

IN LIBYA AUTHORITIES MUST ADDRESS VIOLATION AFTER ELECTION POSTPONED

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USPA NEWS - Preparations for the election had been taking place in a highly volatile climate characterized by disputes over electoral laws and the eligibility of candidates. The postponement of Libya's first-ever presidential election, originally scheduled to begin on 24 December, after the authorities failed to confirm a list of eligible candidates, illustrates the need to address the myriad human rights violations that characterized the run-up to the election, Amnesty International said today.

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Preparations for the election had been taking place in a highly volatile climate characterized by disputes over electoral laws and the eligibility of candidates. In its detailed analysis released today, Amnesty International outlines how armed groups and militias repeatedly repressed dissenting voices, restricted civil society and attacked election officials in the lead-up to the now postponed elections.-----

"Establishing an electoral environment free of violence and intimidation is all but impossible when armed groups and militias not only enjoy rampant impunity but are integrated into state institutions without any vetting to remove those responsible for crimes under international law," said Diana Eltahawy, Amnesty International's Deputy Regional Director for the Middle East and North Africa. "For elections free of coercion to take place, the Government of National Unity and the Libyan Arab Armed Forces must immediately instruct all armed groups and militias under their command to end their harassment and intimidation of electoral officials, judges and security staff. They must also release all those held simply for expressing their views on the elections." On 26 November, Emad al-Sayeh, the head of the High National Elections Commission (HNEC), expressed concerns over election security after armed men raided and forcibly closed at least four of its regional offices, disrupted the voter registration process, and looted voting cards.-----

Several HNEC and Ministry of Interior officials responsible for providing election security also reported being threatened by members of militias and armed groups. In Sabha, armed men surrounded the city's courthouse with the apparent aim of halting the judicial review of a candidate's eligibility. Militias and armed groups have also abducted at least 21 protesters, journalists and activists in cities such as Tripoli, Benghazi, Misrata, Ajdabiya and Sirte over their support for particular candidates or views on the electoral process. In Sirte, armed men affiliated with the Internal Security Agency, which is itself linked to the armed group Libyan Arab Armed Forces (LAAF), an armed group in control of large parts of eastern and southern Libyan, arrested at least 13 men, including journalists, over their alleged involvement in a rally held in support of Seif al-Islam al-Gaddafi's candidacy on 14 November. They were released five days later. Laila Ben Khalifa and Heneda al-Mahdi, the two women who applied to be presidential candidates, have also reported being subjected to gender-based harassment and online mockery. "For any election to take place, the Libyan authorities and those in de facto control of territory must ensure that all candidates, voters, activists and politicians are protected from violence, threats and arbitrary detention. They must also protect women from gendered attacks and ensure civil society actors are allowed to express their views and participate in the electoral process without fear of reprisals," said Diana Eltahawy.

HIGHLY POLARIZED CLIMATE OVERSHADOWED THE ELECTION PROCESS -----

Libya has been split between rival political groups that have competed for control since 2014. The postponed election formed part of the UN-led peace process after a decade of chaos and conflict following the toppling of Muammar al-Gaddafi in 2011. In March, the newly appointed transitional Government of National Unity (GNU) began preparing the nation for presidential elections in December. Since then, the GNU has struggled to keep control, with the LAAF controlling vast swathes of the country amid persistent political divisions. Of 96 individuals who applied to be candidates in the election, 25 were initially rejected by the HNEC over prior convictions, failure to collect the required number of signatures from registered voters, dual nationality or lack of medical fitness. The candidacies of three of the frontrunners – Khalifa Hefter, Saif al-Islam al-Gaddafi and Abdelhamid Dbeiba – were appealed in court and continue to face fierce opposition.

Saif al-Islam al-Gaddafi, the son of Libya's former ruler Muammar al-Gaddafi, was cleared to run by courts despite being wanted by the International Criminal Court (ICC) for crimes against humanity for his role in suppressing protests against his father in 2011. Amnesty International has repeatedly called for his handover to the ICC.-----

Khalifa Heftar, whose LAAF forces tried to take over Tripoli and western Libya in a year-long offensive thwarted in June 2020, was also ruled eligible to run by courts. Amnesty International and others have extensively documented crimes under international law committed by the LAAF and affiliated armed groups, including war crimes. There are reasonable grounds to investigate whether, as commander of the LAAF, Khalifa Heftar failed to prevent and punish crimes committed by forces under his command. The candidacy of GNU Prime Minister Abdelhamid Debibah was also unsuccessfully challenged in court. Amnesty International has documented crimes under international law committed by forces under the GNU – particularly against migrants and refugees – while he was in power. The GNU has continued to appoint individuals suspected of committing crimes under international law. "The Libyan authorities should use the postponed elections as an opportunity to break the cycle of impunity and ensure that those suspected of committing crimes under international law are excluded from positions that would allow them to commit further violations, interfere in investigations or grant them immunity," said Diana Eltahawy.

BACKGROUND-----

The head of the parliamentary committee on the electoral process today acknowledged in a message addressed to the speaker of parliament that it would be impossible to hold the elections on 24 December. The HNEC then issued a statement, saying the failure to resolve differences around the eligibility of candidates and the electoral framework caused the delay in elections. It also recommended that the presidential election now begin on 24 January and called on the House of Representatives to resolve the obstacles. On 21 December, the United Nations Support Mission in Libya expressed concern about the mobilization of armed elements in the capital." Source: Amnesty International

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