



Stakeholder report
United Nations Human Rights Council
Universal Periodic Review
Libya

Internally Displaced People Submission - Submitted by the Youth Gathering for Tawargha

Key concerns

- The Libyan state failed to protect the people of Tawargha and ensure that they enjoy their basic and fundamental rights including the right to life and the right to be free from torture and other ill-treatment.
- The Libyan state failed to fulfil its obligations under the International Covenant on Economic, Cultural and Social Rights towards the Tawargha people.
- The Libyan state failed to implement its obligations based on the recommendations they accepted in the last UPR cycle.

Introduction

1. All the residents in Tawargha town were internally displaced on 11 and 12 August 2011 after “revolutionary” non state armed groups supported by NATO airpower attacked the residents in the town. It is estimated that around 40,000 people from Tawargha were displaced. Further, during these two days at least 60 people were killed and 50 more were reported missing. Civilians were subjected to indiscriminate shelling and fire as they tried to flee to the town of al-Heisha, located 73 Km south east of Tawargha town.

2. Since August 2011, at least 350 people have been killed, and 1,200 people have been arbitrarily detained without fair trial, while 220 more people have been reported missing. These figures includes women, men and children.
3. The Libyan state accepted six recommendations related to the protection of Internally Displaced Persons (**IDPs**) and their return to their towns in its last UPR cycle. However, the Libyan state failed to implement their obligations and Tawergha IDPs continue to face persecution and discrimination, attacks by militias during the armed conflict, lack of access to medical services and education.

Attacks on IDP camps across Libya

4. Militias affiliated with the Government of National Accord and other armed groups attacked IDPs camps several times over the past seven years. These camps were also subject to indiscriminate shelling during the armed conflicts between the different militias and armed groups. The Libyan state failed to protect these IDPs and hold those responsible to account.
5. On 10 December 2015, many families who fled Tawergha were forced to leave IDP camps and school buildings in Benghazi where they had taken shelter. Most of these families moved to a new IDPs camp in the city of Ajdabia, with the rest of the families finding shelter in other camps in different cities across Libya. The Libyan state failed to protect these families and failed to provide them with alternative housing.
6. On 17 August 2016, the Benghazi Revolutionaries Shura Council released statement number 46 announcing the killing of 22 prisoners including two from Tawergha town. The statement mentioned that the prisoners were allegedly killed in an airstrike on the Ganfouda prison. In another statement number 52 issued from the same council on November 23, 2016, it stated that eight other prisoners, including six from Tawergha, were killed in the same prison after an aerial strike was carried out on the prison. Youth Gathering for Tawergha association contacted there of the families of the victims from Tawergha. The families reported that the prisoners were arrested alongside 33 other people when families from Tawergha were fleeing Tripoli due to clashes near Al-Helis refugee camp in December 2015. Those arrested were taken by the Benghazi Shura Council to unknown locations.
7. In October 2016, clashes between different militias and armed groups in Tripoli resulted in the indiscriminate shelling of al-Falah IDP camp, killing one woman and injuring another seven persons. Further, in May 2017, conflict between the Deterrent Forces militia, Tripoli Revolutionaries, and armed groups affiliated with the National Salvation Government resulted in the indiscriminate shelling of al-Falah 2 IDP camp, killing a young man and leaving four others injured. Moreover, during the same month, a militia affiliated with the Wereshefana tribe attacked the Janzour IDP camp, located about 12 Km west of Tripoli. Eight vehicles without number plates carrying armed men raided the IDP camp and the armed men terrorized the residents at night and fired live bullets in the air. They destroyed two cars and looted some residents' homes. The armed men then ordered the camp residents to evacuate the camp immediately.

8. On 10 August 2018, Abu Salim Central Security militias affiliated with the Government of National Accord (**GNA**) and integrated under its Ministry of Interior attacked the Airport Road IDP camp in. These militias attacked the same refugee camp several times in the same year and ordered the residents to evacuate the camp for unknown reason. Further, the Abu Salim Central Security militias arrested over 70 people from the refugee camp. One prisoner died as a result of torture in the Abu Salim Central Security headquarters. The militia also demolished the camp and forced over 500 families to evacuate the camp in less than four hours.
9. On 2 September 2018, clashes and indiscriminate shelling between different militias in Tripoli hit al-Falah 2 IDP camp that killed two IDPs and injured 15 others. Despite all these attacks on the IDP camps, the Libyan state failed to conduct impartial and independent investigations into these attacks and failed to bring those responsible to justice.

Lack of access to economic, social, and cultural rights in IDP camps in west Libya

10. There are some medical facilities such as clinics inside some camps in Tripoli, including Falah 1, Airport Road, Janzour, Qaryounes and Al Riyadiya 2 camps. However, these clinics lack basic medical equipment and supplies. Further, all of these camps are overcrowded with IDPs and lack basic services for hygiene, sanitation, and infrastructure, which leads to the spread of infectious diseases.
11. The youth in these camps have also abused drugs given the lack of psychological support, persecution they face, lack of employment, and lack of recreational activities. This drug abuse was a pretext for militias to attack many camps in Tripoli since 2011.

Political dialogue and reconciliation agreement between Tawergha and Misrata

12. On 19 January 2015, in Geneva, the Misrata Municipal Council and the Tawergha Local Council suggested the formation of a joint committee called “the Tawergha-Misrata Joint Dialogue Committee” to address the conflict with the two parties, under the auspices of the United Nations Support Mission in Libya (**UNSMIL**). The joint committee aimed to ensure the right of the people of Tawergha to return to their hometown and identify and resolve any obstacles that may arise.
13. On 18 December 2015, at the United Nations Headquarters in Geneva and again under the auspices of UNSMIL, officials from Tawergha and Misrata agreed to form a joint committee concerned with the Tawergha and Misrata conflict. The parties issued a joint statement titled “Road Map”, which drew a plan for the reconciliation of the residents in the two cities and the right of the Tawergha residents to return.¹

¹ Roadmap document, UNSMIL, 18 December 2015.

https://unsmil.unmissions.org/sites/default/files/old_dnn/Road%20Map%2018.12.15%20EN.pdf

14. On 31 August 2016, an agreement between Tawergha and Misrata was signed under the auspices of the United Nations Support Mission in Libya.² This agreement was to be approved by the Presidential Council of the GNA. The “whoever enters Tawergha is safe” initiative was created to pressure the Presidential Council of the GNA government to sign and approve it, which happened on 19 June 2017. However, the agreement was subject to a series of amendments that included discrimination in compensations and reparations towards the people from Tawergha.

Undermining the Right of Return of Tawergha People

15. On 11 September 2017, the Commander of the Central Military Zone was mandated with securing the town of Tawergha, overseeing the return of displaced Tawerghans to the town, and reclaiming the former Gaddafi regime forces camps from the different militias. However, this was not implemented because of objections from the different militias in Misrata.
16. With the onset of winter in 2017, the situation in the IDP camps worsened due to flooding, cold temperatures with no heating and prolonged power cuts, a large number of Tawerghans demonstrated for three consecutive days in front of the Presidential Council headquarters in Tripoli. The demonstrations were against the poor living conditions, infrastructure, and other facilities in the IDP camps worsened by the winter conditions. On 28 December 2017, and in apparent response to the demonstrations, the Presidential Council held a press conference that was broadcasted live in local Libyan media. It announced that the return of Tawerghans will take place on 1 February 2018 in implementation to the agreement signed between Tawergha and Misrata.
17. A ministerial committee was formed to follow up on the implementation of the Tawergha-Misrata agreement and to prepare the city of Tawergha logistically by opening the roads, preparing pathways, cleaning the city from the remnants of the war, and searching and collecting any bodies in the town. The presence of bodies in some neighborhoods was used later as a pretext to prevent residents from returning to their homes. On January 29, 2018, the ministerial committee met with Tawergha’s local Council and Misrata’s municipal council, with the head of the presidential council, Fayez al-Saraj. During the meeting, the parties discussed and agreed on the preparations made by the ministerial committee for the return of the people of Tawergha.
18. On 31 January 2018, in the evening, an unknown number of gunmen (later identified as belonging to Misrata Central Security) graffitied threatening statements on the walls of the buildings in Tawergha. The gunmen also attacked members of the High Committee for Return, who were present in the town at the time, and forced them out of the Tawergha. The same gunmen blocked roads and set fire to a number of tires. Further, the Misrata Military council, the Association for the Martyrs and the Missing of the February 17 revolution, and the Misrata Shura Council issued a joint statement on

² Agreement on the Return of the Displaced and Compensation of those Affected, UNSMIL, 31 August 2016. https://unsmil.unmissions.org/sites/default/files/MT_Agreement_31-8-2016_EN.pdf

Facebook that announced the postponement of the return of the people of Tawergha that was scheduled to take place on 1 February 2019. They haven't set a date for this.

19. On 1 February 2019, the presidential council of the GNA confirmed in an official statement that the return will take place as planned. Based on this, some families started to return from the West of Libya, such as Tripoli, Terhona, Serman, Al Zawiya, Al Ajilat, Al Sabi'a; the South of Libya, such as Sabha, Barak al-Shati'; the East, such as families returning from Benghazi, Ajdabia, Al Bayda', Tobrouk, Slouk, Brega, Beshr, Sirte, Beni-Jawad, among others.
20. Some families stopped at Qararet al-Qatf point (35 Km east of Tawergha) because they were tired from the distance and also they were worried to proceed to Tawergha town amid all the conflicting announcements from the different authorities about their return. The families stayed in the open for that night. However, some families chose to proceed to Tawergha town. Armed men in 15 armed vehicles and other civilian vehicles fired at the families trying to return to Tawergha with light and medium weapons, and shouted racist and insulting chants, intimidating families and discouraging them from returning. As a result, the families retreated from checkpoint 14, about 14 Km south east of the center of Tawergha town to the river road located 15 kilometers south of checkpoint 14. The armed men followed them there and threatened them again, which made them retreat even 10 kilometers further towards the city of Beni-Walid until they returned to Qararat al-Qatif town.
21. The families gathered in Qararat al-Qatf waiting for forces from the Central Military Zone unit that was supposed to accompany them and secure their return to the town of Tawergha. However, this unit never showed up. The families spent their night in the open near a small mosque where the men stayed while the women and the children stayed in a nearby school and some houses under construction waiting for any solution.
22. On 7 February 2018, the head of Tawergha's Local Council and the head of the Presidential Council met in Tripoli. Afterwards, the head of Tawergha's local council met with the head of UNSMIL. Both reiterated the importance of implementing the decision of return on its scheduled date and declared that there is a party responsible for impeding the implementation of this decision and that this party should be controlled and should stop attacking the people of Tawergha.
23. On 14 February 2018, a group of families proceeded again to Tawergha town and the first series of tents were installed in Ghadeer al-Khanq, which is the south entrance point to the Tawergha town. However, a group of armed men attacked the camp, set fire to the tents, expelled the families and chased them, and tried to arrest some people. A woman was attacked and many people lost consciousness during this attack. The families reverted again to the point of Qararat al-Qatf point where they stayed there for almost four months in tents that installed by the UN Refugee Agency (UNHCR). During this time, at least seven people died due to the poor living conditions, lack of medical facilities and emergency services.

New flawed reconciliation agreement

24. In May 2018, the two parties started preparing for a new agreement between Tawergha and Misrata. This agreement was meant to reconcile between different tribes and satisfy them. The Tawerghan Local Council and the Misratan Municipal Council formed another joint committee to draft this agreement to reconcile between the two cities. The Misratan council drafted a version of this agreement in the form of a series of unfair conditions that Tawerghan authorities have to accept; otherwise, the return to Tawergha would not be possible.
25. The Tawerghan local council rejected this version and made fundamental amendments that would improve the agreement. The previous version contained a series of falsifications of historical events that were otherwise recognized and reported by international organizations.
26. On 3 June 2018, Misrata celebrated the signing of the reconciliation agreement despite the fact that the version of the treaty submitted by Misrata was rejected by the Tawerghan social committee and by Tawerghan tribes and the Shura Council. Tawerghan authorities warned against signing such defective document that distorted realities. However, the head of the Local Tawerghan Council, along with other officials, signed the document individually in the presence of other Libyan officials without the consent of other concerned Tawerghan parties. The Shura Council of Tawergha issued a statement denouncing the behavior of the president of the Local Tawerghan Council and the other signatories, considering their actions individual and considering that they does not represent the people of Tawergha and its tribes.

Poor and deteriorating Situation in Tawargha town

27. According to the Agricultural and Environmental Sanitation Office of the Ministry of Agriculture, sewage, industrial, medical, human and construction waste are still being deposited 6 kilometers west of Tawergha town entrance. The landscape is unpleasant with garbage, odors, and piles of dust, which could lead to diseases and other epidemics. Further, the situation remains very poor in relation to who is responsible for providing services for returning families, supervising the return process, and dealing with the increasing number of returning families. There are approximately 250 families that returned permanently to Tawergha at the date of writing this report.
28. Since February 2018, the presidential council allotted millions of Dinars to reconstruct the city of Tawergha and to start to prepare the city and rebuild it, install power facilities, as well as maintain schools and the only public hospital in the city and some other facilities. However, very few of these tasks were finalized despite the allotted funds. Some of the Misrata residents blocked companies from carrying out these projects, and threatened supervising authorities on different occasions.

29. Local authorities in Misrata continue to impose a complete siege on the boundaries of the Tawergha town through gates and checkpoints. Moreover, militias continue to attack some residents in Tawergha town.³

³ On 7 February 2019, a Misrata militia led by Selim Abu Shahma, member of the committee that is mandated with the implementation of new agreement, closed down the Tawergha Local council headquarters in the al-Shaab al-Mousala' school and attacked one employee. The militia also attacked an elderly man and woman who tried to defend themselves after being forced to leave their temporary residence. The elderly man went to a the police station in Tawergha to file a report about the incident. The militia heard about the report and closed down this police station the next day. This incident terrified the families in Tawergha and gave the impression that militias in the city are out of control and enjoy total impunity.