

Libya: Slow Pace of Reform Harms Rights Human Rights Watch February 6 2013 Libya is still plagued by serious rights abuses, including arbitrary arrests, torture, and deaths in detention nearly a year-and-a-half after the overthrow of Muammar Gaddafi, Human Rights Watch said today at a news conference for its World Report 2013.

Libya's new government has made strong commitments to uphold human rights, and it now needs to take further steps to establish the rule of law after four decades of dictatorship and repression, Human Rights Watch said. Key priorities include getting all detainees out of militia hands and bringing them under state control and judicial review, building accountable security forces, and ending the long cycle of impunity by bringing to trial and punishing all those who commit the most serious crimes.(...)

In its 665-page report, Human Rights Watch assessed progress on human rights during the past year in more than 90 countries, including an analysis of the aftermath of the Arab uprisings. The willingness of new governments to respect rights will determine whether the Arab uprisings give birth to genuine democracy or simply spawn authoritarianism in new clothes, Human Rights Watch said.(...)

Libya's security forces remain weak and unable to police much of the country, despite some government efforts. Lawlessness is particularly acute in the East and South, where armed militias and criminal groups act with impunity. These groups have attacked, among others, foreign diplomatic missions as well as representatives of the United Nations and the International Committee of the Red Cross.

The government acknowledges that about 8,000 people are being detained across Libya, but only about 5,600 detainees, are in facilities controlled to some degree by the military or the Interior and Justice ministries. Several thousand others are held illegally by various militias. All detainees should be brought under government control, given access to lawyers, and taken promptly before a judge, Human Rights Watch said.

Deaths in detention occurred during 2012 of people held in facilities run by both armed militias and various Supreme Security Committees, which operate nominally under the Interior Ministry. The exact number of cases is not known.(...)

The government should urgently get all prosecutors' offices and courts up and running so all crimes can be promptly and fairly investigated and prosecuted, Human Rights Watch said. Accountability for serious crimes by members of the former Gaddafi government is essential, Human Rights Watch said. But justice can only be achieved if the defendants receive fair trials that respect international best practice.

Saif al-Islam Gaddafi, Muammar Gaddafi's son, and Abdullah Senussi, Muammar Gaddafi's former intelligence chief, face charges of crimes against humanity, brought by the International Criminal Court (ICC), for alleged offenses committed during the 2011 conflict. They are being detained in Zintan and Tripoli, respectively, while the ICC considers Libya's bid to try Saif al-Islam Gaddafi domestically and while the Libyan authorities prepare a similar bid for Senussi.

Government and government-aligned forces ended a month-long military campaign in November against gunmen based in the town of Bani Walid, whom they accused of having supported Gaddafi and harboring wanted people. The attacking forces looted and destroyed property in the town after the fighting, and are believed to have arrested several hundred residents whose whereabouts are not known, prompting fears for their safety.(...)

Attacks on Sufi religious sites by armed groups with an acknowledged religious agenda put in question the government's willingness and ability to protect the rights of religious minorities, Human Rights Watch said. During 2012, these groups destroyed some mosques, desecrated tombs, and damaged libraries, mostly in Tripoli, Benghazi, and Zliten, sometimes in full view of government security forces who failed to intervene.

The Libyan government and General National Congress (GNC) should take urgent steps to begin an ambitious program of legislative reform, Human Rights Watch said. These reforms should entrench freedom of speech, assembly, and expression; strengthen women's rights; and outlaw discrimination against minorities in accordance with Libya's international rights commitments. The process of drafting a new constitution, a key undertaking in 2013, should be transparent and inclusive, and take full account of the views of women and minority groups, such as the Amazigh, Tebu, and Tuareg. (...)

Decisions to exclude people from public office and senior posts should be based on clearly defined and limited criteria, and anyone affected should get a fair hearing to challenge the evidence used against them, Human Rights Watch said.

Members of the GNC contemplating a possible new "political isolation law" to regulate who can hold public office and senior posts should take their time to ensure the law meets international standards and fits into Libya's larger process of transitional justice, Human Rights Watch said.

Human Rights Watch also expressed concern about NATO's continued unwillingness to acknowledge, let alone investigate, dozens of civilian deaths from its airstrikes in 2011. Human Rights Watch documented 72 such deaths, including 20 women and 24 children.

Libya's friends and allies, not least the countries that participated in the 2011 NATO campaign against Gaddafi, share a heavy responsibility to support Libya's democratic transition, including the rapid construction of a fully functioning and fair judicial system, Human Rights Watch said.(...) **See the full article [here](#).**