Home Office

Country Information and Guidance

Libya: Ethnic minority groups

Version 2.0

June 2016

Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as 'clearly unfounded' under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), dated April 2008, and the European Asylum Support Office's research guidelines, Country of Origin Information report methodology, dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, 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 make recommendations to him about the content of the Home Office's COI material. 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. IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

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Guidance

Updated 30 June 2016

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by the Libyan authorities or by non-state actors because the person is a member of an ethnic minority.

1.1.2 For the purposes of this guidance, 'ethnic minority' and 'ethnic minority group' means Tawerghans, Tuareg, Tebu, black Libyans, Amazigh and the Mashashiya.

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2. Consideration of Issues

2.1 Credibility

2.1.1 For information on assessing credibility, see sections 4 and 5 of 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 Exclusion

2.2.1 Members of Gaddafi's security forces have been responsible for serious human rights abuses and acts of terrorism against the Libyan people and the international community. If it is accepted that the person was an active operational member of the security forces then decision makers must consider whether one of the Exclusion clauses is applicable.

2.2.2 For further guidance on the exclusion clauses, discretionary leave and restricted leave, see the Asylum Instruction on Exclusion: Article 1F of the Refugee Convention, the Asylum Instruction on Discretionary Leave and the Asylum Instruction on Restricted Leave.

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2.3 Assessment of risk

2.3.1 Ethnic minority groups suffered discrimination under the Gaddafi regime and continue to be marginalised, facing societal discrimination and instances of violence. On 9 April 2013, the General National Congress (GNC) adopted a law mandating punishment of not less than one years' imprisonment for anyone guilty of discrimination on the basis of class, group, region, gender, or colour. However, the interim governments enforce neither the prohibitions

nor the punishment effectively, particularly with regard to women and minorities.

2.3.2 Some members of ethnic minority groups have been accused of supporting, or are perceived to have supported Gaddafi during the uprising. Perceived supporters of Gaddafi and his regime are at risk of 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 authorities of the Interim Government or its armed affiliates, as well as by armed militias operating outside of government control (see Tawerghans/Tawarghans/Tawurghans and Tuareg).

2.3.3 Communities perceived to be loyal to Gaddafi based on their ethnicity have also experienced harassment, violence, intimidation, discrimination 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).

2.3.4 In the country guidance case of AT and Others (Article 15c; risk categories) (CG) [2014] UKUT 318 (IAC) (14 July 2014) the Upper Tribunal held that (see paragraph 215) (7-9):

'(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 Tawergha 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 Tawergha are Black Libyans who are perceived by Libyans to have been mercenaries on the side of the Gaddafi 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 Tawergha 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 Gaddafi regime.'

2.3.5 In addition, 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).

2.3.6 In general, the level of societal discrimination faced by members of ethnic minority groups, including Black Africans and Berber, is not such that it will by itself reach the level of being persecutory or otherwise inhuman or degrading treatment. However, 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.

2.3.7 Members of the Tawergha or Tuareg, and the Mashashiya ethnic or tribal group are, in general, likely to be at risk of persecution but each case must be considered on its individual facts (see treatment of ethnic minorities).

2.3.8 For further guidance on assessing risk, see section 6 of the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.4 Protection

2.4.1 Those perceived to be supporters of the Gaddafi regime cannot access effective protection from the government. Decision makers should continue to rely on the findings in the country guidance case of AT and others.

2.4.2 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)).

2.4.3 For further guidance on assessing the availability or not of state protection, see the Asylum Instruction on Assessing Credibility and Refugee Status.

2.4.4 For further information see country information and guidance on Libya: security situation.

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2.5 Internal relocation

2.5.1 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.

2.5.2 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. The country information suggests that persons suspected or known to have supported Gaddafi, his forces and/or his regime are frequently taken captive from the streets and at checkpoints.

2.5.3 The country guidance case of AT and Others (Article 15c; risk categories) (CG) [2014] UKUT 318 (IAC) (14 July 2014), the UT held that the Tawurga, Tuareg and Mashashiya ethnic groups would, because of their perceived support of the Gaddafi regime, not, in general, have available to them the option of internal relocation (paragraph 215 (18)).

2.5.4 The UT also found that:

'215. (22) In relation to the possibility for a woman to relocate internally, taking into account the position of women in society in Libya, the difficulty for women of accessing accommodation if alone, and the rarity of a woman arriving in a community without knowing any person there, internal relocation would not be reasonable and would be unduly harsh unless in the prospective area of relocation the woman has a close family or significant other connection, aside from merely a tribal connection.

'(23) In addition, bearing in mind the above factors, a woman is likely to be more conspicuous with the result that her presence may more easily be discovered by the prospective persecutor.'

2.5.5 For further guidance on internal relocation, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.6 Certification

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

2.6.2 For further guidance on certification, see the Appeals Instruction on 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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3. Policy summary

3.1.1 Ethnic minority groups continue to suffer discrimination in Libya and be marginalised but this discrimination will not, in general, reach the level of being persecutory or otherwise inhuman or degrading treatment.

3.1.2 However other factors such as actual or perceived support for the Gaddafi regime may put some members of ethnic minority groups at real risk of serious harm.

3.1.3 Whilst there remains a need for an individual assessment of each person's circumstances, a person who is Tawergha 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.

3.1.4 Such persons cannot access protection from the state, and are unlikely to be able to internally relocate to avoid such treatment.

3.1.5 Black Libyans who are not members of the Tawergha, Tuareg or Mashashiya tribes are not per se at risk of persecution. However, a person with additional risk factors particular to that individual may be able to establish the need for international protection

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Updated 3 May 2016

4. Background

4.1 Demography

4.1.1 According to Janes the main ethnic groups in Libya are: Libyan Arab 75%, Egyptian and other Arab 15%, Black African 6%, Berber 3% Tuareg and Toubou 1%.[1]

4.1.2 A political analyst writing for the Reuters News Agency wrote that:

"…Libya has long been divided between various ethnicities and groups including North Africa's indigenous Berber inhabitants, Arabs who arrived later and ethnic African tribal groups from further south. Cultural divisions between its two major cities of Tripoli and Benghazi can be traced to before the Romans…The prospect of increased friction or violent conflict between the country's tribes, clans and ethnic groups – specifically between the Arabs and Berbers – remains a serious source of concern…"[2]

4.1.3 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.'[3]

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4.2 Legal and constitutional framework

4.2.1 According to the US State Department's Country Reports on Human Rights Practices: Libya 2015:

'The Constitutional Declaration contains clear references to equal rights and states that all citizens are equal before the law in enjoying civil and political rights, equal opportunities, and the duties of citizenship without discrimination based on religion; sect; language; wealth; sex; descent; political views; social status; or regional, family, or tribal affiliations. The law

[1] Janes, Sentinel Country Risk Assessments, Libya, Demography, 6 August 2015, Subscription only, [date accessed 24 February 2015]
[2] Reuters News Agency: 'Fact-box: Libya's Tribal, Cultural Divisions' 25 August 2011 http://www.reuters.com/article/2011/08/25/us-libya-tribes-idUSTRE77O43R20110825 [date accessed 29 February 2016]
[3] Al-Ahram Weekly: Tribes and Abductions: 6 February 2014 http://weekly.ahram.org.eg/News/5321/19/Tribes-and-abductions.aspx [date accessed 29 February 2016]

mandates punishment of not less than one year's imprisonment for anyone guilty of discrimination based on class, group, region of origin, gender, or colour. The government enforced neither the prohibitions nor the punishments effectively.[4]

4.2.2 The same report further noted that; 'In August [2015] the Tuareg and Tebu representatives to the Constitutional Drafting Assembly suspended their membership in that body, due to concern that the new draft constitution would not protect the rights of minority groups.'[5]

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5. Treatment of ethnic minorities

5.1 Overview

5.1.1 The US State Department's Country Reports on Human Rights Practices: Libya 2015 noted 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 this provision was unclear." [6]

5.1.2 The same report noted that:

'Ethnic minorities faced instances of societal discrimination and violence. Racial discrimination existed against dark-skinned citizens, including those originally of sub-Saharan 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.'[7]

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5.2 Tawerghans/Tawarghans/Tawurghans

5.2.1 The Landinfo, Report Libya: Militias, Tribes and Islamists, dated 19 December 2014 stated that:

'The Tawargha originate from black Africans who were brought to Libya. Following their emancipation they settled in the east of Misrata. There are

[4] US State Department Country Reports on Human Rights Practices: Libya 2015, section 6, 13 April 2016 http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236612 [date accessed 27 April 2016]
[5] US State Department Country Reports on Human Rights Practices: Libya 2015, section 6, 13 April 2016 http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236612 [date accessed 27 April 2016]
[6] US State Department Country Reports on Human Rights Practices: Libya 2015, section 6, 13 April 2016 http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236612 [date accessed 27 April 2016]
[7] US State Department Country Reports on Human Rights Practices: Libya 2015, section 6, 13 April 2016 http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236612 [date accessed 27 April 2016]

those who would argue that the Tawargha were given preferential treatment during the Qadhafi era and that Tawargha fighters participated in the siege of Misrata. Other sources claim that the Tawargha were lured to side with the Qadhafi regime as it incited them to avenge the years of enslavement their ancestors suffered at the hands of earlier captors and masters. Consequently, entire populations, up to 30,000 inhabitants, were driven out of their communities by avenging Misrata militias. They are now displaced, residing in camps in Tripoli and Benghazi. Others attribute the attacks on the Tawargha communities to the fact that they are black Africans and therefore perceived as Qadhafi-backed 'mercenaries' that participated in the fighting during the uprising.'[8]

5.2.2 A Human Rights Watch report issued on 30 October 2011 reported:

'Human Rights Watch interviewed dozens of Tawerghans across the country, including 26 people in detention in and around Misrata and 35 displaced people staying in Tripoli, Heisha, and Hun. They gave credible accounts of some Misrata militias shooting unarmed Tawerghans, and of arbitrary arrests and beatings of Tawerghan detainees, in a few cases leading to death.'[9]

5.2.3 Amnesty International reports that:

'In mid-August 2011, at the height of Libya's armed conflict, everyone living in the town of Tawargha was driven out by anti-Gaddafi militia, who vowed Tawarghas would never be able to return. The militia accused the Tawarghas, a community of black Libyans, of supporting Colonel al-Gaddafi's government and of committing war crimes in Misratah on its behalf. Al-Gaddafi forces had used the Tawargha area, 40km south-east of Misratah, as a base when they laid siege to Misratah in 2011. For three months, Misratah residents were cut off from electricity and water as the city became the scene of the conflict's most heavy fighting. Hundreds of civilians died in air strikes and rocket attacks; many more were injured. Allegations of rape and sexual abuse by al-Gaddafi forces in Misratah exacerbated tensions between the neighbouring towns.'[10]

5.2.4 The Cairo Institute for Human Rights Studies reports that 'the forced displacement was followed by arbitrary arrests of Tawerghans, the looting and destruction of Tawerghan homes, torture, and extrajudicial killings'.[11]

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[8] Landinfo, Report Libya: Militias, Tribes and Islamists, 19 December 2014, http://www.landinfo.no/asset/3025/1/3025_1.pdf [date accessed 15 March 2016]

[9] Human Rights Watch, Libya: Militias Terrorizing Residents of 'Loyalist' Town, 30 October 2011. http://www.hrw.org/news/2011/10/30/libya-militias-terrorizing-residents-loyalist-town [date accessed 2 March 2016]

[10] Amnesty International, Barred from their homes- the continued displacement and Persecution of Tawarghas and Other Communities in Libya, 23 October 2013, Introduction pg 4, https://www.amnesty.org/download/Documents/16000/mde190112013en.pdf [date accessed 2 March 2016]

[11] Cairo Institute for Human Rights Studies, Ongoing human rights situation in Libya, written statement submitted to the Human Rights Council by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status, 19 February 2013, https://www.ecoi.net/file_upload/1930_1361977858_g1311182.pdf [date accessed 2 March 2016]

5.2.5 The UN Human Rights Council, 'Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Libya and on related technical support and capacity-building needs' dated 12 January 2015 notes:

'Some camps for internally displaced Tawerghans were located in or near areas affected by the fighting in Tripoli and Benghazi. Members of armed groups have raided camps for displaced Tawerghans, conducting unlawful killings and abductions. On 30 August [2014], Al-Fallah camp was raided by forces affiliated with Libya Dawn: one person was reportedly killed and three were injured. Many Tawerghans have thus fled for fear of further shelling or abductions. In mid-October [2014], 2,500 Tawerghans fled their camp in Benghazi and are staying in makeshift shelters in Ajdabiya and elsewhere. UNSMIL/OHCHR has maintained close contact with the representatives of the Tawergha community in order to monitor their situation, ensure awareness of abuses against them and address their humanitarian needs.'[12]

5.2.6 The International Criminal Court, Ninth report of the prosecutor of the international criminal court to the UN security council, published on 12 May 2015 stated that:

'By December 2014, most of 10,000 Tawerghans, who fled Tripoli during the summer, were able to return to Tripoli, although they have not yet been able to return to Tawergha. During the UN-facilitated Geneva talks at the end of January 2015, the municipalities of Misrata and Tawergha agreed to address the conditions of detainees in Misrata and to facilitate the return of Tawerghans to their land.'

'There have been encouraging developments with regard to the issue of internally displaced Tawerghans. From 9 to 11 September 2015, the Misrata/Tawergha Joint Committee met in Tunis, Tunisia under the auspices of UNSMIL. Amongst others, participants agreed to develop strategies for the return of the Tawergha as well as to set out clear plans for reparations. More importantly, the Joint Committee affirmed its full support to the political dialogue and the formation of a Government of National Accord to meet the aspirations of the Libyan people to establish the rule of law, end the conflict and safeguard Libyan unity.'[13]

5.2.7 In her Ninth Report to the UN Security Council, dated 12 May 2015, the International Criminal Court (ICC) prosecutor stated:

"Intense fighting has caused waves of displacement. According to public UN, Amnesty International and Internal Displacement Monitoring Centre documents as well as various media reports, by the end of December 2014,

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[12] UN Human Rights Council, Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Libya and on related technical support and capacity-building needs, 12 January 2015, A/HRC/28/51,http://www.refworld.org/docid/54e1fc704.html [date accessed 2 March 2016]

[13] International Criminal Court, Tenth report of the Prosecutor of the International Criminal Court to the UN Security Council pursuant to UNSCR 1970 (2011), 5 November 2015, https://www.icc-cpi.int/en_menus/icc/structure%20of%20the%20court/office%20of%20the%20prosecutor/reports%20and%20statements/statement/Pages/rep-otp-unsc-05-11-2015.aspx [date accessed 15 March 2016]

the number of those displaced reached 400,000, eight times the number from before the 2014 armed conflict. […] Some 5,600 Tawerghans have been redisplaced from five different camps in Benghazi since 2014. This includes 250 families who left al-Hallis camp because of shelling in late November 2014, and 2,500 Tawerghans who fled Benghazi in October 2014. These figures are estimates as constant movement of population and double-counting make it difficult to assess precise numbers. In the east of Libya where the Tawerghan community is estimated to number 18,000, many are still on the move. Some IDPs however have been able to return. About 40% of IDPs from Tripoli were able to return in October-November 2014. By December 2014, most of 10,000 Tawerghans, who fled Tripoli during the summer, were able to return to Tripoli, although they have not yet been able to return to Tawergha. During the UN-facilitated Geneva talks at the end of January 2015, the municipalities of Misrata and Tawergha agreed to address the conditions of detainees in Misrata and to facilitate the return of Tawerghans to their land."[14]

5.2.8 The Statement of the Misrata/Tawergha Joint Committee dated 11 September 2015 stated that:

'Delegations from Misrata and Tawergha met in Tunis under UN auspices on 28 May 2015 and agreed to establish a Joint Committee to seek ways of resolving the issue of the displaced Tawerghans. After a meeting in Tunis on 9-11 September 2015 the Joint Committee issued a statement that it had "studied the victims' file as part of the strategy to resolve the issue of return...agreed to set out a clear plan for reparations for the victims...agreed to continue working on the issue of Tawerghan prisoners, civil registry and other required documentation for the Tawergha families as part of confidence-building measures."[15]

5.2.9 According to the UN Office of the High Commissioner for Human Rights (OHCHR), Report On The Human Rights Situation In Libya dated 16 November 2015;

'Individuals from communities displaced during the 2011 conflict, namely Tawergha and Mashashiya, have also faced a wave of abductions particularly in March and April 2015 on account of their origin and perceived allegiances in the 2011 and/or ongoing conflict. One such individual recounted to UNSMIL that he was stopped at a checkpoint in April 2015, along with two cousins. They were asked to provide their identity cards, and were then taken to the base of an armed group in Gaser Ben Ghashir. The individual said that he was beaten on his head, back and legs during questioning, which revolved around his activities during the 2011 conflict. He

[14] International Criminal Court, Ninth Report of the Prosecutor of the International Criminal Court to the UN Security Council pursuant to UNSCR 1970 (2011), 12 May 2015. http://www.icc-cpi.int/iccdocs/otp/Ninth_UNSC_Report_Libya_ENG.pdf [date accessed 14 March 2016]

[15] Statement of the Misrata/Tawergha Joint Committee, 11 September 2015. http://reliefweb.int/report/libya/statement-misrata-tawergha-joint-committee-11-september-2015 [date accessed 2 March 2016]

was released within days, while his cousins were transferred to Misrata and continued to be held there at the time of writing.'

'During the reporting period, at least two Tawargha men died following their abductions in Tripoli. A 20-year-old person displaced from Tawergha had not been seen since his abduction on 15 December 2014. Relatives found his body in a state of decomposition at the Ali Omar military hospital, in the area of Sbi'a, at the end of April 2015. The victim was taken by armed men from a public road in Tripoli while driving with two friends. One managed to escape, while the other passenger was released the following day. The latter informed the victims' relatives of their detention at a farm in the vicinity of Tripoli. His friend confirmed that the victim was alive at the time of his own release.'[16]

5.2.10 Human Rights Watch's World Report for 2016 stated that:

'The local council of Misrata and affiliated militias continued to prevent 40,000 residents of Tawergha and residents of Tomina and Karareem from returning to their homes in what amounts to a crime against humanity, and collective punishment for crimes they say were committed by some Tawergha residents during the 2011 revolution. Those displaced remained scattered in makeshift camps and private housing around the country, but continued to face harassment and arbitrary detention. Libyan authorities failed to end this ongoing crime, while perpetrators continued to benefit from impunity since 2011.'[17]

5.2.11 The UN Human Rights Council, Investigation by the Office of the United Nations High Commissioner for Human Rights on Libya: detailed findings, 15 February 2016 noted that:

'Members of the Tawerghan community, internally displaced since 2011, have faced particular difficulties in relation to reduced livelihoods, ethnic discrimination, and limited access to education and health services. They have also reported arbitrary detention and ill treatment, especially by Misrata-based armed groups. Dialogue between Misrata and Tawerghan communities on safe returns and reparations is now taking place.'[18]

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5.3 Tuareg

An article published by the UN's IRIN news agency noted that the Tuareg, a Berber (or Amazigh) group traditionally subsisting as nomadic pastoralists in south western Libya, are also found in Algeria, Mali, Niger and Burkina Faso"; and that 90 per cent of Libyans live along the Mediterranean coast

[16] UN Office of the High Commissioner for Human Rights (OHCHR), Report On The Human Rights Situation In Libya, 16 November 2015, available at: http://www.refworld.org/docid/5652f3ec4.html [accessed 1 March 2016]

[17] Human Rights Watch, World report 2016; Libya, 27 January 2016 https://www.hrw.org/world-report/2016/country-chapters/libya [date accessed 15 March 2016]

[18] UN Human Rights Council, Investigation by the Office of the United Nations High Commissioner for Human Rights on Libya: detailed findings, 15 February 2016, A/HRC/31/CRP.3, http://www.refworld.org/docid/56d00d0f4.html [accessed 29 February 2016]

and many see non-Arab southerners as belonging more to 'Africa' than Libya.[19]

5.3.1 The 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.'[20]

5.3.2 The Jamestown Foundation reported that:

'At least 1,500 Tuareg fighters joined Muammar Gaddafi's loyalist forces (though some sources cite much larger figures) in the failed defence of his Libyan regime. Many were ex-rebels residing in Libya, while others were recruited from across the Sahel with promises of large bonuses and even Libyan citizenship… though some Libyan Tuareg have opposed Gaddafi, many others have found employment in the Libyan regular army, together with volunteers from Mali and Niger. As a result, many Libyans tend to identify all Tuareg as regime supporters.'[21]

5.3.3 IRIN reported that: '… thousands of non-Arabs like Tuaregs have no official documentation attesting to their citizenship... those who settled in the country 40 or 50 years ago were denied family booklet[s] and possess neither Libyan nor any other citizenship".[22] The United Nations Support Mission in Libya (UNSMIL) reported that there is an '[…] issue of identity of some people in the South that perceive themselves as Libyans but do not have proper identity documents'.[23]

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5.4 Tuareg/Tebu conflict

5.4.1 Jadaliyya, 'Libya: The Forgotten War of the Tebu and Tuareg' 15 October 2015 stated that:

'In the midst of the Libyan desert, a thousand kilometers south of Tripoli, a war divides two communities that had been living a brotherly life until the post-revolutionary vortex carried away their friendship. The Tebu, an ethnic group that traces its roots to the Tibesti Mountains in Chad, and the Tuareg,

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[19] Integrated Regional Information Networks, Libyan minority rights at a crossroads, 24 May 2012 http://www.irinnews.org/printreport.aspx?reportid=95524 [date accessed 14 March 2016]
[20] Landinfo, Report Libya: Militias, Tribes and Islamists, 19 December 2014, http://www.landinfo.no/asset/3025/1/3025_1.pdf [date accessed 15 March 2016]
[21] Jamestown Foundation, What the Tuareg Do After the Fall of Gaddafi Will Determine the Security Future of the Sahel, 16 September 2011, Terrorism Monitor Volume: 9 Issue: 35, http://www.jamestown.org/single/?tx_ttnews%5Btt_news%5D=38408 [date accessed 16 March 2016]
[22] Integrated Regional Information Networks, Libyan minority rights at a crossroads, 24 May 2012 http://www.irinnews.org/printreport.aspx?reportid=95524 [date accessed 16 March 2016]
[23] UNSMIL, United Nations Visits Southern Libya, 25 November 2012 https://unsmil.unmissions.org/Default.aspx?ctl=Details&tabid=3559&mid=6187&ItemID=743507 [date accessed 27 April 2016]

the “Berbers of the desert” spread throughout the Sahel-Saharan region, had been living side by side since having signed a peace treaty in late nineteenth century. In August 2014, however, violence broke out in the Ubari oasis, where the increased influence of the Tebu community had generated tensions with the Tuareg majority. A year later, in July 2015, the clashes reached Sebha, the capital of the Fezzan.’[24]

5.4.2 The UN Office of the High Commissioner for Human Rights (OHCHR)’s Report On The Human Rights Situation In Libya, 16 November 2015 stated that:

‘The security situation in Sabha deteriorated during the reporting period, with a sharp rise in murders, armed ambushes, abductions for ransom and other violent crimes. According to a police source, at least 26 people were killed in Sabha between 19 June and 11 July. Clashes between Tabu and Tuareg armed men erupted in al-Tayouri neighbourhood of Sahba, on 14 July, lasting until a ceasefire was agreed upon on 25 July. Medical staff told UNSMIL that at least 30 Tuaregs died as a result, including three women and four children. Dozens more were reportedly injured. The victims included a 55 year-old woman Sukeina Hemma Anara and her 19-year-old daughter Bantul Mohamed Jebara, who were killed when their house was shelled on 17 July. A family with four children, all younger than five, were reportedly killed on 16 July when their car came under fire as they were trying to flee to safety. Residents also reported the destruction of a school, a mosque and other public property during the violence. An estimated 2,000 displaced Tuaregs sought shelter in schools in Sabha, with more families fleeing to other parts of Sabha, Gheryan and Tripoli.’

‘During fighting in Sabha in July, at least 20 Tuareg homes were looted and then destroyed according to medical staff, witnesses and residents. Some houses were set on fire, while others were destroyed by bulldozers. Tuareg activists and officials told UNSMIL that several houses of Tuareg families were deliberately set on fire on 11 February 2015 by Tabu fighters in the town of Awbari. The attacks took place in neighbourhoods known as “Masaken Sha’biya” (popular dwellings) and Hay al-Atrak (Turkish neighbourhood).’

‘Sporadic conflict in southern Libya especially around the towns of Barak al-Shati, Sabha, Kufra and Awbari, involving Arab (Awlad Sliman, Magarha and Zwaya), Tabu and Tuareg armed groups, many allied with either Operation Dignity or Libya Dawn camps, has also led to widespread displacement of civilians. The situation of civilians displaced from Awbari, including to Ghat and al-’Awinat, appears to be particularly dire given difficulties in accessing humanitarian aid and medical treatment in their remote locations. Clashes between Tabu and Tuareg tribes in Sabha, in July 2015, have led to the

[24] Jadaliyya, Libya: The Forgotten War of the Tebu and Tuareg, 15 October 2015, http://www.jadaliyya.com/pages/index/22936/libya_the-forgotten-war-of-the-tebu-and-tuareg [date accessed 16 March 2016]

displacement of an estimated 2,000 Tuaregs sheltering in schools in Sabha. Additional families fled to other areas of Sabha, Gheryan and Tripoli.'[25]

5.4.3 Libya's Channel reported titled 'Tebu – Tuareg peace deal shaken by renewed clashes' dated 17 January 2016 noted that:

'Heavy clashes shook Ubari this week, once again casting doubt on the dragged out peace talks between the Tebu and the Tuareg. The two communities are at war since August 2014, fighting for the control of the southwest Libyan desert oasis. Last November, representatives from both sides signed a peace agreement brokered by Qatar, but this has not so far affected the situation on the ground.'

'Fighting broke out last Sunday when Tebu forces staged an attack on Tuareg positions in the divided town, according to reports. The confrontation, which took place in the Masik neighborhood, lasted for less than three hours, local sources said, but killed at least four and injured about a dozen. Parts of Ubari's historic castle were destroyed, as seen on photos published online. This renewed outbreak of violence came just as Tebu and Tuareg representatives were meeting in nearby Sebha, the provincial capital, to discuss the progress of the peace process. The uneasy calm re-established after Sunday was again disrupted on Friday. One person was killed and at least seven injured, including a child, when heavy weaponry hit civilian areas.'[26]

5.4.4 UN Security Council, Report of the Secretary-General on the United Nations Support Mission in Libya noted that: 'The military conflict between the Libya Dawn and Operation Dignity forces continued to have a spill over effect in southern Libya, fuelling pre-existing tensions. Fighting between Tabu and Tuareg communities continued in Awbari throughout much of the reporting period, and spread to Sabha in July despite ceasefire agreements reached in June. Fighting broke out in Barak al-Shati in early March, lasting for some seven weeks.'[27]

5.4.5 UN Security Council, Report of the Secretary-General on the United Nations Support Mission in Libya noted that:

'In Awbari, the implementation of a ceasefire agreement reached on 22 November in Doha between Tuareg and Tebu community representatives stalled following doubts raised by Tebu representatives with respect to the neutrality of the force tasked with monitoring the ceasefire. The agreement, which was negotiated under the auspices of Qatar, provided for a cessation of all hostilities, an exchange of prisoners, and the establishment of a

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[25] UN Office of the High Commissioner for Human Rights (OHCHR), Report On The Human Rights Situation In Libya, 16 November 2015, available at: http://www.refworld.org/docid/5652f3ec4.html [accessed 16 March 2016]

[26] Libya's Channel, Tebu – Tuareg peace deal shaken by renewed clashes, 17 January 2016, http://en.libyaschannel.com/2016/01/17/tebu-tuareg-peace-deal-shaken-by-renewed-clashes/ [date accessed 16 March 2016]

[27] UN Security Council, Report of the Secretary-General on the United Nations Support Mission in Libya , 25 February 2016, S/2016/182, available at: http://www.refworld.org/docid/56d697d84.htm [accessed 16 March 2016]

committee of elders to oversee the implementation of the agreement. Critically, the agreement also provided for the deployment of a neutral force from the Hasawna tribe as monitors under the supervision of the Third Force. Tensions escalated further when clashes between Tebu and Tuareg armed groups erupted on 10 January, and again on 16 January. Nine people were reportedly killed in the second round of clashes. Subsequent mediation efforts by community representatives from both sides succeeded in facilitating the deployment of the monitoring force, starting on 6 February.'[28]

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5.5 Tebu/Toubou/Tabu/Tubu

5.5.1 In her detailed study of Libya's Tebu, Laura Van Waas of Denmark's Tilburg University, observed:

'The Tebu (also commonly written as Toubou or Tabu) are a traditionally nomadic Saharan tribe which has long inhabited an area straddling the borders of present-day Libya, Chad and Niger. Up to several tens of thousands reside in Libya, where they have traditionally lived in the sparsely populated South East of the country, in particular in the region of the Tibesti Mountains, along the frontier with Chad. Today there is a relatively high concentration in the Al Kufrah area. Libya's total population currently stands at approximately 5.6 million, so the Tebu constitute a small minority group.'

'It is a widely reported fact that the Tebu have long suffered from persecution and oppression in Libya. This treatment was particularly acute under the former Gadaffi regime, when policies of Arabisation and ethnic purification had a detrimental effect on all non-Arab minorities in the country. The 1969 Constitutional Declaration and later the 1977 "Declaration on of the Establishment of the Authority of the People" defined Libya as an Arab nation with Arabic its only official language. Tebu people were commonly the victims of massive discrimination and subjected to forced evictions from their regular places of living. Large-scale displacement of the Tebu led to their dispersal across Libya and in some cases they were also pushed across the border to neighbouring countries. As well as passing a decree stripping the Tebu of Libyan citizenship, under Gadaffi's rule the Tebu were also denied access to education, health care and other basic services.'

'During the 1970s, under Gadaffi, Libya sought to take control of the region commonly referred to as the Aouzou strip – an area rich in minerals which then belonged to the territory of Libya's Southern neighbour, Chad. Libyan troops invaded the strip and military bases were established in order to maintain control. Libya's civil authorities proceeded to register the inhabitants of the Aouzou strip as Libyan citizens and issue them documentation accordingly. At this time, Libya's Tebu population was coerced into moving to this region and registering for new documentation with the civil administration set up in Aouzou. Tebu people who had

[28] UN Security Council, Report of the Secretary-General on the United Nations Support Mission in Libya , 25 February 2016, S/2016/182, available at: http://www.refworld.org/docid/56d697d84.html [accessed 16 March 2016]

previously resided in and been issued documentation from other Libyan municipalities now largely came to hold documents from Aouzou'.

'In 2007, the Libyan authorities began a policy of actively revoking citizenship documents from the Tebu, "stating that they were not Libyans but Chadians". There is no evidence that an actual assessment of Chadian nationality law or the citizenship status of any of the affected individuals was made, but rather this policy was implemented unilaterally and possibly arbitrarily. As a result, the 1996 and 2007 Libyan policies with respect to people holding documents from Aouzou may have led to cases of statelessness.'

'The ambiguity surrounding the legal status of the Tebu – and potentially others registered in Aouzou during the Libyan occupation of this area – is further complicated by a shift in policy during the final months of the Gadaffi regime. In an apparent bid to stave off any further opposition or open a new front for the revolution against the government in the South, Gadaffi reportedly annulled the 1996 Decree which had stripped nationality from anyone associated with Aouzou. To what extent this policy reversal was effectively communicated to the competent local and civil authorities at a time of chaos in the country is unclear.'

'Moreover, while it appears that some progress may have been made towards allowing people to (re)confirm their Libyan nationality during the Revolution in Libya, it remains unclear what legal standing any decrees issued during the final months of Gadafi's rule have today. For instance, while on the one hand the 1996 Decree was reportedly annulled in 2011 and Aouzou document holders recognised as nationals again, on the other hand there were problems with registration for the 2012 elections as their status remained contested. In this context, election observers noted that 1085 voters were removed from the electoral register in Al-Kufra, with one of the given reasons being that of the cases of people who were "inhabitants of the Aouzou area and thus not citizens" according to the 1996 Decree. The scale and reach of statelessness among the Tebu today is unknown.'[29]

5.5.2 The Secretary General's February 2016 report to UN Security Council noted that: 'Tensions between the Tebu and Zway communities contributed to ongoing tensions in Kufrah in the south-east. In retaliation for the siege laid to Tebu neighbourhoods in the city by Zway armed elements, Tebu militias continued to encircle Kufrah, hindering the movement of population and access to basic commodities. The reporting period also witnessed frequent incidents involving abduction and killing of civilians from both communities.'[30]

5.5.3 Amnesty International reported that: 'In the south, fighting along ethnic and tribal lines often in urban areas, between Tebu and Tuareg militias in Obari and Sabha, as well as between Tebu and Zway militias in Kufra, caused

[29] Tilburg University - Statelessness Programme , The Stateless Tebu of Libya?, May 2013, http://www.refworld.org/docid/52aace474.html [date accessed 16 March 2016]

[30] UN Security Council, Report of the Secretary-General on the United Nations Support Mission in Libya , 25 February 2016, S/2016/182, available at: http://www.refworld.org/docid/56d697d84.html [accessed 16 March 2016]

hundreds of civilian casualties in addition to mass displacement and damage to civilian objects.'[31]

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5.6 Black Libyans

5.6.1 Amnesty International has noted that Tawerghans are "a community of black Libyans"[32], while the Jamestown Foundation has described the Tebu as "a tribe of indigenous Black African nomads.[33]

5.6.2 During a field mission in September 2011, Human Rights Watch (HRW) reported that:

'Africans in Libyan prisons were held in overcrowded cells with appalling hygiene standards and no access to clean drinking water. In addition, many sub-Saharan Africans had been displaced by the fighting and because of fear of reprisals. The largest such group was in the port of Janzur between Tripoli and Zawiya, housed in a makeshift camp with poor hygiene and sanitation conditions. Residents complained to HRW that armed Libyans frequently entered the camp to harass them and rape women.'[34]

5.6.3 In its report covering 2011 the Minority Rights Group stated that :

'According to rights groups, rebel fighters killed and detained black Libyans and sub-Saharan African migrant workers, claiming they were pro-Gaddafi mercenaries. However, allegations that Gaddafi employed many Africans from neighbouring countries such as Chad, Nigeria and Sudan as mercenaries appeared to be heavily exaggerated. Many Africans worked in civilian jobs. There have been reports of harassment and violence towards sub-Saharan African migrant workers from rebel fighters and civilians alike, and security missions have allegedly turned into persecution of Africans based on their skin colour.'[35]

5.6.4 In July 2012 Amnesty International reporting on the situation for foreign nationals, especially those from Sub-Saharan Africa, noted that:

'although they are no longer being arrested on a large scale on suspicion of being 'foreign mercenaries' in the pay of Colonel Gaddafi, they are still being

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[31] Amnesty International, Annual report 2015/2016; Libya, 24 February 2016, https://www.amnesty.org/en/countries/middle-east-and-north-africa/libya/report-libya/ [date accessed 16 March 2016]

[32] Amnesty International, Barred from Their Homes - The Continued Displacement and Persecution of Tawarghas and Other Communities in Libya, 23 October 2013, Introduction p.5 https://www.amnesty.org/download/Documents/16000/mde190112013en.pdf [date accessed 21 March 2016]

[33] Jamestown Foundation: Tripoli Battles Shadowy Qaddafists While Tribal Rivals Fight Over Southern Libya; Terrorism Monitor Volume: 12 Issue: 2, 23 January 2014 http://www.ecoi.net/local_link/268655/383282_en.html [date accessed 21 March 2016]

[34] Human Rights Watch: Libya: Stop arbitrary arrests of Black Africans; 4 September 2011 http://www.hrw.org/news/2011/09/04/libya-stop-arbitrary-arrests-black-africans [date accessed 21 March 2016]

[35] Minority Rights Group International, State of the World's Minorities and Indigenous Peoples 2012 – Libya, 28 June 2012 http://www.unhcr.org/refworld/topic,45a5fb512,46556af43,4fedb3f7c,0,,LBY.html [date accessed 21 March 2016]

routinely rounded up from their homes or seized at checkpoints or from streets by armed militias. Their 'crime' is to have entered or remained in the country 'illegally' They are held indefinitely in detention facilities under the control of armed militias in poor conditions, without any possibility to challenge the legality of their detention. Some have complained of beatings amounting to torture.'[36]

5.6.5 Amnesty International further reports that:

'Armed militias have targeted entire communities accused of having supported Gaddafi and of committing crimes during the 2011 conflict, the targeting of Tawergha by Misrata militias being a prime example. The same report also notes that militias seize suspects from their homes, the street or at checkpoints and that easily identifiable targets such as black Tawerghas or sub-Saharan Africans are particularly vulnerable.'[37]

5.6.6 In the section of its 2015 report dealing with its 'Peoples under Threat index', the Minority Rights Group stated that:

'Black Libyans, Sub-Saharan migrants, Tebu, Berbers" are under increasing threat in Libya. The report stated: "Libya re-entered the index in 2010, a year before the war that removed President [*sic*] Gaddafi from power, but then steadily rose in the table as Libya held its first democratic elections in 2012 and many international actors hailed a new era of democracy for the country. In fact the revolution had seen the expulsion from their homes of up to 1 million migrant workers and black Libyans in the context of public attacks on sub-Saharan Africans and the rise to power of unaccountable, and at times openly racist, armed militias. As Libya rises again in the index this year, these forces are now tearing the country apart in renewed civil war.'[38]

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5.7 Amazigh (Berber)

5.7.1 The Landinfo report on Libya's Militias, Tribes and Islamists dated 19 December 2014 noted that:

'The indigenous Amazigh population is mainly concentrated in the western part of the country, in the coastal areas of Zuwara and in the Nafusa/Western Mountains. The Amazigh/Berber group was culturally and politically marginalized during the Qadhafi regime. Legislation (Law 24) banned Amazigh/Berbers from giving their children non-Arabic names.'

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[36] Amnesty International, Libya: Rule of law or rule of militias? 5 July 2012, Arbitrary arrests http://www.amnesty.org/en/library/asset/MDE19/012/2012/en/f2d36090-5716-4ef1-81a7-f4b1ebd082fc/mde190122012en.pdf [date accessed 21 March 2016]

[37] Amnesty International, Libya: Rule of law or rule of militias? 5 July 2012, Arbitrary arrests http://www.amnesty.org/en/library/asset/MDE19/012/2012/en/f2d36090-5716-4ef1-81a7-f4b1ebd082fc/mde190122012en.pdf [date accessed 21 March 2016]

[38] Minority Rights Group, State of the World' s Minorities and Indigenous Peoples 2015. http://minorityrights.org/wp-content/uploads/2015/07/MRG-state-of-the-worlds-minorities-2015-FULL-TEXT.pdf [date accessed 21 March 2016]

'In addition, authorities were also reluctant to provide official documentation attesting their citizenship. This background is probably the main driving force behind ethnic Amazigh/Berbers choice to participate in the uprising.'

'However, there was a strong uneasiness that the group would push their demands for autonomy further after the fall of the Qadhafi regime. There have been indications of ongoing discrimination by Arabs towards Amazigh/Berber communities in the western part of the country, particularly in Zuwarah and in the Arab towns of al-Jamil, Raqdalin and Zaltan.'[39]

5.7.2 Libya's Channel report titled 'Amazigh elections reignate debate on Libyan national identity and minority rights: analysis' dated 10 September 2015 noted that:

'Amazigh activism in Libya experienced a revival following the fall of the Gaddafi regime. Though not discriminated against on ethnic grounds, Libyan Amazigh were not allowed to express their cultural identity and teach their language, Tamazight. Gaddafi famously denied the mere existence of the Amazigh nation, claiming that the concept was invested by Western powers to sow division in colonial-time North Africa and arguing that anyone fighting for the Amazigh cause was an agent of imperialism. Gadhafi also called for the extinction of Tamazight, a "useless language".'

'While the cloak of political oppression has been lifted, the Libyan Amazigh still face the challenge of convincing their Arab contemporaries who look upon their activism with suspicion. For many Libyans, demanding separate rights – whether cultural or political – equals betrayal of the Libyan nation. The idea promoted by Gadhafi that Libyan identity is inseparable from Arab identity is deeply rooted in contemporary Libyan society.'[40]

5.7.3 New Internationalist Magazine, 'What happened to the 'other' Libyans?' dated 17 February 2016 stated that:

'In 1973, Muammar Gaddafi launched a 'Cultural Revolution' under which any publications not in accordance with the principles espoused in his 'Green Book' were destroyed. That included those mentioning the Amazigh. According to Gaddafi, the Amazigh were of 'Arab origin' and their language 'a mere dialect'. Registration of non-Arab names was forbidden, Libya's first Amazigh organization was banned and anyone involved in their cultural revival prosecuted.'[41]

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[39] Landinfo, Report Libya: Militias, Tribes and Islamists, 19 December 2014, http://www.landinfo.no/asset/3025/1/3025_1.pdf [date accessed 15 March 2016]
[40] Libya's Channel, Amazigh elections reignate debate on Libyan national identity and minority rights: analysis, 10 September 2015, http://en.libyaschannel.com/2015/09/10/amazigh-elections-reignate-debate-on-libyan-national-identity-and-minority-rights-analysis/ [date accessed 21 March 2016]
[41] New Internationalist Magazine, What happened to the 'other' Libyans? 17 February 2016, http://newint.org/features/web-exclusive/2016/02/17/what-happened-to-the-other-libyans/ [date accessed 21 March 2016]

5.8 The Mashashiya

5.8.1 International Crisis Group, 'Divided We Stand: Libya's Enduring Conflicts' September 2012 noted that:

'The Mashashiya tribe, originally nomadic pastoralists, are ethnically Arab and lived in the Nafusa Mountains, south west of Tripoli. Significant numbers were relocated there by the Qadhafi regime as a means of diluting the Amazigh (or Berber) dominance in that region. The areas to which the Mashashiya were relocated were dominated by the Zintan tribe, and the Mashashya supported the Qadhafi regime during the 2011 uprising while the Zintanis vehemently opposed the regime and played a leading role in the uprising. During the conflict and again in June 2012 there was armed conflict between the Mashashya and the Zintani militia. In a September 2012 report the International Crisis Group stated: "The Mashashya originally were nomads. Following disputes with the Magarha tribe, Qadhafi's government resettled a large section of them to the western mountains, triggering land disputes with neighbouring Yefren and Zintan. During the 2011 war, many Mashashya sided with Qadhafi, whose forces shelled Zintan from the Mashashya town of Awaniya; when Qadhafi's forces left in July 2011, more than 10,000 residents of Awaniya fled with them, and their homes were looted and burned by revolutionary brigades. After the war, the two communities fought again in December 2011 and in mid-June 2012, when 105 were killed and 500 more wounded".'[42]

5.8.2 A 2011 article published on the website of the German magazine Der Spiegel offers further background to the tribal rivalries between the Mashashiya and other tribes. It states:

'They (elders of the Zintan tribe) say that the Mashashiya did not own the land they had inhabited and where they had built their houses, and that it was land that they had stolen from other tribes, including the Zintan, the Khaleifa and the Kikla. According to the Zintan elders, the Mashashiya are shepherds, as their name, which means "Walkers," signifies. They have never owned land and are not from the area. Instead, they are from southern Libya…'

'The elders say that the Mashashiya supported Gaddafi because he gave them the land in the region in the 1970s. They also say that Gaddafi bred discord in their valleys to play off the tribes against one another and safeguard his own power. The men speak of old deeds of ownership from the Italian period, deeds that allegedly prove which established tribes own the land. They also mention maps drawn by the former French colonial rulers in Algeria, which show the large tribal territory of the Zintan and make no mention of the Mashashiya…"We've known about the tricks of the Mashashiya for a long time," says one man. "Sometimes they would move into empty houses, set up gravestones nearby and claim that their ancestors

[42] International Crisis Group, Divided We Stand: Libya's Enduring Conflicts, September 2012. http://www.crisisgroup.org/en/regions/middle-east-north-africa/north-africa/libya/130-divided-we-stand-libyas-enduring-conflicts.aspx [date accessed 22 March 2016]

were buried there. They worked as informers for the Italians during the colonial period.'

'The people in Zintan say that the Mashashiya benefited under Gaddafi while the Zintan suffered from neglect. The hostility between the two tribes has simmered beneath the surface for decades. There was no intermarriage between members of the two tribes, they avoided each other and sometimes they went to court over land disputes. Then the revolution erupted and the Mashashiya declared their support for Gaddafi. The elders in Zintan say that they had negotiated three times with the Mashashiya elders since April, and that the latter had agreed to remain neutral. But Gaddafi's soldiers apparently used Awaniya as a base for their tanks, firing Grad rockets from there at the civilian population of Zintan and the surrounding villages for months. The tribes have been at war with each other ever since…'

"The Mashashiya will only be allowed to return if they can prove that the land belongs to them, but it doesn't, say the Zintan elders. Many of the rebels are more direct, saying that they don't like the Mashashiya and that "they should stay out of here." On the rebel side of the front, there are no longer any members of the tribe who could be asked about these accusations. The only remaining Mashashiya are in the Zintan prison, a former school. One of the two men interviewed admits that most members of his tribe are for Gaddafi, but the other one denies it. Both of the two men insist that they did not fight for Gaddafi. They say that they are only in prison because of their tribal affiliation…"[43]

5.8.3 Amnesty International reports: "In June-July 2011, after militias from the town of Zintan gained control of the villages of 'Awnya, Zawiyat al Bagul and Omer, they forced out the entire resident population who came from the Mashashya tribe. …

'Scores of Mashashya were captured in June-July 2011 and detained in the nearby town of Zintan. Abductions during identity checks by Zintan militias continued well after the end of the conflict. …'

'Militias from Zintan accused the Mashashya of supporting Colonel al-Gaddafi during the siege of their town between March and June 2011. Mashashya leaders say that the community is being punished because of a longstanding local conflict over land and water. In September 2011, leaders and elders from the Nafusa Mountain area promised to allow the Mashashya to return home provided that they surrendered their arms, handed over wanted people and raised the "independence flag" in Shgeiga. The Mashashya say that even though they fulfilled these terms, the Libyan authorities have been unable or unwilling to ensure their safe return. Just like the Misratah militias who threaten Tawargha, militias from Zintan vowed that the Mashashya would never be able to return.'

[43] Settling Old Scores: Tribal Rivalries Complicate Libyan War', by Mathieu von Rohr, Spiegel Online International, 26 July 2011. http://www.spiegel.de/international/world/settling-old-scores-tribal-rivalries-complicate-libyan-war-a-776695.html [date accessed 22 March 2016]

'The suffering of the Mashashya intensified following armed assaults on Shgeiga and Mizda in June 2012. The violence led to 105 deaths, according to government estimates, and further displacement. Since then, brigades under the Ministry of Defence have been deployed on the main road in the Nafusa Mountain, but they were unable to prevent violence in Mizda in March 2013 between the Mashashya and the Quntrar tribe, which is allied with Zintan. This outbreak of violence led to 15 deaths and temporarily displaced 1,000 families. The displaced Mashashya continue to live in fear of abductions and confrontation, and their movement in the area is greatly restricted."[44]

5.8.4 Internal Displacement Monitoring Centre noted in their overview 'Libya: State collapse triggers mass displacement' dated 30 March 2015 that:

'Displaced members of the Mashashya tribe also continue to be at risk of retaliatory attacks, including abductions. They face serious restrictions to their freedom of movement.As with the Tawerghans, anti-Qadhafi groups actively prevented the return of roughly 10,000 Mashashiya. Most of them have been living in protracted displacement in Sgeiga, Misdah in the Nafusa Mountains or Tripoli.'[45]

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Version Control and Contacts

Contacts

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Clearance

Below is information on when this version of the guidance was cleared:

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[44] Amnesty International, Barred from Their Homes - The Continued Displacement and Persecution of Tawarghas and Other Communities in Libya, 23 October 2013, p.7 https://www.amnesty.org/download/Documents/16000/mde190112013en.pdf [date accessed 22 March 2016]

[45] Internal Displacement Monitoring Centre, Overview; Libya: State collapse triggers mass displacement, 30 March 2015 http://www.internal-displacement.org/middle-east-and-north-africa/libya/2015/libya-state-collapse-triggers-mass-displacement [date accessed 22 March 2016]

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- valid from **30 June 2016**

Changes from last version of this guidance

1. Updated country information.
2. Inclusion of accepted recommendations from IAGCI review.

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