



Home Office

# Country Policy and Information Note

## Libya: Ethnic minority groups

Version 3.0

February 2019

# Preface

## Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

## Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

## Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the ‘cut-off’ date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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# Assessment

Updated: 07 February 2019

## 1. Introduction

### 1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by the state (or organisations which are the de facto state in a given area) and/or by non-state actors because the person is a member of an ethnic minority.

### 1.2 Points to note

1.2.1 For the purposes of this note 'ethnic minority' and 'ethnic minority group' means black Libyans, including the Tawergha, Tuareg and Tebu, the Amazigh (also known as Berber); and the Mashashiya.

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## 2. Consideration of issues

### 2.1 Credibility

2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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### 2.2 Refugee convention

2.2.1 Ethnic minorities in Libya establish a convention reason on the grounds of race. Other convention reasons may apply, depending on individual circumstances, such as actual or imputed political opinion, as some ethnic minorities are perceived to have been supporters of the Gaddafi regime.

2.2.2 Establishing a convention reason alone is not sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular person will face a real risk of persecution on account of their actual or imputed convention reason.

2.2.3 For guidance on assessing membership of a particular social group, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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### 2.3 Exclusion

2.3.1 Members of Gaddafi's security forces, present government, militias and various terrorist groups who operate in Libya have been responsible for serious human rights abuses and acts of terrorism against the Libyan people and the international community. Decision makers must consider whether

one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.

- 2.3.2 For further guidance on the exclusion clauses and restricted leave, see the [Asylum Instructions on Exclusion under Articles 1F of the Refugee Convention](#) and the [Asylum instruction for Restricted Leave](#).

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## 2.4 Risk

- 2.4.1 Some ethnic minority groups suffered discrimination under the Gaddafi regime and continue to be marginalised, facing societal discrimination and instances of violence. While the law mandates punishment of not less than one year's imprisonment for anyone guilty of discrimination on the basis of class, group, region, gender, or colour, the various interim governments enforce neither the prohibitions nor the punishment effectively, particularly with regard to women and minorities.
- 2.4.2 Some members of ethnic minority groups have been accused of supporting, or are perceived to have supported, former president Gaddafi (ousted and killed in 2011) and have been subject to extra-judicial killings, abduction, enforced disappearance, arbitrary detention, including in unofficial detention centres, torture, ill-treatment and death in detention. These abuses have been perpetrated by the security forces of the Interim Government or its armed affiliates, as well as by armed militias operating outside of government control (see [Treatment of ethnic minorities](#) and [Tawerghans/Tawarghans/Tawurghans](#) and [Tuareg](#)).
- 2.4.3 Communities perceived to be loyal to Gaddafi, owing to their ethnicity, have also experienced harassment, violence, intimidation, discrimination, rape and sexual abuse, forced displacement, indiscriminate shelling, looting and the burning of homes. Camps for internally displaced persons (IDPs) housing minority ethnic groups have been attacked by militias resulting in arbitrary arrests, abductions, deaths and the re-displacement of their residents (see [Tawerghans/Tawarghans/Tawurghans](#), [Tuareg](#), [Black Libyans](#) and [The Mashashiya](#)).
- 2.4.4 There are also reports of localised clashes between ethnic minority groups. Assassinations and abductions motivated by tribal conflicts are perpetrated by militia groups in Tripoli and Benghazi with impunity, with civilians being targeted solely for their actual or suspected tribal, family or religious affiliation (see [Tuareg/Tebu conflict](#) and [Tebu/Awlad Sulayman conflict](#)).
- 2.4.5 In the country guidance case of [AT and Others \(Article 15c; risk categories\) \(CG\) \[2014\] UKUT 318 \(IAC\)](#), heard on 18 – 22 November 2013 and promulgated 14 July 2014, the Upper Tribunal held that:
- ‘(7) A “Black Libyan” is a Libyan of black African appearance, and includes a person who may not actually possess Libyan nationality but for whom Libya is their country of former habitual residence. There is endemic racism within Libyan society towards Black Libyans. However, Black Libyans who are not Tawurga or Tuareg are not per se at risk of persecution or Article 3 ill treatment on return, and will only be able to establish the need for

international protection with reference to some additional factor particular to that individual.

‘(8) The Tawurga are Black Libyans who are perceived by Libyans to have been mercenaries on the side of the Qadhafi regime and to have committed human rights abuses during the revolution. The Tuareg are also Black Libyans and are also perceived to have been supporters of the former regime.

‘(9) Whilst there remains a need for an individual assessment of each individual’s circumstances, a person who is Tawurga or Tuareg will in general be able to establish the need for international protection. The same is true of persons from the Mashashiya ethnic or tribal group. The Mashashiya are not Black Libyans but are similarly perceived as a group to have been supporters of the Qadhafi regime.’ (para 215 (7-9))

- 2.4.6 Since AT was promulgated there are not very strong grounds supported by cogent evidence that there has been a significant and durable improvement in the treatment of minority groups. Members of the Tawergha, Tuareg, and the Mashashiya continue, in general, to be likely to be at risk of persecution or serious harm.
- 2.4.7 However, the level of discrimination faced by members of other ethnic minority groups, including some Black African groups and Amazigh/Berber, is not such that in general it will by itself reach the level of being persecutory or otherwise inhuman or degrading treatment. But other additional factors may put members of ethnic minority groups at risk, in particular whether the person is perceived to have supported the Gaddafi regime. Each case must be considered on its individual facts with the onus on the person to demonstrate that they face a risk of persecution (see [treatment of ethnic minorities](#)).
- 2.4.8 Where a person is not recognised as a refugee, decision makers must consider whether they require humanitarian protection because of the prevailing security and humanitarian security and/or because of the facts of their particular case.
- 2.4.9 In the country guidance case of [ZMM \(Article 15\(c\)\) Libya CG \[2017\] UKUT 00263 \(IAC\)](#) (28 June 2017), heard 3 May 2017, the Upper Tribunal issued guidance on the issue of Article 15(c) replacing the previous country guidance of [FA \(Libya: art 15\(c\)\) Libya CG \[2016\] UKUT 00413 \(IAC\)](#) in regard to the security situation only.
- 2.4.10 In [ZMM](#), the Upper Tribunal (UT) held that: ‘The violence in Libya has reached such a high level that substantial grounds are shown for believing that a returning civilian would, solely on account of his presence on the territory of that country or region, face a real risk of being subject to a threat to his life or person.’ (Headnote)
- 2.4.11 For further information see the Country Policy and Information Note on [Libya: Security and humanitarian situation](#).
- 2.4.12 For guidance on assessing the risk for Gaddafi supporters, see the Country and Policy Information Note on [Libya: Gaddafi supporters](#).

2.4.13 For further guidance on assessing the risk for women, see the Country and Policy Information Note on [Libya: Women](#)

2.4.14 For further guidance on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.5 Protection

2.5.1 Where a person can demonstrate that they are at risk of persecution or serious harm due to their actual or perceived association with, membership of, or support for, the previous Gaddafi regime or the Gaddafi family, they are unlikely to be able to avail themselves of the protection of the authorities.

2.5.2 Decision makers should continue to rely on the findings in the country guidance case of AT and others, except for the country guidance given at 215(2), regarding the risk under Article 15(c) of the Qualification Directive, which has now been replaced by the Country Guidance given in [ZMM \(Article 15\(c\) Libya CG \[2017\] UKUT 00263 \(IAC\)\)](#).

2.5.3 In the country guidance case of [AT and Others \(Article 15c; risk categories\) \(CG\) \[2014\] UKUT 318 \(IAC\) \(14 July 2014\)](#), the Upper Tribunal (UT) found that in general an individual of Tawurga, Tuareg and Mashashiya ethnicity who succeeds in establishing a real risk of harm will not be afforded a sufficiency of protection (paragraph 215 (17)).

2.5.4 For further guidance on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.5.5 For further information see the Country Policy and Information Note on [Libya: Security and humanitarian situation](#).

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## 2.6 Internal relocation

2.6.1 Where members of ethnic minority groups do encounter local hostility they may be able to avoid this by moving elsewhere in Libya, but only if the risk is not present there and if it would not be unduly harsh to expect them to do so.

2.6.2 However, if the person is known to be or will be perceived as a supporter of the Gaddafi regime it is unlikely that they would be able to internally relocate in order to escape the risk of persecution. Hatred and resentment against Gaddafi, and all those associated with his regime, remains widespread throughout the country.

2.6.3 In the country guidance case of AT and Others, the UT held that the Tawurga, Tuareg and Mashashiya ethnic groups would not, in general, have available to them the option of internal relocation (paragraph 215 (18)).

2.6.4 The country situation has not significantly improved since AT was promulgated. Therefore, in general, it will be unreasonable for a member of the Tawurga, Tuareg and Mashashiya who is at risk of persecution in their home to relocate.

2.6.5 If a person is not found to be at risk of persecution for a Refugee Convention ground in their home area, decision makers must consider whether they are likely to face serious harm as a result of the prevailing security and



humanitarian situation in Libya under Articles 2 and 3 of the ECHR / Articles 15 (b) and (c) of the Qualification Directive and, if so, whether internal relocation is reasonable.

2.6.6 For further analysis and country information, see the Country Policy and Information Note on [Libya: Security and humanitarian situation](#).

2.6.7 For further guidance on internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.7 Certification

2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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# Country information

Section 3 updated: 7 February 2019

## 3. Background

### 3.1 Demography

- 3.1.1 According to Jane's the main ethnic groups in Libya are Berber and Arab (97%) ,and other (3%)<sup>1</sup>.
- 3.1.2 In February 2014, the Egyptian weekly newspaper, Al-Ahram, published a report providing a description of the tribal nature of Libyan society. It stated: 'Libyan society is primarily structured along tribal lines, like many other societies in the Arab world. It is also an entirely Muslim country, which subscribes to the Maleki School of jurisprudence. The vast majority of the populace is Arab in origin, while five per cent is Amazigh, three per cent African, and one per cent Tuareg. The Libyan Jewish minority left the country in 1967 and the Italians that had remained by the time that Gaddafi took power were expelled in 1970.'<sup>2</sup>
- 3.1.3 The U.S Department of State Country Report on Human Rights Libya 2017 stated that '...Arabic-speaking Muslims of mixed Arab-Amazigh ancestry constitute 97 percent of the citizenry. The principal linguistic-based minorities are the Amazigh, Tuareg and Tebu. These minority groups are predominantly Sunni Muslim but identified with their respective cultural and linguistic heritages rather than with Arab traditions.'<sup>3</sup>

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### 3.2 Legal and constitutional framework

- 3.2.1 In their December 2018 Libya Country Information Report, the Australian Government's Department of Foreign Affairs and Trade (DFAT) noted: 'The Gaddafi regime's policy of Arabisation had a detrimental effect on all non-Arab minorities in Libya. The 1969 Constitution and a later 1977 Declaration on the Establishment of the Authority of the People defined Libya as an Arab nation with Arabic as its only official language. Ethnic minorities were commonly the victims of discrimination under Gaddafi, and were frequently denied access to education, health care and other basic services. After the fall of the Gaddafi regime, the recognition of civil, political and cultural rights for the three main minority groups - Amazigh (Berbers), Tuareg and Tebu – was considerably extended. The government, the General National Congress, officially recognised the Amazigh, Tuareg and Tebu languages in 2013, and allowed them to be taught in schools. The extent to which official recognition is implemented in practice is unclear. 'In August 2011, the TNC introduced a Draft Constitutional Charter for the Transitional Stage (the 'Constitutional Declaration'). The 2011 Constitutional Declaration was intended to remain in effect until a permanent constitution

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<sup>1</sup> Janes, Libya, Demography, 6 September 2018, [url](#)

<sup>2</sup> Al-Ahram Weekly, Tribes and Abductions, 6 February 2014, [url](#)

<sup>3</sup> USSD, Country Report on Human Rights Practices for 2017, (section 6), [url](#)

was written and ratified in a referendum, which has not yet occurred. The Constitutional Declaration remains nominally in effect throughout Libya, although the extent to which it is practically observed varies considerably across the country. The Constitutional Declaration states that Libyans are equal before the law; enjoy equal civil and political rights; have the same opportunities; and are subject to the same public duties and obligations, without discrimination due to religion, doctrine, language, wealth, race, kinship, political opinions, and social status, tribal or eminent or familial loyalty.’<sup>4</sup>

3.2.2 The December 2018 DFAT Report continued that:

‘Law No. 10 Concerning the Criminalisation of Torture, Forced Abduction, and Discrimination (2013) provides for terms of imprisonment of three to fifteen years for depriving a person of any of his or her rights because of membership in a group or clan, residence in a geographic area, or ethnicity (or colour). The law assigns the same punishments to political, administrative, executive, or military leaders who fail to take necessary measures to prevent or discover crimes specified in previous articles when those acts were committed by persons under their command and control. The extent to which the law is practically observed varies considerably across the country.

‘Libya is a highly diverse nation and with an estimated 140 tribes. In 2017, Human Rights Watch reported that attacks against religious minorities in Libya had gone unpunished since the end of 2011. Gaddafi governed with divide and rule tactics, pitting local tribes against each other. Today, the United Nations continues to work with various communities to resolve grievances peacefully through local reconciliation. At the local level, reconciliation committees mediate conflicts that erupted during the transition between Tebu and Zwiya in Kufra; Tebu, Tuareg and Arabs in Sabha, Murzuq and Ghadames; Zawiya and the Warshafana tribe on the western coast; and Mashashiya and Zintan in the Nafusa mountains and Bani Walid.’<sup>5</sup>

3.2.3 The US Department of State Country Report on Human Rights Practices Libya 2017 (USSD HR report 2017) observed that: ‘...The Qadhafi regime revoked the citizenship of some inhabitants of the Saharan interior of the country, including many Tebu and some Tuareg minorities, after the regime returned the Aouzou strip to Chad. As a result, many nomadic and settled stateless persons lived in the country...’<sup>6</sup>

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<sup>4</sup> DFAT Country Information Report, Libya, (section 3), 14 December 2018, [url](#)

<sup>5</sup> DFAT Country Information Report, Libya, (section 3), 14 December 2018, [url](#)

<sup>6</sup> USSD, Country Report on Human Rights Practices for 2017, (section 2), 20 April 2018 [url](#)

## 4. Treatment of ethnic minorities

### 4.1 Overview

4.1.1 The USSD HR Report 2017 stated that ‘The government officially recognizes the Amazigh, Tuareg and Tebu languages and provides for their teaching in schools. Language remained a point of contention, however, and the extent to which the government enforced official recognition was unclear...’<sup>7</sup>

4.1.2 The USSD HR Report 2017 continued that:

‘Ethnic minorities faced instances of societal discrimination and violence. Racial discrimination existed against dark-skinned citizens, including those of sub-Saharan African heritage. Government officials and journalists often distinguished between “loyal” and “foreign” populations of Tebu and Tuareg in the south and advocated expulsion of minority groups affiliated with political rivals on the basis they were not truly “Libyan.” A number of Tebu and Tuareg communities received substandard or no services from municipalities, lacked national identity numbers (and thus access to employment), and faced widespread social discrimination...’<sup>8</sup>

4.1.3 An April 2018 OHCHR report on Arbitrary and unlawful detention in Libya described that:

‘...Men, women and children across Libya are arbitrarily detained or unlawfully deprived of their liberty based on their tribal or family links and perceived political affiliations. Those detained arbitrarily include individuals held in relation to the 2011 armed conflict, many without charge, trial or sentence for over six years...’

‘Individuals from certain geographic or tribal origins or perceived to have certain political affiliations are also vulnerable to arbitrary arrest and detention. For instance, in western Libya, internally displaced persons (IDPs) from eastern Libya are often rounded up following “terrorist” incidents.

‘...The LNA [Libyan National Army] and its allies target for detention men, women and children due to their family, tribal, or political affiliations, at times taking them hostage for the sole purpose of pressuring their relatives to hand themselves over or to exchange them with fighters held by rivals.’<sup>9</sup>

4.1.4 The Report of the Special Rapporteur on the human rights of internally displaced persons on her visit to Libya (2018) stated with regards to protection for vulnerable groups:

‘The Special Rapporteur was particularly concerned about the protection issues and assistance challenges associated with specific, highly vulnerable groups of internally displaced persons, including children, women and girls, older persons, persons with disabilities and those from targeted ethnic or tribal groups. There remains a lack of data and comprehensive needs assessments regarding such vulnerable groups and their circumstances. Older persons and those with disabilities, for example, may face challenges

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<sup>7</sup> USSD, Country Report on Human Rights Practices for 2017, (section 6), [url](#)

<sup>8</sup> USSD, Country Report on Human Rights Practices for 2017, (section 6), [url](#)

<sup>9</sup> OHCHR, Abuse Behind Bars ... (p. 3, 17 and 19), April 2018, [url](#)

living in unsafe locations, informal camps, and tents and shelters that are unsuitable for extremes of temperature. Their coping mechanisms are weaker than those of others, which means that they are more heavily reliant on humanitarian assistance and require dedicated support. Many were forced to flee without their possessions or any essential household items, and have been in need of basic items such as mattresses, blankets, hygiene kits and kitchen sets.<sup>10</sup>

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## 4.2 Black Libyans

### 4.2.1 The December 2018 DFAT Report noted:

‘A ‘Black Libyan’ is a Libyan of sub-Saharan African appearance, who may or may not hold Libyan citizenship. Black Libyans include Tawergha and Saharan peoples such as Tuareg and Tebu, foreign workers and undocumented migrants present in Libya prior to the 2011 conflict.

‘During the Gaddafi era, reports existed of social discrimination, such as verbal abuse and denial of housing and jobs, and occasional violent attacks against dark-skinned residents of Libya. The frequency of these incidents increased considerably after Gaddafi’s fall, due in part to allegations that he had relied on African mercenaries during the 2011 conflict. In 2014, interim government authorities removed dark-skinned citizens from their homes in Tripoli and held them in detention centres and prisons...

‘...DFAT assesses that ‘Black Libyans’ of all categories face a high risk of societal discrimination and violence due to their perceived association with the Gaddafi regime. This may include being illegally detained, beaten or tortured; having death threats made against them or their families; or being killed. Those ‘Black Libyans’ who cannot prove their Libyan citizenship face a high risk of official discrimination and violence, including being detained, beaten or tortured.’<sup>11</sup>

### 4.2.2 The USSD HR Report 2017 noted:

‘Racial discrimination existed against dark-skinned citizens, including those of sub-Saharan African heritage. Government officials and journalists often distinguished between “loyal” and “foreign” populations of Tebu and Tuareg in the south and advocated expulsion of minority groups affiliated with political rivals on the basis they were not truly “Libyan.” A number of Tebu and Tuareg communities received substandard or no services from municipalities, lacked national identity numbers (and thus access to employment), and faced widespread social discrimination.’<sup>12</sup>

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<sup>10</sup> UNHRC, ‘The Report of the Special Rapporteur on the human rights of internally displaced persons on her visit to Libya’, (paras 45, 46 and 65), 10 May 2018, [url](#)

<sup>11</sup> DFAT Country Information Report, Libya, (section 3), 14 December 2018, [url](#)

<sup>12</sup> USSD, Country reports on human rights practices for 2017 - Libya, 22 April 2018, (section 6), [url](#)

### 4.3 Tawerghans/Tawarghans/Tawurghans/Tawurgans

#### 4.3.1 The December 2018 DFAT Report recorded that:

'The Tawergha are the descendants of slaves brought to Libya from sub-Saharan Africa in the 18th and 19th centuries, who resided in a coastal town of the same name 250km east of Tripoli. From April to May 2011, Gaddafi loyalists used Tawergha as a base while besieging the city of Misrata, 40km to the north-west. Misrata was the scene of some of the heaviest fighting in the 2011 conflict. Hundreds of civilians died in air strikes and rocket attacks, with many more injured. Allegations were made of rape and sexual abuse committed by Gaddafi forces, including by Tawergha. Many Misratans regard the Tawergha as perpetrators of human rights violations against their people.

'In mid-August 2011, at the height of the conflict, anti-Gaddafi forces drove out the entire population of Tawergha, around 40,000 people, as collective punishment for their perceived support of the Gaddafi regime. The forced displacement was followed by the looting and destruction of homes, arbitrary arrests of Tawergha, torture and extra-judicial killings. Militia from Misrata allegedly dragged women into the street and raped them. People from Tawergha, who were reportedly put in camps, alleged that male prisoners were forced to rape other prisoners.'<sup>13</sup>

#### 4.3.2 The December 2018 DFAT Report observed:

'DFAT assesses that Tawergha face a high level of societal discrimination, particularly from Misratan militias, due to their perceived association with the Gaddafi regime. This may include being illegally detained, beaten or tortured; having death threats made against themselves or their families; or being killed. While this treatment can occur throughout Libya, it is particularly likely to occur in areas where the Misratan militias have a strong presence. DFAT assesses that Tawergha face a high level of official discrimination, due to the continuing failure of officials to provide protection, or safe return to their homes.'<sup>14</sup>

#### 4.3.3 The UN Office of the High Commissioner for Human Rights (OHCHR) noted in its February 2018 report, 'Situation of human rights in Libya, and the effectiveness of technical assistance and capacity-building measures received by the government of Libya':

'The Tawerghan community, scattered in camps for internally displaced persons and host communities across the country since the armed conflict in 2011, was subjected to attacks by armed groups, including armed incursions into the Tarik al-Matar camp, in July, and the Sidi al-Saeh camp, in October, both resulting in civilian casualties. Throughout 2017, the Sbertawat and Omar Tantoush armed groups intimidated, attacked and deprived displaced Tawerghans, who had been sheltering at the Naval Academy in western Tripoli, of their liberty....

'On 20 June, the Presidency Council ratified an agreement reached by the Misrata/Tawargha dialogue committee in August 2016 and amended in

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<sup>13</sup> DFAT Country Information Report, Libya, (section 3), 14 December 2018, [url](#)

<sup>14</sup> DFAT Country Information Report, Libya, (section 3), 14 December 2018, [url](#)

March 2017. The agreement outlined a programme of compensation for victims of the 2011 conflict and the return of some 40,000 displaced Tawerghans. On 26 December, the Presidency Council announced that Tawerghans could begin to return home as of 1 February 2018, and instructed relevant national security and service institutions to make due preparations. UNSMIL urged the Presidency Council and other stakeholders to implement the agreement in full compliance with international standards, including to remove any conditionality on the return of internally displaced persons, to ensure full transparency and oversight for reparations and other payments, and to address truth and justice issues through a national programme. On 18 May, an agreement was reached between the Mashashiya and Zintan communities on the return of persons displaced since the 2011 armed conflict to their homes, and on the establishment of mechanisms to address the issues of reparation and missing persons.<sup>15</sup>

4.3.4 Human Rights Watch, in their Article, Libya: Residents barred from returning home, 16 February 2018:

'...Armed groups and civilian authorities in the Libyan coastal city of Misrata are blocking thousands of people from the town of Tawergha from returning to their hometown after seven years of forced displacement. Two men have died following strokes since 1 February 2018, in the deteriorating conditions for families stranded in makeshift desert camps that lack adequate health facilities...

'..."Misrata militias and authorities who are barring 40,000 forcibly displaced people from returning to their homes after seven years of living in squalid conditions are being cruel and vindictive," said Sarah Leah Whiston, Middle East and North Africa Director at Human Rights Watch. "The authorities in Tripoli should act to ensure that people already on their way to Tawergha reach it in safety and help them to rebuild their lives."

'On 1 February 2018, the Misrata forces blocked thousands of people from Tawergha from returning to their town. The effort to return followed a long-anticipated decision by the United Nations-backed GNA to initiate the return process, based on an agreement brokered by the UN between representatives from Misrata and Tawergha that provided for reconciliation between the communities and compensation for victims on both sides. Misrata militias forcibly displaced at least 40,000 Tawerghans from their town in 2011 as collective punishment for their support of the deposed leader Muammar Gaddafi and alleged abuses by some Tawerghans against Misrata residents. Since then, the Tawergha community has been dispersed around the country in makeshift camps and private housing...'<sup>16</sup>

4.3.5 The HRW report also observed that:

'Emad Ergeha, an activist and media spokesman for the Tawergha Local Council...said that when Tawerghans tried to reach their village on 1 February [2018], armed groups from Misrata burned tires, harassed people, and shot in the air to intimidate them... On 31 January [2018], the Misrata Military Council, the Misrata Association of Families of Martyrs and Missing

<sup>15</sup> OHCHR, 'Situation of human rights in Libya ...', February 2018, (para 21 and 23), [url](#)

<sup>16</sup> Human Rights Watch, Libya: Residents Barred From Returning Home, 16 February 2018, [url](#)

and the Council of Elders of Misrata issued a statement opposing the anticipated return of Tawerghans on 1 February 2018 and seeking a postponement, claiming that parts of the UN-brokered agreement between the parties had not been fulfilled.

‘...Since 2011, armed groups from Misrata have been responsible for a range of abuses against Tawerghans, including shooting at camps of displaced Tawerghans, arbitrary detention, enforced disappearances, and torture. There has been a lack of accountability for crimes committed against Tawerghans. Libyan authorities have prosecuted only crimes attributed to Tawerghans, convicting them mostly for killings and unlawful possession of weapons, sentencing those found guilty to jail and even imposing death sentences. No one, in particular from the militias, has yet been prosecuted for the forced displacement of Tawerghans or other serious abuses against them...

‘...Certain abuses committed as part of a widespread or systematic attack on a civilian population, including torture, arbitrary detention, and forced displacement, may constitute crimes against humanity. The UN International Commission of Inquiry on Libya concluded in its March 2012 report that Misrata militias had committed crimes against humanity against Tawerghans and that the deliberate destruction of Tawergha "has been done to render it uninhabitable."<sup>17</sup>

4.3.6 The Report of the Special Rapporteur on the human rights of internally displaced persons on her visit to Libya (2018) stated:

‘The lack of preparation and of unified agreement on the scheduled return of the Tawerghans on 1 February 2018 has led to thousands of Tawerghans being barred from returning and being now forced to live in makeshift shelters in the desert. Armed groups from nearby Misrata blocked the Tawerghans’ return, and many children, women and men are now stranded in the desert and suffering extremely poor living conditions, such as poor sanitation, lack of access to health facilities, shortages of medicines, and limited drinking water. Although some of the families camping out in the desert are receiving life saving assistance from host communities, as well as from local and international humanitarian actors [...]

‘The return of the Tawerghans to an area that experienced intense fighting also exposes them to risks, including the danger of explosive remnants of war [...]<sup>18</sup>

4.3.7 Amnesty International stated in their August 2018 article, ‘Libya: Tawergha IDP camp attacked by militia in danger of further attack and demolition’, that:

‘[In August 2018] a militia group belonging to the Ghnewa brigade attacked the Tariq Al-Mattar IDP camp in Tripoli, home to over 500 families who were displaced from the town of Tawergha in 2011. The attack appears to be in retaliation to a violent altercation which took place between young men in the

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<sup>17</sup> Human Rights Watch, Libya: Residents Barred From Returning Home, 16 February 2018, [url](#)

<sup>18</sup> UNHRC, ‘The Report of the Special Rapporteur on the human rights of internally displaced persons on her visit to Libya’, (paras 52 and 53), 10 May 2018, [url](#)



camp some two weeks ago, resulting in the death of one armed militia member from the Ghnewa brigade.

'Najia Bounaim, Amnesty International's North Africa Campaigns Director said "we have received first-hand accounts from people in the Al-Mattar camp describing the attacks they have experienced at the hands of the militia over the past few days. While families were sleeping during the night, armed militia broke down the doors to their makeshift homes, stealing money and household items and kidnapping 77 men and a 13-year-old boy. The armed group gave people in the camp until late afternoon to vacate the camp as bulldozers sit poised to demolish everything." Now, former residents tell Amnesty International, the camp is empty. Families have taken from their belongings what they can and have nowhere to go.'<sup>19</sup>

4.3.8 According to the UNHCR on 14 August 2018, in their article, Militias evict and disperse 1,900 Displaced People in Libya:

'UNHCR, the UN Refugee Agency, is concerned about the forced eviction by militias of 1,900 internally displaced persons from Triq Al Matar settlement in Tripoli, Libya. Triq Al Matar was the largest IDP settlement in Tripoli, hosting 370 families originally from the city of Tawergha who had been living in the settlement since it was established in 2011.

'According to residents, a local militia forced the entire population of Triq Al Matar to flee their homes...following three nights of indiscriminate raiding and the arbitrary arrest of 94 residents, 12 of whom remain detained by the militia in dismal conditions. Some women and girls were threatened with rape and the IDPs had to flee their homes at short notice, taking only a few belongings with them. The IDPs are now dispersed, living in various areas in which they have relatives or acquaintances, including other IDP settlements. Some families who owned cars are now sleeping in them.'<sup>20</sup>

4.3.9 The UNHCR report continued that:

'UNHCR is concerned that IDPs moving to other settlements in Tripoli are at risk of further eviction. Some families from Tawergha living in other settlements in Tripoli have already fled their homes for fear of being attacked. UNHCR calls for the respect of human rights, the protection of civilians and for the right of displaced persons to decide about their own future. UNHCR is closely following-up on the situation and liaising with all parties to ensure that the main needs of IDPs are met and any future evictions are prevented.

'The majority of [Tawergha] sought refuge in informal settlements around Tripoli or Benghazi. They have now been internally displaced for seven years and are waiting to return home following a recent agreement by the parties involved. In Libya, 192,000 displaced people have been living in dire conditions for years. UNHCR calls for urgent solutions to end their suffering and return home in a voluntary, safe and dignified manner.'<sup>21</sup>

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<sup>19</sup> Amnesty International, Libya: Tawergha IDP Camp Attacked by Militia ..., 10 August 2018, [url](#)

<sup>20</sup> UNHCR, Militias Evict and Disperse 1,900 Displaced People in Libya, 14 August 2018, [url](#)

<sup>21</sup> UNHCR, Militias Evict and Disperse 1,900 Displaced People in Libya, 14 August 2018, [url](#)

4.3.10 The United Nations Security Council, United Nations Support Mission in Libya, 24 August 2018 notes that:

‘...On 3 June [2018], local officials from Misratah and Tawurgha’ signed a reconciliation charter, which fell far short of international human rights standards. The charter failed to ensure the unconditional and safe return of some 40,000 Tawurghans forcibly displaced since the 2011 armed conflict. The charter’s preamble reproduced a one-sided narrative of the conflict, referencing alleged crimes committed by the Tawurgha’ community. The charter further undermined the Tawurghans’ rights to freedom of expression and association, placed returns and security under the control of armed groups from Misratah and excluded a range of Tawurghans from the possibility of returning to their home town.

‘The Tawurgha’ Shura Council and other members of civil society opposed conditions set by the charter. In an apparent effort to compel those critical of the charter to vacate the temporary shelter at Qararat al-Qataf camp in Bani Walid, the Tawurgha local council removed its mobile medical clinic, generator and water tanks, transferring them to a school inside Tawurgha’ used to shelter returnees to the city. Between 15 and 20 June [2018], Misratah armed groups established a checkpoint near the entrance to Tawurgha’, checking the identification of displaced Tawurghans returning to celebrate Eid al-Fitr in their home town. Some identity cards of internally displaced persons were reportedly confiscated and only returned to them once they left the city...’<sup>22</sup>

4.3.11 The UNOCHA observed in February 2018:

‘Libya must ensure the safety of hundreds of former residents of the northern town of Tawergha, who are stranded and even dying in the desert despite an agreement allowing their safe return, a UN human rights expert has said.

‘...Their return, in line with the government-endorsed agreement, has been blocked by armed groups.’<sup>23</sup>

4.3.12 The UNOCHA report continued:

‘[The Tawergha] are being barred from returning and are being forced to live in makeshift shelters in the desert,’ said Cecilia Jimenez-Damary, Special Rapporteur on the human rights of internally displaced persons.’

“Two men have died already following strokes, possibly as a result of the harsh weather conditions with temperatures dropping close to zero degrees at night. Many children, women and men stranded in the desert are suffering from extremely poor living conditions such as poor sanitation, lack of health facilities, shortage of medicine and limited drinking water.

‘...Around 200 families are camped out in makeshift tents in Qararet al-Qatef near Tawergha, while others are living in tents or public halls in nearby towns.

“Although some of the families camped out in the desert are receiving assistance from the UN Refugee Agency (UNHCR), it is essential for Libya

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<sup>22</sup> UNSC, United Nations Support Mission in Libya, (paragraph 47), 24 August 2018, [url](#)

<sup>23</sup> UNOCHA, ‘Libya: residents of Tawergha ‘dying in desert’ ...’, 20 February 2018, [url](#)

to fulfil its international obligation to protect and help them,” the Special Rapporteur stated.

“Although the agreement was endorsed by the Government of National Accord, the returning Tawerghans were met with threats of violence by armed groups and local authorities and were prevented from entering their town,” she said.

“The town has been uninhabitable for the past seven years as a result of deliberate destruction by armed groups from Misrata, and it is crucial that the government ensures that sustainable conditions are in place for Tawerghans to rebuild their lives there,” she added.<sup>24</sup>

- 4.3.13 On 1 April 2018, Reuters reported that hundreds of people are stranded in Garart Al-Gatef, Libya, whilst trying to return to their hometown, Tawergha. The report stated:

‘The makeshift camp of 250 tents sprang up in early February after armed groups from the city of Misrata blocked convoys of displaced families trying to approach Tawergha, a town of about 40,000 that still lies in ruins.

‘...repeated attempts to approach Tawergha and set up camp there were blocked by a combination of uniformed forces and militiamen in civilian clothes, some of whom opened fire, Ghrema [a town council member living at Garart al-Gtaf] said.

“The militiamen who shot at us were not the same as the first group, who appeared to be organized military forces. They talked to us with respect and told us it was a problem and we could be exposed to danger,” he said.

“The militias used racist words, abuse and repugnant terms, and fired on us.”

‘Nearly 200 families settled on the roadside at Garart al-Gatef, about 27 km (17 miles) from Tawergha. A smaller number trying to return from Benghazi were blocked east of Tawergha.

‘Local and international aid agencies are now delivering food, water and medical assistance at Garart al-Gatef. A nursery has been up in one large tent, and some young children are being bussed to a local school.

‘The U.N. concluded that the town was deliberately destroyed in 2011 in order to make it uninhabitable, and said Misrata’s militias had committed crimes against humanity.

‘For the past few weeks, the Tripoli government and the United Nations have both been pushing to resolve the standoff.’<sup>25</sup>

- 4.3.14 On 11 July 2018, Asharq Al-Awsat news agency reported:

‘Displaced Libyans hoping to return to their homes in Tawergha, rendered a ghost town by civil war, discovered that their route is fraught dangers and obstacles, despite nearly a month passing since the signing of a “reconciliation pact” with Misurata (200 kilometers east of the Libyan capital of Tripoli).

<sup>24</sup> UNOCHA, ‘Libya: residents of Tawergha ‘dying in desert’ ...’, 20 February 2018, [url](#)

<sup>25</sup> Reuters, ‘Libya returnees stuck in desert say no going back’, 1 April 2018, [url](#)

'The pact was meant to ensure the safe return of Tawergha residents following the death of President Muammar Gaddafi in 2011.

'...It goes without saying that even though the agreement allows locals to return, many speculations involving widespread webs of landmines and explosives have caused returnees to hesitate.

'...Despite the widespread belief of mines being planted across the town and a UN commission conducting a mine survey this week, some citizens were surprised to hear talks of mines in their hometown, saying there is no evidence backing such claims.'<sup>26</sup>

- 4.3.15 AFP news agency reported, via a video on Twitter on 24 November 2018, that some displaced persons have returned to their town, Tawergha. The video shows vandalised properties, noting that life and electricity is slowly returning to the town, since the reconciliation agreement in June 2018. A farmer explained that he returned to find his three and a half acres of land burnt, where he has lost over 200 palm, olive and pomegranate trees. According to AFP, 'the government has committed to compensate displaced families under the reconciliation deal'. The mayor of Tawergha, Abdelrahman Chakchak, stated that 'families have begun to return'. He explained that certain agreements from the reconciliation deal have been delayed by the government.'<sup>27</sup>
- 4.3.16 France24 reported in November 2018, that according to AFP, 'a few residents have trickled back. The town's alleyways remain littered with debris, while long-abandoned animals wander unimpeded. Homes are either burnt-out shells, or vandalised, but life has slowly begun to restart... schools and other public buildings have also been severely damaged or completely destroyed... the nearest field hospital is unreachable for patients without transport... Under the terms of the reconciliation agreement, the GNA has committed to compensating displaced families.'<sup>28</sup>
- 4.3.17 The France24 report mentioned 'Despite the challenges, mayor Abdelrahman Chakchak is upbeat. "We are finally home and life is gradually reviving -- the electricity is back, we have a school... and a field hospital," he said. Five offices have been established to evaluate and record damage, but residents can already start to rebuild their homes, Chakchak said.'<sup>29</sup>
- 4.3.18 Furthermore, the France24 report noted that 'The town needs "significant financing to reconstruct itself, but also support from the international community, which has promised to contribute," said Youssef Jalala, minister for the displaced and refugees.'<sup>30</sup>

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<sup>26</sup> Alsharq Al-Awsat, 'Tawergha return journey saddled with mines, tribal strife', 11 July 2018, [url](#)

<sup>27</sup> Twitter, 'AFP news agency', 24 November 2018, [url](#)

<sup>28</sup> France24, 'Returnees count cost of destruction in Libya's Tawergha', 23 November 2018, [url](#)

<sup>29</sup> France24, 'Returnees count cost of destruction in Libya's Tawergha', 23 November 2018, [url](#)

<sup>30</sup> France24, 'Returnees count cost of destruction in Libya's Tawergha', 23 November 2018, [url](#)

## 4.4 Tuareg

4.4.1 The 2014 LandInfo report on Libya's Militias and Tribes stated that: 'The Tuareg are important actors as they influence the trading routes along Libya's borders. Due to their cross-border tribal affiliations, they are often regarded as Qadhafi supporters because of the increased presence of 'mercenaries', brought in by the Qadhafi regime from other parts of North Africa to quell the uprising in 2011.'<sup>31</sup>

4.4.2 The December 2018 DFAT Report noted that:

'The Tuareg are a nomadic, pastoralist tribe who reside in Libya, Algeria, Mali and Niger. Estimates on the size of the Libyan Tuareg population vary widely from 10,000 to 100,000, mostly in the desert oases of Ghat, Ghadames and Murzuq in the south west. Many Tuareg have no official documentation attesting to their citizenship.

'During the 2011 conflict, the Gaddafi regime recruited at least 1,500 non-Libyan Tuareg as mercenaries against rebel forces. Many of these recruits were ex-rebels residing in Libya, while others were recruited from across the Sahel with promises of large bonuses and Libyan citizenship in some cases. Many other Tuareg, from Libya and other Sahel countries, were employed in the Libyan national army.

'Although some Tuareg also opposed Gaddafi, many Libyans have tended to identify all Tuareg as supporters of the Gaddafi regime. Following the removal of the regime, there were reports that interim government authorities removed Tripoli-based Tuareg from their homes and held them in detention centres and prisons. Government officials and journalists often distinguished between "loyal" and "foreign" populations of Tuareg in the South, and advocated the expulsion of minority groups affiliated with political rivals on the basis that they were not truly "Libyan". Actual or perceived former Gaddafi loyalists, and displaced Tuareg in general, have been subjected to retaliatory attacks, harassment, intimidation, discrimination, and other abuses.'<sup>32</sup>

4.4.3 The December 2018 DFAT Report continued that:

'DFAT assesses that Tuareg face a high risk of societal discrimination and violence, similar to that faced by other 'Black Libyans', due to their perceived association with the Gaddafi regime. This may include being illegally detained, beaten or tortured; having death threats made against themselves or their families; or being killed. While this treatment can occur throughout Libya, the risk is higher for those Tuareg located outside their traditional tribal areas in the south. Tuareg without documentation to prove their Libyan citizenship face a high risk of official discrimination and violence, including being detained, beaten or tortured. This risk is also particularly high in areas outside their traditional tribal areas.'<sup>33</sup>

4.4.4 Minority Rights Group International, World Directory of Minorities and Indigenous Peoples-Libya: Tuareg, July 2018 observed that:

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<sup>31</sup> LandInfo, Report Libya: Militias, Tribes and Islamists, 19 December 2014, [url](#)

<sup>32</sup> DFAT Country Information Report, Libya, (section 3), 14 December 2018, [url](#)

<sup>33</sup> DFAT Country Information Report, Libya, (section 3), 14 December 2018, [url](#)

'Thousands of Tuareg came to Libya from Niger and Mali in the 1970s, in the wake of severe drought in the Sahel during that time period. Gaddafi welcomed the Tuareg and encouraged their immigration, often referring to them as "Arabs of the South" and emphasizing their qualities as fighters and defenders. Gaddafi also went on to support Tuareg rebellions in Niger and Mali and invested in their regions. Many Tuareg were incorporated in the Libyan national army in the 1980s and were able to obtain citizenship and access state services. Other Tuaregs, especially women and children, who did not hold Libyan nationality, experienced the same types of marginalization common to other minorities under Gaddafi. In 2005, Gaddafi opened his doors once again to Tuareg fleeing conflict in Niger and Mali, and many found employment in the petroleum industry.'<sup>34</sup>

#### 4.4.5 The Minority Rights Group International report continued:

'Tuareg have faced discrimination and racist harassment in post-2011 Libya due to the perception that they were Gaddafi loyalists. Together with other minorities in Libya, they are seeking a greater degree of participation in the political future of the country and guarantees that their cultural and linguistic rights will be respected. Like the Imazighen, Tuareg were granted only two seats on the Constitutional Drafting Committee and joined the Imazighen in their boycott of the process. Draft versions of the Constitution released since 2015 have recognized Tuareg culture and language as important parts of Libya's heritage, but have fallen short in offering true protections to the community from discrimination and other abuses of their rights. UNESCO has classified the language of the Tuareg as 'definitely endangered.'

'Lack of documentation is another ongoing concern in the Tuareg community. According to some estimates, approximately 14,000 Tuareg do not hold citizenship or official papers. Since Libya's 1954 citizenship law required applicants to prove that their mother, father, grandmother or grandfather was born in Libya, many of the semi-nomadic Tuareg could not apply for citizenship due to their frequent movement across the borders between Libya, Algeria, Niger and Chad as well as lack of documents proving their origin...'<sup>35</sup>

#### 4.4.6 UN Security Council, United Nations Support Mission in Libya, in its report of 24 August 2018 noted:

'Building on their initial meeting in February 2018 and their agreed road map for reconciliation, delegations from Ghadamis and the Tuareg communities displaced in Awal attended a three-day training session in Tunis in May. The objective was to enhance their capacity to document the gross human rights violations committed by both sides and to identify damage and appropriate reparations mechanisms. Around 220 families remain displaced because of the conflict.'<sup>36</sup>

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<sup>34</sup> MRGI, World Directory of Minorities and Indigenous Peoples-Libya: Tuareg, July 2018, [url](#)

<sup>35</sup> MRGI, World Directory of Minorities and Indigenous Peoples-Libya: Tuareg, July 2018, [url](#)

<sup>36</sup> UNSC, United Nations Support Mission in Libya (para 45), 24 August 2018, [url](#)

## 4.5 Tuareg/Tebu conflict

### 4.5.1 According to the Minority Rights Group International, World Directory of Minorities and Indigenous Peoples-Libya: Tuareg, July 2018:

'...Recently, the Tuareg have been embroiled in conflict with the Tebu in the southern town of Awbari, driven by disputes over oil and water resources and control of the lucrative smuggling trade in arms, drugs and migrants. Beginning in September 2014, clashes between militias from the two communities led to the displacement of 18,500 people, most of whom were women, children and the elderly. The two communities signed a ceasefire brokered by Qatar in November 2015, although sporadic clashes continued. IDPs began returning to the town, despite the fact that homes, infrastructure and services remained destroyed or heavily damaged; in May 2017 the conditions of the agreement were finally implemented with the withdrawal of militias from both sides from the town.'<sup>37</sup>

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## 4.6 Tebu/Toubou/Tabu/Tubu

### 4.6.1 The December 2018 DFAT Report explained:

'The Tebu are a traditionally nomadic tribe that has inhabited an area of present day south-eastern Libya, the Tibisti Mountains of northern Chad and parts of Niger and Sudan. An estimated 50,000 Tebu live in Libya. Historically the Tebu were a clan-based society of camel herders, speaking a language of Nilo-Saharan origin. Tebu have historically lacked citizenship and faced discrimination from Arab Libyans.

'In the 1970s, Libya invaded the mineral-rich Aouzou strip belonging to Chad, and registered its inhabitants as Libyan citizens and issued documentation accordingly. Libya's Tebu population was coerced into moving to the region, and applying for new documentation with the civil administration set up in Aouzou. Libya's Tebu population thus largely came to hold documentation issued from Aouzou. Following several years of conflict between Libya and Chad, a ceasefire was reached in 1987. However, the territorial boundary remained unclarified until February 1994, when the International Court of Justice ruled that the Aouzou strip was Chadian territory. Libya recognised the court's decision. In 1996, the Gaddafi regime passed Decree No. 13 (1485) which declared that all those carrying documentation issued in Aouzou should be considered foreigners. This policy applied regardless of whether individuals had been compelled to register in Aouzou and had their regular place of residence elsewhere in Libya, and regardless of whether they had acquired or maintained Chadian nationality.'<sup>38</sup>

### 4.6.2 The December 2018 DFAT report continued that:

'In 2007, Libyan authorities began a policy of actively revoking citizenships from the Tebu, on the grounds that they were Chadians rather than Libyans. This policy was implemented unilaterally. No evidence suggests that Libyan authorities made any assessment of Chadian nationality law or the

<sup>37</sup> MRGI, World Directory of Minorities and Indigenous Peoples-Libya: Tuareg, July 2018, [url](#)

<sup>38</sup> DFAT Country Information Report, Libya, (section 3), 14 December 2018, [url](#)

citizenship of any of the affected individuals. The 1996 and 2007 policies have had the combined effect of leaving many Tebu stateless. During the final months of the Gaddafi regime, Gaddafi reportedly annulled the 1996 decree. DFAT is unable to establish the extent to which this policy reversal was communicated to local and civil authorities at the time.

‘The scale and rate of statelessness among the Tebu today is unknown. They frequently clash with Arab tribes for control of key southern hubs such as Sebha and Kakra...

‘DFAT assesses that Tebu face a high risk of societal discrimination and violence, similar to other ‘Black Libyans’, due to their perceived association with the Gaddafi regime, and being viewed by some as foreigners. This may include being illegally detained, beaten or tortured; having death threats made against themselves or their families; or being killed. While this treatment can occur throughout Libya, the risk is higher for those Tebu located outside of their traditional tribal areas. Tebu without documentation to prove their Libyan citizenship face a high risk of official discrimination and violence, including being detained, beaten or tortured. This risk is also particularly high in areas outside their traditional tribal areas.’<sup>39</sup>

#### 4.6.3 Regarding the fighting between Tebu and Zway militias, The UN Security Council stated in May 2018:

‘On 21 February [2018], representatives from the Tebu and Zway tribes of Kufrah District signed a reconciliation agreement after a two-day meeting in Tunis. The agreement sets out key principles for reconciliation, including freedom of movement, individual accountability for crimes and equal access to services without discrimination. The Tebu and Zway tribes agreed to form a high commission for peace and reconciliation in Kufrah which, once established, will receive technical support from UNSMIL.’<sup>40</sup>

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## 4.7 Tebu / Awlad Sulayman conflict

### 4.7.1 According to the Minority Rights Group International, State of the World's Minorities and Indigenous Peoples 2016 – Libya, 12 July 2016:

‘According to the Internal Displacement Monitoring Centre (IDMC), there are also 4,800 IDPs in protracted displacement who have been unable to return to their homes since the January 2014 clashes between the Tebu and Awlad Suleiman tribe, who may have been re-displaced during the renewed conflict. Although a ceasefire negotiated with the help of Qatar in November 2015 promises to end fighting and provide for the return of displaced people to Awbari, sporadic clashes have continued to erupt.’<sup>41</sup>

### 4.7.2 In May 2018, the United Nations Security Council’s Report of the Secretary-General noted:

‘During the period under review (February to May 2018), intercommunal conflict increased in and around the city of Sabha between tribal armed

<sup>39</sup> DFAT Country Information Report, Libya, (section 3), 14 December 2018, [url](#)

<sup>40</sup> UNSC, ‘UNSMIL – Report of the Secretary-General’ 7 May 2018, (paragraph 48), [url](#)

<sup>41</sup> MRGI, Middle East and North Africa (page 196-197), 12 July 2016, [url](#)



groups and militias. The Libyan National Army moved military equipment into the area. On 6 March, after weeks of periodic clashes, violence escalated in Sabha between armed groups from the Tebu and the Awlad Sulayman communities. During the month of March, clashes resulted in seven persons being killed and more than 20 injured, most of whom were civilians. Approximately 720 families were displaced. By early April, more than 1,500 families in total had been displaced as a result of the fighting.

‘...Civilians bore the brunt of intermittent clashes in southern Libya between the Awlad Sulayman and the Tebu tribal armed groups and their allies. The use of indiscriminate fire in densely populated areas led to civilian casualties, while snipers also apparently targeted civilians and civilian vehicles. Victims included civilians of Arab, Tebu and Tuareg origin. An estimated 1,500 families were displaced as a result of fighting, finding shelter in schools or with relatives and host communities in the towns of Awbari and Murzuq, as well as in Sabha neighbourhoods farther away from the conflict zones.’<sup>42</sup>

4.7.3 In August 2018, the United Nations Security Council’s Report of the Secretary-General observed:

‘The situation in the south continued to be dominated by the conflict between Tebu and Awlad Suleiman communities. After an increase in small-scale confrontations and sniper attacks, on 12 May, Tebu forces took the strategic Elena Castle and the adjoining headquarters of the Sixth Brigade affiliated with Awlad Sulayman. Approximately 10 people were reported killed and 45 injured in the attack. The Tebu forces then retreated after destroying the fortifications, making the site indefensible. Efforts to resolve the dispute between the two sides, including those by the Presidency Council, have so far failed. In the meantime, restrictions on access to basic services based on tribal affiliation remain in place in various locations.’<sup>43</sup>

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Section 5 updated: 28 December 2018

## 5. Amazigh (Berber)

5.1.1 The December 2018 DFAT Report observed:

‘The Amazigh (also known as Berbers) are Libya’s largest indigenous minority. The Amazigh are native inhabitants of North Africa, with a population extending from Morocco to Egypt. Within Libya, the population mainly resides in the western Libya, near the borders with Tunisia and Algeria. The largest community is found in the Djebel Nafusa region, and towns including Zuwara, Ghadames, Sokna, Awgila AlFoqaha and Jalu have significant populations. Minority Rights Group International estimates the population numbers between 236,000 and 590,000 (between 4 and 10 per cent of the total population). Most Amazigh adhere to a form of Sunni Islam. Some Amazigh are Ibadi Muslims.

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<sup>42</sup> UN Security Council, United Nations Support Mission in Libya – Report of the Secretary-General’, (paragraphs 15 and 33), ‘7 May 2018, [url](#)

<sup>43</sup> UN Security Council, ‘United Nations Support Mission in Libya – Report of the Secretary-General’ 24 August 2018, (paragraph 14), [url](#)

'Under the Gaddafi regime, the Amazigh faced discrimination and harassment due to Gaddafi's regime of Arabisation. Gaddafi denied the Amazigh identity: Tamazight, the Amazigh language was outlawed, as was the use of non-Arab Amazigh names on official documents. The state attempted to force Amazigh to marry non-Amazigh to erode their sense of identity. The government prohibited publication of literature in Tamazight, and prohibited Amazigh from forming cultural associations. Minority Rights Group International reports that the state deemed Amazigh New Year celebrations to be un-Arab, and often persecuted Amazigh who expressed their culture and heritage. Amazigh were among the first to protest against the Gaddafi regime in February 2011. Fighting in the region during this period forced nearly 55,000 Amazigh to flee into neighboring Tunisia and Gaddafi loyalist forces abducted many Amazigh, mostly young men, in the Nafusa mountains area.

'The removal of the Gaddafi regime led to a rise in Amazigh political and cultural consciousness. The Amazigh advocated for Tamazight to be adopted as one of Libya's official languages. The interim constitution issued in August 2011 only vaguely alluded to Amazigh culture and rights, and Tamazight was not recognised as an official language. The current draft constitution considers Arabic, Amazigh and Tebu as 'a cultural and linguistic heritage as well as a common asset for all Libyans', but Arabic remains the official language of the state.

'DFAT assesses the Amazigh population faces a low risk of ethnic discrimination... Politically active and high profile Amazigh may face a higher risk of societal violence from those opposed to the extension of political and cultural minority rights. Although DFAT is not aware of any specific attacks or societal violence, DFAT assesses that Amazigh may face societal discrimination, as they are viewed by some as being anti-Islamic.'<sup>44</sup>

#### 5.1.2 Minority Rights Group International, World Directory of Minorities and Indigenous Peoples-Libya: Imazighen, July 2018 noted that:

'Imazighen (singular: Amazigh), also referred to as Berbers, are the largest non-Arab minority in Libya. They are descendants of the indigenous populations of North Africa who inhabited the region prior to the arrival of the Arabs. Estimates of their numbers vary between 236,000 and 590,000 (4-10 per cent). Imazighen live primarily in western Libya, near the borders with Tunisia and Algeria. The largest Amazigh community in Libya is found in the Djebel Nafusa region, while the towns of Zuwara, Ghadames, Sokna, Awgila, Al-Foqaha and Jalu also have significant populations.

'Imazighen retain the Tamazight language and customs and are made up of different ethnic groups. Most Imazighen adhere to a form of Sunni Islam intermeshed with North African pre-Islamic beliefs in sorcery and witchcraft. However, some Imazighen in Djebel Nafusa belong to the Ibadi sect of Islam, in contrast to the majority of Libyans who are Sunni Muslims adhering to the Maliki school of jurisprudence. Marriages are monogamous and women have a high status in Amazigh society...'<sup>45</sup>

<sup>44</sup> DFAT, Country Information Report, Libya, (section 3), 14 December 2018, [url](#)

<sup>45</sup> MRGI, World Directory of Minorities and Indigenous Peoples-Libya: Imazighen, July 2018, [url](#)

### 5.1.3 The Minority Rights Group International report continued that:

‘...The challenge of Amazigh leaders remains achieving full political participation in post-Gaddafi Libya and securing recognition for their rights, including by ensuring that the future Constitution includes Tamazight as an official language. The interim constitutional declaration issued by the National Transitional Council in August 2011 only vaguely alluded to Amazigh culture and rights, and Tamazight was not recognized as an official language. Moreover, the cabinet of Prime Minister Abdurrahim al Keib appointed in November 2011 did not include Amazigh Ministers, angering Amazigh who fought against Gaddafi forces. Many took to the streets to protest their exclusion from the new political arrangement.

‘In 2013, Imazighen announced their intention to boycott elections for the Constitutional Drafting Committee (CDC), the body tasked with creating a new Constitution for Libya. The CDC reserved only two seats for Amazigh representatives, two seats for Tebu, and two seats for Tuareg out of a total of 60 seats, which Amazigh leaders saw as insufficiently representative. Moreover, the majority voting rule would effectively prevent them from securing their demands within the CDC. The first and second draft Constitutions released in 2015 and 2016 respectively recognized the Tamazight, Tuareg and Tebu languages as being part of Libya’s cultural and linguistic heritage, but maintained Arabic as the only official language. In January 2016, the Supreme Amazigh Council declared, “We will not recognize any Constitution that is not agreed upon by all of Libya’s sons - the Tebu, Tuareg, Amazigh and Arabs”.

‘Reviving education in the Tamazight language after decades of repression, especially its written form, is another important Amazigh aim in post-Gaddafi Libya. Amazigh leaders have created textbooks and other materials to teach Tamazight in schools, but finding enough qualified teachers and resources to ensure that all Amazigh children have access to quality mother-tongue education is a challenge.’<sup>46</sup>

### 5.1.4 The USSD report of 2017 observed that ‘The government officially recognizes the Amazigh’ language, and ‘provides for their teaching in schools.’ However, it also stated that ‘Language remained a point of contention, however, and the extent to which the government enforced official recognition was unclear’.<sup>47</sup>

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Section 6 updated: 28 December 2018

## 6. The Mashashiya

### 6.1.1 The December 2018 DFAT Report noted that:

‘The Mashashiya (Mashashya) were originally nomadic tribespeople. The Gaddafi government reportedly resettled a large number of Mashashiya in the western mountains and they now reside in the region around the Nafusa mountains, Zintan and other towns in the area. Limited land and water fuelled regional tensions, and the Gaddafi government exacerbated them by

<sup>46</sup> MRGI, World Directory of Minorities and Indigenous Peoples-Libya: Imazighen, July 2018, [url](#)

<sup>47</sup> USSD, ‘Country reports on human rights practices for 2017 - Libya, 22 April 2018, (section 6), [url](#)

manipulating ethnic and tribal tensions, and encouraging competition for resources and official favours at the expense of the development of national identity. The Mashashiya are generally perceived to have been a group favoured by the regime. Reliable population figures for the Mashashiya are unavailable.

'In 2011 anti-Gaddafi rebels targeted the Mashashiya for their alleged support of the regime, forcibly displacing around 10,000 Mashashiya from the region of Zintan, and looting and burning their homes. The displaced Mashashiya continue to risk retaliatory attacks, including abduction, and face serious restriction to their freedom of movement. Actual or perceived former Gaddafi loyalists, and displaced persons in general, have been subjected to retaliatory attacks, harassment, intimidation, discrimination and other abuses as reported in 2018 by the UN Special Rapporteur on the human rights of internally displaced persons.

'In January 2016, elders of Zintan, Asabaa and Mashashiya announced their agreement to the return of displaced persons, and the formation of a committee to oversee the operation. In May 2017, the International Peace Institute reported that Mashashiya and Zintan communities reached agreement on the return of displaced persons in the region, compensation and missing persons. In July 2018 reported that most of the Mashashiya have returned to their homes. Contrary to this, a DFAT source reports that the reconciliation attempts have not been successful. DFAT has been unable to verify these claims. UNSMIL reports that many IDPs have returned to their homes, however concerns remain regarding the condition to which they are returning, such as lack of safety and security, lack of access to services, discrimination and local standard of living.

'DFAT assesses that the Mashashiya face a high level of societal discrimination and violence, particularly by Zintan militias, due to their perceived association with the Gaddafi regime. This may include being illegally detained, beaten or tortured; having death threats made against themselves or their families; or being killed. While this treatment can occur throughout Libya, it is particularly likely to occur in areas where the Zintan militias have a strong presence. Mashashiya may be unable to go back to their places of origin out of fear of retaliation and a lack of physical safety for them and their families.'<sup>48</sup>

6.1.2 The United Nations, Human Rights Council, Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons on her Visit to Libya, 10 May 2018:

'...The Special Rapporteur received numerous reports concerning the primary groups of protracted internally displaced persons in Libya, which include those from... Mashashiya, who are unable to go back to their places of origin out of fear of retaliation and a lack of physical safety for them and their families. The fear and the security conditions are the main reasons why local reconciliation efforts and agreements to encourage their return have so far failed. This protracted internal displacement situation for several ethnic

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<sup>48</sup> DFAT Country Information Report, Libya, (section 3) 14 December 2018, [url](#)

groups in Libya further hampers any reconciliation efforts, due to the prolonged disconnection between those who were forcibly displaced and those who could stay behind...'<sup>49</sup>

#### 6.1.3 The Libya Herald noted in August 2017:

'The reconciliation committee aimed at ensuring peace between Zintan and the Mashashia tribe has been meeting in Bani Walid in the latest bid to try and finally put end the conflict between the two.

'It was agreed that displaced members of the Mashashia currently staying in Mizdah would be able to return to their homes in the Jebel Nafusa town of Awiniya, that would be no more fighting between the two sides and no more demonising of each other through the media or by any other means.

'The committee was formed at the beginning of last year during peace talks in Al-Asaba, near Gharyan. It comprises representatives from both communities supervised by officials from Al-Asaba. At that meeting it was also agreed that there would be an exchange of prisoners and that displaced Mashashia residents would be able to return home.

'While prisoners have been released, there has been little movement on helping the displaced to return. A fortnight ago, complaining that the tribe was being deliberately ignored by almost everyone in authority, including the Presidency Council (PC) and the House of Representatives, a group of young Mashashia men threatened action unless the PC started immediately talking to the tribe's elders, in particular about returning to Awiniya. That resulted in a meeting on Monday between the elders and PC deputy Ahmed Maetig, where he promised that he would visit Awiniya and address their complaints. These include the need for a modern infrastructure.'<sup>50</sup>

#### 6.1.4 On 30 September 2017, the Libya Herald reported;

'Three men, said to be members of the Mashashia tribe, are reported to have been arrested in Mizdah, accused of responsibility for the deaths yesterday of two members of the Warfala tribe's social council and two others from Bani Walid who were with them.

'Sheikh Abdullah Antat, the head of the Warfala social council's reconciliation committee, and Sheikh Khamis Asbaga Al-Mansali, together with Adel Ben Jadiriya and driver Masoud Al-Mansali were killed when their car overturned after it was shot at and chased along the road near Mizdah.

'The three, one of whom has been named as Mizdah resident 'Abd al-Majid Makari, were reported to have been arrested following claims from eyewitnesses that they had fired at the two sheikh's vehicle and chased it. The witnesses said that after it overturned the assailants then got out and fired more shots and refused to allow any passing vehicles to stop and give help.

'It is suggested in Mizdah that the reason for the attack was revenge. The Warfala team had been involved in the mediation efforts between the

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<sup>49</sup> The United Nations, Human Rights Council, Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons on her Visit to Libya, 10 May 2018, [url](#)

<sup>50</sup> Libya Herald, 'New mediation talks between Zintan and Mashashia ...', 12 August 2017, [url](#)

Mashashia and Qantrar tribes. It is thought that the attackers accused it of taking the side of the Qantrar in earlier sessions.

'The killing of the mediators has been denounced by numerous municipal and elders' councils across Libya – the latest being that of Jufra – as well as by Presidency Council head Faiez Serraj. He has ordered an investigation.'<sup>51</sup>

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<sup>51</sup> Libya Herald, 'Killers of Warfala mediators reported arrested', 30 September 2017, [url](#)

# Terms of reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Background
  - Demography
  - Legal and constitutional framework
- Treatment of ethnic minorities
  - Overview
  - Black Libyans
  - Tawerghans/Tawarghans/Tawurghans
  - Tuareg
    - Tuareg/Tebu conflict
  - Tebu/Toubou/Tabu/Tubu
    - Tebu/ Awlad Sulayman conflict
  - Amazigh (Berber)
  - The Mashashiya

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# Version control

## Clearance

Below is information on when this note was cleared:

- version **3.0**
- valid from 07 February 2019

## Changes from last version of this note

Updated COI and country policy.

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