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### **Written statement\* submitted by Maat for Peace, Development and Human Rights Association, a non- governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 January 2021]

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\* Issued as received, in the language(s) of submission only.



## **The human rights situation in Libya**

### **Preamble**

Maat for Peace, Development and Human Rights Association (Maat) is grateful to the state of Libya for being subjected to the Universal Periodic Review (UPR) mechanism, despite the difficult circumstances and challenges the country has been going through in recent years. Maat presents this written intervention to review the human rights situation in Libya, focusing on the period that followed the Review process, and to address the migrants' rights and the harsh conditions they live in prisons and detention centers, as well as the restrictions imposed by the government on enjoying the right to peaceful protest and the relevant repression, arrest and killing. Besides, the challenges facing Libyan children due to conflicts and armed clashes between militias and Libyan parties, which, in many cases, caused several deaths and casualties, have been highlighted. Finally, the intervention touches upon the government's harsh attitude towards criticism and how it deals with opposition and whoever wish to express their views and raise their voice against the government's policies. It uses arrest, detention and removal from offices as a punishment tool, in contradiction to the state's adoption of the outcome of the Universal Periodic Review it has subjected to.

### **Extrajudicial killing**

In the western and eastern regions, new cases of extrajudicial killings and inhuman treatment at the hands of armed groups affiliated with the Government of National Accord (GNA) were recorded. On November 10, 2020, lawyer and political activist Hanan al-Barassi, was shot dead in broad daylight in Benghazi. On June 27, 2020, 19-year-old Hussam Abdullah Al-Hamrouni was killed by an unknown gunmen in the street of the city Qasr Al-Akhyar, east of Tripoli. On July 28, Radwan Abdullah Bait Al-Afia and Hatem Saleh Al-Dabiei were shot and killed in their car by an unidentified armed group on the Al-Jibs road in Tripoli. On 16 August, an armed group from Zuwara killed a man named Nasser in Al-Asabaa, and on 9 of September, another man - Hussein - was killed in Ganzour, a town controlled by the GNA-affiliated Fursan Ganzour Brigade (FGB). On 14 September, a man named Anis was killed in front of his home in Gurgi, where armed clashes took place in the same month between the Tripoli Revolutionary Brigade (TRB) and Central Security Unit.

### **Migrants' rights**

In Libya, there are several official centers designated for the detention of migrants. Migrants are transferred to these centers after their boats heading to Europe are intercepted at sea. International organizations and bodies have repeatedly called for the closure of these inhuman centers and the adoption of a different system for managing immigrant affairs in the country. However, the internationally recognized Government of National Accord has not taken any steps in this regard despite its pledges to close it.

The Zintan Detention Centre, located southwest of Tripoli, is considered one of the most restrictive centers when it comes to freedom of movement and communication with the outside world. The detainees are kept under very poor living and human conditions, where they suffer from starvation, rampant diseases, severe torture, rape and unduly prolonged detention that may exceed two years, in addition to the frequent incursions by armed militias with the purpose of kidnapping detained migrants for exploiting, torturing and forcing them to pay for their release.

There is also the so-called Sharah Zawiyah detention center, which is an unidentified hidden center, located in the Gypsum Gate area, Al-Zawiyah Street, east of Tripoli. The center is surrounded by a group of government buildings and institutions as well as a number of Western embassies. According to the testimony of some of the fleeing migrants, the center

is strictly run by an armed militia that uses psychological threat and nervous pressure to force the migrants to obey the orders and pay them the money, which ranges between 700 and 1800 United States of America dollars, and in the event of failure to pay, an endless round of beatings, insults and forced labor starts at once.

### **The right to peaceful assembly**

The demonstrations broke out in August 2020 triggered by the frequent water and electricity cut off, the uncontained outbreak of the Coronavirus pandemic, the poor medical services, the grinding financial crisis and rampant corruption, resulted in a wide campaign of repression and arrests aimed at dispersing protesters and controlling their spread, which contradicts the state's adoption of the outcome of the Universal Periodic Review it has subjected to.

In the context of its efforts to control these demonstrations, the Government of National Accord has arrested 6 protesters, including the activist Muhannad Al-Kawafi, a coordinator of the 23 August protest movement, and Sami Al-Sharif, the director of Al-Jawhara Radio, who was arrested while covering an anti-government demonstration in Tripoli's Martyrs Square, and transferred to the Al Nawasi militia-controlled Abu Laila Tower, under the command of "Mustafa Qaddour". However, the GNA has denied any connection with his disappearance.

Public squares were closed with heavy artillery pieces to prevent demonstrations since August 28, 2020. Demonstration permits have been denied in Tripoli since 23 August and a four-day long curfew was imposed on 26 August after the protests increased, which resulted in many injuries and the death of one of the demonstrators, Sanad Omar al-Megrahi" by gunmen.

In late August 2020, the Libyan Bar Association participated in the demonstrations erupted in Tripoli, leading to widespread smear campaigns calling for the arrest of its leadership on charges of treason.

There is no doubt that such measures have contributed to undermining the rights and freedoms of the Libyan citizen to demonstrate peacefully and freely express his opinion and protest against the miserable humanitarian and living conditions that directly affect him.

### **The right to freedom of opinion and expression**

The GNA continues to use repressive policies aimed at restricting the right of citizens to legitimately express their views. On October 1, 2020, the human rights activist Walid Hamed Al-Hudhairy was arrested in front of the Ministry of Foreign Affairs building in Tripoli by the General Intelligence Service of the Government of National Accord and forcibly disappeared.

In continuation of the policy of muzzling opposition and silencing dissenting voices pursued by the Government of National Accord, 3 officials were exempted from carrying out the tasks assigned to them in the Committee for Monitoring and Documentation of Human Rights Violations, including Minister of Justice Muhammad Lamlum, who was exempted from supervising the Committee, and the Undersecretary for Human Rights Affairs Khaled Abu Salah, from the committee's presidency, as well as Khairy Muhammad Abdel-Ali, the advisor at the Ministry of Justice, who was working as deputy head of the Committee, who was also prevented by the government from assuming any executive duties in the future. Such unjustified exemptions came after the mentioned officials accused the Government of National Accord of failure to pursue war crimes perpetrators to hold them accountable.

### **Child Rights**

The violations committed by the Government of National Accord and its militias did not stop at restricting freedom of opinion and expression and suppressing demonstrations and

protests, but also extended to reach Libyan children. A number of children were killed by armed militias and as a result of the military conflict between the Libyan parties. On November 10, 2020 a 15-year old Eritrean child was shot dead by a gunman who stormed his residence in the Qerqarish neighborhood in Tripoli. On November 24 2020, a 7-year-old boy, A.A., was killed in a mine explosion in Wadi al-Rabeea, south of Tripoli. Besides, two other children, A.S., 7 years, and M, 8 years, were killed on October 28, 2020, in a mine explosion behind their farm in Wadi al-Rabie, south of Tripoli.

## **Recommendations**

Maat for Peace, Development and Human Rights Association recommends the following:

- The enactment of new laws that grant those in charge of following up and monitoring human rights violations - whether they are in the Committee for Monitoring and Documentation of Human Rights Violations or other bodies - legal immunity so that they can fully carry out their duties without fear of prosecution or dismissal;
- To stop the security persecution and the targeting of political activists and journalists - as long as they are not proven guilty - so that they can carry out their duties, covering events and reporting news;
- The immediate release of detainees, demonstrators and forcibly disappeared persons who are in prisons and centers under the control of the Government of National Accord, and whose involvement in crimes incriminating them has not been proven;
- Immediately and thoroughly investigate the elements involved in targeting protesters, activists, and journalists, and bring them to justice, to prevent the recurrence of such practices;
- To cease excessive use of force and live bullets against the peaceful demonstrators in Tripoli;
- To conduct periodic investigations of the centers designated for immigration detention to ensure that the detainees are humanely treated, and that the officials there do not use any kind of abuse or torture against them.

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