

# Immigration and Refugee Board of Canada

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## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the [Knowledge and Information Management Unit](#).

15 August 2014

### **LBY104945.E**

Libya: The Libyan Observatory of Human Rights, including structure, mandate, executive members and activities; relationship with government authorities (December 2011-August 2014)  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### **1. Background**

In correspondence with the Research Directorate, a representative of the World Organization Against Torture (Organization mondiale contre la torture, OMCT) [1] indicated that OMCT engaged in "very frequent collaboration" with the Libyan Observatory for Human Rights between September 2012 and April 2013 and has worked with the Observatory on a number of human rights cases since then (7 Aug 2014). According to the OMCT representative, the Observatory began operating in June 2011, following the Revolution against Muammar Gaddafi (ibid.). The OMCT representative indicated that to his knowledge, due to the security situation, the Observatory has "stopped all activities on the ground"; however, the group is "still active", maintaining a "very low profile" monitoring human rights violations (ibid.). The OMCT representative notes that the Observatory is a registered independent association (ibid.). He also indicated that all associations are required to register with the Ministry of Culture and Civil Society (ibid.).

The OMCT representative indicated in a telephone interview with the Research Directorate that he is aware of only one group called the Libyan Observatory for Human Rights; however, it may also be known as the Libyan Observatory of Human Rights, or the Libyan Human Rights Observatory, due to translation into English (11 Aug. 2014).

#### **2. Structure and Executive Members**

According to the OMCT representative, the group is composed of a volunteer board, an administration council, a general assembly, and a group of volunteers (7 Aug. 2014).

Two sources indicate that Nasser Houari [al-Hawari; al-Hawary] is one of the founders of the Observatory (Magharebia 24 Feb. 2014; *Al-Ahram Weekly* 11 July 2013). Sources provide contrasting information concerning the director of the Observatory:

- A July 2013 *Al-Ahram Weekly* [2] article says Nasser Houari was the director at that time (11 July 2013).
- Two sources indicate that in July 2013, the director was Nasser Soualem [Sawalim] (*Al Rassad Al Liby* 23 Aug. 2013; US 27 Feb. 2014, 3).
- A February 2014 article by Magharebia [3] says Al-Hawari was the director at that time (24 Feb. 2014).
- Another Maghaberia article says Abdul Nasser Ahmed was the director or "president" in April 2014 (2 Apr. 2014).

Further information on the leaders of the group could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### 3. Mandate and Activities

According to the representative of the OMCT, "the main activity of the Observatory is the promotion of human rights, notably, monitoring the human rights situation [in] detention facilities," as well as providing "preliminary legal assistance for the victims [of torture] and their families" (7 Aug. 2014). Correspondents.org [4] interviewed a legal representative of the Observatory in 2013, who described conducting prison visits to monitor human rights (11 Apr. 2013). Nasser al-Hawari was interviewed in 2013 by Al-Monitor [5], and describes the Observatory's work documenting the torture of prisoners (Al-Monitor 13 Jan. 2013). In a 2012 article by Inter Press Service (IPS), when he was a researcher for the Observatory, al-Hawari described gathering testimonies of family members whose loved ones had been killed while in the custody of militia groups (IPS 14 July 2012).

#### 3.1 Activities in Conjunction with OMCT

The representative of the OMCT indicated that OMCT has worked with the Observatory on several projects:

We worked with the observatory, the first time, in September 2012 during a training session on documentation of torture cases, victim interviews and detention facilities monitoring. Then, OMCT collaborated with the observatory since this training until April 2013 on a number of cases of torture and arbitrary arrest in which they received victims, documented the cases and prepared their legal files. Then they were in coordination with OMCT to undertake possible legal procedures which could be able to address these violations. Also, we worked with them during our national consultation, 20 April 2013, on anti-torture legislation in Libya, the potential mechanisms needed to guarantee its implementation. The observatory has taken a part in a national coalition against torture initiated by OMCT and they joined the coalition ["10 Steps to End Torture"] in Libya. (OMCT 7 Aug. 2014)

#### 3.2 Relationship with Government Authorities

The representative of OMCT indicated that the Observatory has interacted with the Ministry of Justice, Ministry of Defense, and Ministry of Interior regarding "urgent appeals on a number of human rights violations in which the observatory represented the victims" (ibid.). The group has also reportedly held advocacy campaigns before the human rights committee of the General National Congress (ibid.). Further information on the relationship of the Observatory to government authorities could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

#### 3.3 Public Statements

According to BBC, in June 2012, the group was critical of the government's investigation of the killing of judge Jumah Hasan Al-Jawzi, who had been investigating the murder of General Abdel Fattah Younes, a former Gaddafi aide (BBC 22 June 2012). The Observatory reportedly made a statement indicating that the National Transitional Council (NTC) had been "deliberately delaying" the investigation of circumstances surrounding General Younes' death (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources report that the Observatory alleges that the Al-Zintan militia group used mustard gas against civilians (*The Independent* 2 July 2012; *New Quryna* 17 June 2012). According to an article in the Benghazi-based Libyan newspaper *New Quryna*, reproduced in English by the BBC, the Observatory called for a fact-finding mission to investigate the alleged use of mustard gas against civilians by Al-Zintan battalions in the Al-Shaqiqah area, and reportedly documented 80 cases of gas inhalation (ibid.). Further information on this incident could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the Libyan newspaper *Libya Herald*, in March 2013, the Observatory called on judicial authorities to release the jailed editor of the *Al Ummah* newspaper, Amara Al-Khatibi, who was accused of "defamation of members of the judiciary" for publishing a list of judges he claimed were involved in corruption (21 Mar. 2013). The Observatory reportedly claimed authorities had "ignored his rights to free expression" (21 Mar. 2013). According to Amnesty International (AI), Al-Khatibi was prosecuted under an amended article of the Penal Code, Article 195, which "outlaws all criticism of the '17 February Revolution' or insults to officials;" as of February 2014, his trial was reportedly ongoing (13 Feb. 2014).

In a 2013 interview with Al-Monitor, the Observatory indicated that they had been prevented from entering prisons to monitor conditions there, allegedly because the group had spoken out about the manner in which Muammar Gaddafi and his son had been killed (Al-Monitor 13 Jan. 2013). In an interview with Inter Press Service (IPS), Nasser al-Hawari expressed the view that the human rights situation in Libya is "far worse" than it was under Gaddafi (IPS 14 July 2012).

#### 4. Treatment by Authorities

Two sources report that the Director of the Libyan Observatory of Human Rights, Nasser Soualem, [Sawalim] survived an assassination attempt (Al Rassad Al Liby 23 Aug. 2013; US 27 Feb. 2014, 3). US *Country Reports 2013* notes that the assassination attempt took place in the eastern region of the country on 19 July 2013 by gunmen (ibid.). Further information about the treatment of members of the Observatory could not be found among the sources consulted by the Research Directorate within the time constraints of this Response, however the following information may be useful.

The representative of OMCT indicated that he is "aware of many people" who work in the area of human rights as lawyers and journalists who have been "subject to threats by militia groups and armed brigades", explaining that

[t]he militias will look to see if there are groups documenting their activities; they will look for who is there documenting violations that they may commit, and the reasons for documenting them. In Tripoli and Benghazi for instance, people have been attacked for working on women's rights simply because they are perceived to be promoting "western" values. (11 Aug. 2014.)

The representative of the OMCT indicated that in the last 6 months, "human rights activists, journalists, judiciary members and defenders" became a "first target for militias" and "risk their lives as well [as] the lives of their families" (7 Aug. 2014). According to AI, "critics of armed militias, including Libyan and foreign journalists, faced threats, intimidation, harassment and detention, leading to self-censorship" (AI 2013). In June 2014, Libyan human rights activist and lawyer Salwa Bugaighis, who had been an active participant in the Libyan Revolution of 2011, was shot and killed in her home by unknown assailants (*The Independent* 26 June 2014; AFP 26 June 2014).

The OMCT representative also notes that those individuals who have received such threats do not "always" report them (OMCT 7 Aug. 2014). explaining that that human rights defenders do not report threats against them "unless it is a very grave situation" and further noted that in Libya,

there is not [a] culture of reporting, and the police have no capacity to respond. Furthermore, members of militia groups are integrated in the police, and militia groups themselves will not assist. People will try to resolve the situation informally, or they will go to an international NGO to try to obtain relocation assistance. (OMCT 11 Aug. 2014)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the OMCT representative, more than half the country's detention facilities are "formally under the cover of the Ministry of Justice"; however, due to the "fragility of state institutions," the state does not "control militias who have integrated into the Ministry of Interior, Ministry of Defense, and Police" (ibid.). In terms of groups working on documenting human rights issues in prisons, the OMCT representative stated that these

groups ... are forced to work under the limitations of those responsible for running the [prison] facility. Observers will have contact with the militias when visiting the prisons, and their names are taken and they can be threatened. In the case of the Observatory, members are dealing with cases of arbitrary arrest and treatment in detention, so they visit prisons which are sometimes under the control of these different groups. (ibid.)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the representative of the OMCT, "after the Revolution, militia members were integrated with the police and the army" (ibid.). Human Rights Watch similarly reports that the government uses militia groups to assist with maintaining order (2014). However, the OMCT representative said that militia members integrated into security forces still retain their militia loyalties (11 Aug. 2014). Human Rights Watch says that some armed groups operate in "parallel to state security forces" (2014). AI reports that "many militias continued to act above the law, refusing to disarm or join the police or army" (AI 2013).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as

to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

## Notes

[1] OMCT is an international NGO that has consultative status with the UN and works to protect and promote human rights around the world; it has 311 affiliated organizations and "many tens of thousands of correspondents in every country" (OMCT n.d.). The OMCT opened an office in Tripoli in 2012 and has conducted capacity building projects for human rights defenders in Libya (ibid. Aug. 2013, 7).

[2] *Al-Ahram Weekly* is a weekly English-language newspaper published in Cairo by the Al-Ahram Establishment (*Al-Ahram Weekly* n.d.).

[3] Magharebia is a news website sponsored by the United States Africa Command that provides news in three languages about developments in the Maghreb (Magharebia n.d.).

[4] Correspondents.org is an Internet-based journalism platform and bilingual digital magazine for journalists from Tunisia, Egypt and Libya, which is funded by the German Federal Foreign Office (Correspondents.org n.d.).

[5] Al-Monitor is a media website featuring reporting and analysis on the Middle East by "prominent journalists and experts" (Al-Monitor n.d.)

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## Additional Sources Consulted

**Oral sources:** Attempts to contact the following individuals and organizations were unsuccessful within the time constraints of this Response: Human Rights Watch; five contacts at the Libyan Observatory for Human Rights; Victims Organization for Human Rights. The Libyan League for Human Rights was unable to provide information for this Response.

**Internet sites, including:** Al Bawaba; All Africa; Al Jazeera; ANSAmed; Asharq Al-Awsat; ecoi.net; La Fédération internationale des ligues des droits de l'Homme; Frontline Defenders; Human Rights Watch; Institute for War and Peace Reporting; Jeune Afrique; *Libya Herald*; Libyan National Council for Civil Liberties and Human Rights (only available in Arabic); Mrsdlibya.ly; *New York Times*; Panapress; Radio France Internationale; Reuters; Shabab Libya; UN – Integrated Regional Information Network, Office of the High Commissioner for Human Rights, Refworld; Zawya.

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