

Immigration and Refugee Board of Canada

[Home](#)

> [Research Program](#)

> Responses to Information Requests

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](#).

14 January 2015

LBY105055.E

Libya: Treatment of returnees, including failed refugee claimants and international students supported by the Qaddafi [Qadhafi, Gaddafi] regime (2012-January 2015)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Information on the treatment of returnees, including failed refugee claimants and international students supported by the Qaddafi regime was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

1. Treatment of Libyan Returnees

According to a 2014 decision by the UK Immigration and Asylum Chamber Upper Tribunal, the following persons "will be at risk from government security forces or from militias, on arrival at Tripoli International Airport, on account of information that is required to be given by passengers on arrival:"

- former high-ranking officials of Qaddafi 's regime, including those within the intelligence services;
- persons belonging to the Tawurga, Tuareg, and Mashashiya ethnic groups since they are perceived to have been supporters of Qaddafi; and
- women who fall under the following categories: those of African ethnicity; victims of sexual violence, including "having been raped by soldiers loyal to the Qadhafi regime or by other combatants;" and those accused or suspected of "sexual misdemeanours or offenses against family honour" (UK 14 July 2014, paras. 3, 9, 10, 13).

The UK Upper Tribunal decision also found that even when a person who falls into the above mentioned categories passes through Tripoli airport's checkpoint without being detained, he or she is "reasonably likely to be detained at a [militia] checkpoint en route to his or her home area" (ibid., para. 14).

A November 2014 UN High Commissioner for Refugees (UNHCR) report titled *UNHCR Position on Returns to Libya* indicates that

[a]rmed groups are reported to have engaged in abductions, reportedly motivated by the victims' "actual or suspected tribal, family or religious affiliation," torture, and detention of fighters of competing groups and civilians for reason of "political, religious affiliation or nationality." (Nov. 2014, para. 5)

Addressing detention in general in Libya, a 2013 report produced by the UN Support Mission in Libya (UNSMIL) and the UN Office of the High Commissioner for Human Rights (OHCHR) indicates that

[t]hose arrested are taken from their homes, workplaces, streets or checkpoints ... They include individuals suspected of having fought on the side of or otherwise having supported Qadhafi's regime, and their family members. Some have been detained apparently on the basis of belonging to certain tribal or ethnic groups,

including Warfalla, Tawergha, and Mashashia, as these groups are collectively perceived by some as having supported the former regime. Given the arbitrary nature of the arrests and lack of judicial oversight, cases of personal score-settling are not uncommon. (UN October 2013, 7)

The UNSMIL and OHCHR report also indicates that, among the torture practices denounced by detainees it interviewed, are constriction in "contorted positions," beatings all over the body, and electric shocks (ibid.). The US Department of State's *Country Reports on Human Rights Practices for 2013* for Libya indicates that "[a]buses of detainees, particularly alleged Qadhafi loyalists and sub-Saharan Africans allegedly aligned with Qadhafi, ... were reported at militia-run facilities throughout the country" (27 Feb. 2014, 5).

The UNSMIL and OHCHR report also indicates that torture continues to occur in Libya and that "[i]t is most frequent immediately upon arrest and during the first days of interrogation as a means to extract confessions or other information. Detainees are usually held without access to lawyers and occasional access to families, if any" (UN Oct. 2013, 2). Human Rights Watch's *World Report 2014* similarly indicates that most detainees in Libya "have no access to lawyers or judicial reviews. Militias were responsible for continuing widespread abuses, and some deaths, in custody" (2014, 579).

2. Treatment of Students Supported by the Qaddafi Regime upon Return

Sources report that Moad al-Hnesh, a 34 year-old who studied mechanical engineering at UK's Coventry University from 2010 to 2012, was arrested by militias in Libya upon his return in 2012 (*Coventry Telegraph* 11 Sept. 2013; AI 10 Sept. 2013). Al-Hnesh was reportedly detained after a group of Libyan students whom he had met at Coventry University filed a complaint against him with the military council (ibid.; *Coventry Telegraph* 11 Sept. 2013). He was accused of participating in demonstrations and publishing false information on the situation of Libya (ibid.; AI 10 Sept. 2013). Amnesty International (AI) reports that al-Hnesh has been charged with participating in "pro al-Gaddafi demonstrations in London under Article 178 of the Penal Code, which criminalizes activities of a Libyan abroad against the interests of the state and carries a life sentence" (ibid.). *Coventry Telegraph*, a community news website for Coventry and Warwickshire, UK, similarly reports that al-Hnesh faces life in jail if convicted (*Coventry Telegraph* 11 Sept. 2013). AI also indicates that al-Hnesh faces an additional 15-year sentence under Article 195 of the Penal Code for "'publicly insulting the Libyan people' after describing Libya's 'revolutionaries' as 'rats'" (10 Sept. 2013). Sources report that each court session of the trial has been adjourned (ibid.; *Coventry Telegraph* 11 Sept. 2013). *Country Reports 2013* indicates that by the end of 2013 the status of the trial was unknown (27 Feb. 2014, 13). Additional information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

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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United States (US). 27 February 2014. Department of State. "Libya." *Country Reports on Human Rights Practices for 2013*. <<http://www.state.gov/documents/organization/220578.pdf>> [Accessed 8 Jan. 2015]

Additional Sources Consulted

Oral sources: Representatives from Lawyers for Justice in Libya and the World Organization Against Torture could not provide information within the time constraints of this Response.

Internet sites, including: African News Agency; Al Arabiya News; British Broadcasting Corporation; ecoi.net; Factiva; Foreign Policy in Focus; Fox News; Freedom House; *The Guardian*; International Crisis Group; International Federation for Human Rights; Institute for War and Peace Reporting; IRIN; *Libya Herald*; Minority Rights Group; *Le Monde*; *The National*; *The New York Times*; Quinnipiac University, Hamden, Connecticut – Quinnipiac Magazine; *The Telegraph*; United Nations – Integrated Regional Information Networks, Refworld, Reliefweb; United States – Central Intelligence Agency, Department of Justice; Voice of America.

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[Top of Page](#)

Date modified: 2016-01-05