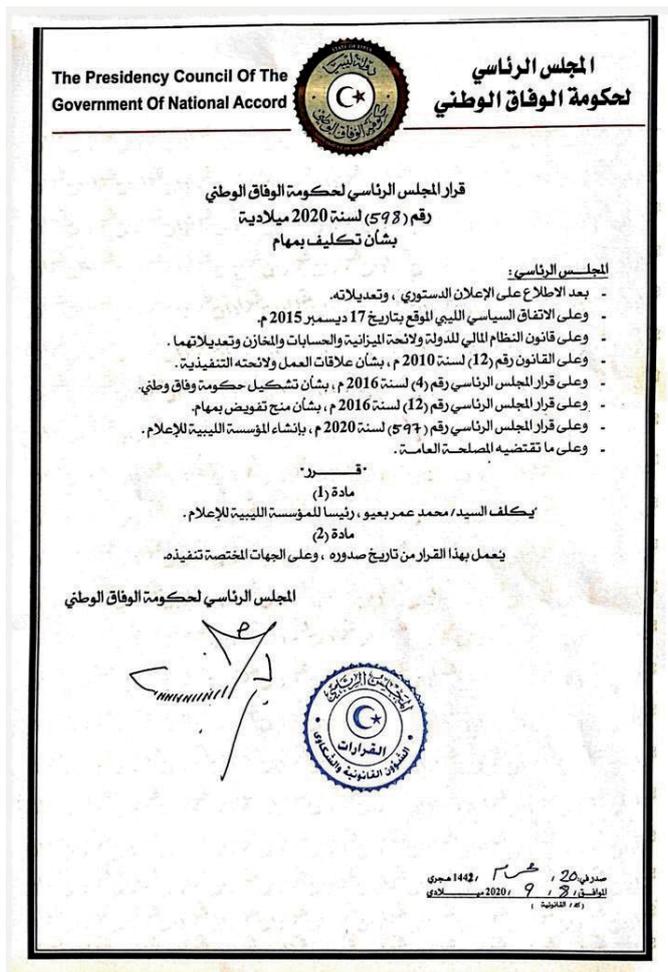
November.

One of the laws in force since before the revolution in Libya is Law No. 19 regarding the reorganization of NGOs issued in 2001 and its executive regulations issued by General People's Congress Secretariat Decision No. 73 of 2002 and its annexes.

The Libyan Civil Society Commission also issued regulations for local and international civil society organizations.

These provisions are currently in effect, which have led to restrictions on freedom of association.

The Decision of the Presidency Council of the Government of National Accord No. (286) of 2019 issued on 7/3/2019 regarding the adoption of the regulations for the work of the Civil Society Commission, came to increase the size of restrictions on civil work.



The Al-Wafaq Presidency's decision to appoint Bai'w came to reveal the fragility of the decision-making mechanisms and its institutions.

It could be seen that the work of the Commission focuses on connecting civil society with its branches all the way to the center.

The commission's publication referred to this aspect, as all associations must deal with branch offices and report all their activities.

This generalization reflects the rules of the used regulations, which stipulate the prior notification requirement for the commission to obtain a license to start work, and it should also obtain prior permission to open a bank account. The Commission also has the power to freeze the association's account.

It is authorized to dissolve the association at the discretion of the commission alone.

In addition to focusing the pre-licensing system on association procedures, the regulations do not

stipulate the role of the judiciary in monitoring the work of the commission.

Today, the commission is considered a bureaucracy with wide powers that is able to disrupt the citizenship initiative to engage in civil work, due to the lengthy procedures and the lack of reasonable deadlines for its responses.

It reflects a fear of civil society activity, especially in light of the institutional division and the Libyan political conflict.

The aforementioned Commission's decision stipulated obtaining prior authorization to request funds, in addition to setting a deadline for international organizations to submit their financial reports, or that they would face dissolution and prevention of work.

## Recommendations

### On the political level:

- The need to accelerate structural reform in state institutions and unify them, especially those of the ministries of defense and the interior, and to define the functional responsibility and hierarchical peace that would determine the source of decisions and their implementers, in order to avoid the interference of armed and paramilitary organizations, which must be dissolved.
- The necessity of ending the presence of weapons outside the framework of the state as a major reason for hindering national reconciliation and standing behind organized crime, human smuggling and trafficking.
- Accelerating the political process to reach new elections and a unified national government that guarantees the unity of Libya as a state and a people.
- Conducting comprehensive reconciliations between the Libyan tribes to end the killings with the aim of revenge under the names of "Awliya al-Dam".
- And work to exchange the bodies of the dead and prisoners.
- Launching an actual war on corruption in official institutions and networks of financial and armed influence, especially in the Ministry of Information and Health, which is one of the main institutions in managing the political and health crisis in the country.
- Strengthening the local authority as the most capable of managing the health crisis near citizens and examining their immediate needs.
- Reforming the judicial system and end the practices of pressure and murder against workers in the judicial sector, and end the control of the executive authority over the Public Prosecution Office.
- Perhaps an important part of the legislative reform awaits the drafting of a new Libyan constitution, but the existing authorities must respect international treaties and review the existing legal system.

### On the legal level:

- Closing detention centers, releasing detainees, and establishing a clear and integrated legal framework that respects human rights principles and principles.
- Determining the authorities directly responsible for dealing with the migrant file, instead of multiple interfering in this field.
- Ending the enforced disappearances and uncovering the fate of the disappeared to this day, The need to support the documentation of previous cases of enforced disappearance, uncover those responsible and bring them to justice.
- Working to stop attempts to control the media and censor social networking sites.

- Ensuring the independence of the Libyan Media Foundation and take it out from under the supervision of the executive authority.
- Reforming the media sector and supporting emerging and independent media institutions while supporting local media in the logic of the interior and the south of Libya.
- Exposing the crimes of mass graves, holding those responsible accountable, removing them from political deliberation over them and using them as pressure papers on the Libyan parties in the negotiations.
- Ensuring the right to demonstrate and deterring armed and paramilitary groups from attacking demonstrators, and holding accountable those responsible for the attacks that followed the demonstrations in August and September of 2020.
- The authorities in Libya should accelerate the reform of the legal system for freedom of association, and abolish the restrictive measures imposed on civil society organizations by the Civil Society Commission, whether in the East or the West.
- The authorities in Libya must bypass the pre-licensing system as a condition for association work in its various forms, towards enhancing freedom of initiative and the civil activity with the strengthening of the powers of the judiciary at this level, so that it becomes the authority that is empowered to oversee the work of civil society, including the work of the Commission itself and remove it from the cloak of the executive authority whether in the East or the West.