Libya: Situation and treatment of those perceived to be loyal to Qaddafi since his fall; state protection (September 2011-November 2012)

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1. Background

Colonel Moammar Qaddafi ruled Libya for more than 40 years (US 24 May 2012, 1; CBC 20 Oct. 2012). Anti-government demonstrations started in February 2011 (AI 2012; BBC 21 Nov. 2012; CNN 20 Oct. 2011), and "escalated into a civil war" (ibid.). Libya's National Transition Council (NTC) [also called the Transitional National Council (TNC)], the leadership of the opposition against Qaddafi, was established in February 2011 (AI 2012, US 24 May 2012, 1). Qaddafi was killed on 20 October 2011 (CBC 20 Oct. 2012; US 24 May 2012, 1) and, on 23 October 2011, the NTC declared the country's "liberation" (ibid.; AI 2012). On 7 July 2012, Libyans elected the General National Congress (GNC) (ibid. Sept. 2012a; BBC 7 July 2012), which replaced the NTC (ibid.; US 18 Oct. 2012, 1).

Sources indicate that Libya's central government is weak (Foreign Policy 24 Sept. 2012; International Crisis Group 3 July 2012) and that the security structure is fragmented (Small Arms Survey Oct. 2012, 12; BBC 13 Sept. 2011). Some sources say that the government works with some militias (Human Rights Watch 16 Nov. 2012; Foreign Policy 24 Sept. 2012), while others say that Libyan government authorities rely on some militias to provide security (US 18 Oct. 2012, 8; Foreign Policy 24 Sept. 2012). Some militias are reported to have not joined the police or army (AI Sept. 2012a; Reuters 5 Nov. 2012), or have been reported to act independently (US 18 Oct. 2012, 19; The Independent 24 Nov. 2011).

2. Detention

Several sources report on the occurrence of "arbitrary" detention in Libya (US 24 May 2012, 8; AI 18 Oct. 2012; Human Rights Watch 16 Nov. 2012). The interim government (US 24 May 2012, 7), opposition forces (ibid.; AI 2012), and militias (ibid. [June 2012]; Human Rights Watch 16 Nov. 2012) are variously reported to be responsible. The number of detainees is not clear (Human Rights Watch 16 Nov. 2012; GlobalPost 17 Feb. 2012), and estimates of the number of people being detained in Libya vary from 7,000 (UN 30 Aug. 2012, 5) to more than 8,000 (Human Rights Watch 16 Nov. 2012; BBC 26 Jan. 2012; US 24 May 2012, 9), although "some international organizations" believe this latter figure to be "significantly underestimated" (ibid.). Amnesty International (AI) states that Qaddafi loyalists have been detained both during and after the conflict (2012). Sources indicate that the majority of detainees are Qaddafi loyalists (BBC 26 Jan. 2012; Human Rights Watch 18 June 2012), including migrants from sub-Saharan Africa suspected to support Qaddafi (BBC 26 Jan. 2012; Human Rights Watch 18 June 2012) and former Qaddafi security force members and government officials (ibid.).
Sources indicate that most detainees are being held without being charged (Human Rights Watch 16 Nov. 2012; US 24 May 2012, 9; UN 30 Aug. 2012, 5) and without access to courts (AI 2012; US 24 May 2012, 9). Sources also state that most detainees have not had access to lawyers (ibid.; Human Rights Watch 16 Nov. 2012; AI 2012). According to AI, “very few lawyers” are willing to represent Qaddafi loyalists, as there have been “several instances of violence, threats and harassment against lawyers” who defend Qaddafi loyalists (18 Oct. 2012). The US Department of State’s Country Reports on Human Rights Practices for 2011 states that detainees are held for “extended periods” of time (US 24 May 2012, 7), and in September 2012, AI reported that some detainees had been held for more than a year (Sept. 2012a).

Although some detainees are being held by the government, many are being held by armed groups (Human Rights Watch 16 Nov. 2012; UN 30 Aug. 2012, 5; GlobalPost 17 Feb. 2012). Sources estimate that 3,000 detainees are being held by the Ministry of Justice (Human Rights Watch 16 Nov. 2012; UN 30 Aug. 2012, 5). Human Rights Watch indicates that about 2,000 detainees are being held by either the Ministry of Defence or the Supreme Security Committee, a body composed of anti-Qaddafi fighters that works in cooperation with the Ministry of Interior (Human Rights Watch 16 Nov. 2012), while the UN states that approximately 2,600 detainees are being held by “military councils or supreme security committees” (UN 30 Aug. 2012, 5). The UN indicates that “many” detainees are held by armed groups (ibid.). Human Rights Watch estimates the number to be approximately 3,000 (16 Nov. 2012). According to GlobalPost, a Boston-based news source, some militia groups also hold and interrogate new prisoners before sending them to government facilities (17 Feb. 2012). GlobalPost also indicates that there is no central control of the government-run detention facilities, as some are administered by the Ministry of Defence, and others by local councils (17 Feb. 2012).

2. Torture

Several sources report on the “torture” of Qaddafi loyalists in detention (US 24 May 2012, 5, 16; AI 17 Sept. 2012; The Guardian 27 June 2012). AI notes that Qaddafi loyalists face a “real risk” of torture (18 Oct. 2012). Country Reports 2011 says that detainees, “particularly alleged Qadhafi loyalists and sub-Saharan Africans aligned with Qadhafi” were abused in militia-run detention centres throughout Libya (US 24 May 2012, 5). AI reports that, during interrogation, detainees have been asked questions about their support for the Qaddafi regime (AI 17 Sept. 2012), and forced to sign "confessions" (ibid. 18 Oct. 2012). According to AI, detainees with dark skin are “especially vulnerable to abuse” (2012).

AI says that it found evidence of abuse, "in some cases amounting to torture," in 12 out of 15 detention centres that it investigated ([June 2012]). Doctors Without Borders (Médecins sans frontières, MSF) documented 115 cases of torture in Misrata, and because the patients they were treating were being returned to torture, they suspended their work in Misrata detention centres in protest (MSF 26 Jan. 2012, GlobalPost 17 Feb. 2012). Sources also report on the death of detainees by torture (Human Rights Watch 16 Nov. 2012; UN 30 Aug. 2012, 6; AI 2012). AI says in one report that militias killed "several" detainees by torture (ibid.), and in another report says that, for the period from the end of August 2011 to June 2012, it has information on at least 20 people who died from torture (ibid. [June 2012]). The UN Support Mission in Libya (UNSMIL) reports that it discovered evidence of three deaths by torture that occurred on 13 April 2012 (UN 30 Aug. 2012, 6). Sources report on various abuses in detention, including beatings with belts, sticks, rifles, and hoses (US 24 May 2012, 5; AI 2012), the administering of electric shocks (US 24 May 2012, 5; AI 17 Sept. 2012; GlobalPost 17 Feb. 2012), burning with cigarettes (ibid.), and pouring urine on detainees (AI 17 Sept. 2012). Sources report that detainees have been threatened with rape (US 24 May 2012, 5; AI 17 Sept. 2012).

Sources indicate that the Libyan government has denied allegations of torture (The Guardian 27 June 2012; GlobalPost 17 Feb. 2012). According to the UNSMIL report, "assurances from Libyan officials that incidents of torture or mistreatment would be investigated and perpetrators duly punished have not been translated into effective action" (30 Aug. 2012, 6). AI states that militias that torture detainees are not punished (2012). AI also reports on a suspected Qaddafi loyalist who was "arbitrarily detained" and who complained through several official channels upon release from detention and received threatening phone calls warning her to withdraw her complaints, and her house was shot at (17 Sept. 2012).

3. Assassinations and Executions

Sources report that Qaddafi loyalists have been killed by armed groups (Jamestown Foundation 10 Sept. 2012; Human Rights Watch Jan. 2012, 5). Human Rights Watch reports that it found the bodies of 53 Qaddafi supporters in Sirte, some of whom had been killed with their hands tied behind their backs (ibid.).

According to the Jamestown Foundation, a research and analysis institution that provides information on issues that are strategically important to the United States (n.d.), some Qaddafi loyalists are assassinated (10 Sept. 2012). The Jamestown Foundation states that an official in Qaddafi’s central intelligence office was killed in Benghazi on 28 July 2012, even though he joined the opposition fighters during the revolution (10 Sept.
2012). The Jamestown Foundation adds that, in a period of "a few weeks," 13 former Qaddafi security officials were killed in Benghazi (10 Sept. 2012). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Disappearances

According to Country Reports 2011, anti-Qaddafi groups "conducted targeted disappearances against suspected or real Qaddafi supporters" (US 24 May 2012, 5). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. Further information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5. Internally Displaced Persons (IDPs)

Sources indicate that certain minority groups and tribes that are believed to have supported Qaddafi are internally displaced (US 18 Oct. 2012, 19; AI 2012), including former residents of Tawargha [Tawergha] (ibid.; US 18 Oct. 2012, 19), the Mashashiya [Mashasha] tribe in the Nafusa Mountains (AI 2012), and the Tuareg and Tebu ethnic groups (US 18 Oct. 2012, 19). Thirty thousand persons from Tawargha, a town suspected to have been supportive of Qaddafi, are reported as being internally displaced (AI Sept. 2012b; Human Rights Watch 30 Oct. 2011). Misrata militias have announced that the IDPs will never be allowed to return (ibid.; AI Sept. 2012b). AI says that these IDPs are "scattered across Libya" and live in poor conditions in camps with the constant fear of militia attacks (ibid.). For example, according to AI, on 6 February 2012, the Tawargha camp in Tripoli was attacked by gunmen who killed seven "Tawarghas" (ibid.). AI also states that Misrata militias have "hunted down and detained hundreds of Tawarghas from camps, homes, checkpoints and even hospitals" (ibid.). Human Rights Watch similarly reports that Misrata militias have detained, beaten, tortured and killed some "Tawarghas," and adds that homes have been looted and set on fire (30 Oct. 2011).

6. Bani Walid

Sources indicate that the residents of the town of Bani Walid, south of Tripoli (AFP 29 Oct. 2012; Human Rights Watch 24 Oct. 2012), are suspected of having supported Qaddafi (ibid.; BBC 24 Oct. 2012; Al Jazeera 25 Oct. 2012). Sources state that Libyan authorities laid siege to Bani Walid (AI 5 Oct. 2012; Human Rights Watch 24 Oct. 2012) in late September 2012 (ibid.). Fighting and shelling were reported in Bani Walid in October 2012 (ibid.; BBC 24 Oct. 2012). BBC indicates that the shelling was being done by pro-government forces (ibid.). Human Rights Watch reports that there was a "military offensive" in Bani Walid, that the shelling was "indiscriminate," and that "armed groups" were trying to defend the town (24 Oct. 2012). Human Rights Watch states that the number of victims is unclear (Human Rights Watch 24 Oct. 2012). Estimates of the number of people killed range from 22, according to the government news agency, as reported by Human Rights Watch (ibid.), to 26 (AFP 21 Oct. 2012) to "dozens" (BBC 24 Oct. 2012). Russia Today reports that 600 people were killed in one day of fighting on 24 October 2012 (25 Oct. 2012). Information corroborating the number cited by Russia Today could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. Media sources report approximately 200 people having been wounded (BBC 24 Oct. 2012; AFP 21 Oct. 2012). Human Rights Watch indicates that thousands of residents had to flee Bani Walid (24 Oct. 2012), while, on 29 October 2012, Agence France Presse stated that "tens of thousands" of Bani Walid residents have been displaced.

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.

References


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