

**Upper Tribunal
(Immigration and Asylum Chamber)**

ZMM (Article 15(c)) Libya CG [2017] UKUT 263 (IAC)

THE IMMIGRATION ACTS

**Heard at Field House
On: 3rd May 2017**

**Determination Promulgated
On: 28th June 2017**

Before

**THE HON. MR JUSTICE McCLOSKEY
UPPER TRIBUNAL JUDGE BRUCE**

Between

**ZMM
(ANONYMITY ORDER MADE)**

Appellant

And

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr A. Pipe, Counsel instructed by Duncan Lewis Solicitors

For the Respondent: Mr S. Singh, Counsel instructed by the Government Legal Department

The violence in Libya has reached such a high level that substantial grounds are shown for believing that a returning civilian would, solely on account of his presence on the territory of that country or region, face a real risk of being subject to a threat to his life or person.

DETERMINATION AND REASONS

Table of Contents

--	--

<i>Description</i>	<i>Paragraphs</i>
Introduction	1-7
The Country Guidance Questions	3
Abbreviations	7
The Legal Framework	8-22
The Evidence	23-69
Key Documents	24
The Political Background	26-36
The Economy	37-41
The Humanitarian Situation	42-46
Indiscriminate Violence in a Situation of Internal Armed Conflict	47-62
Violent Crime	63-65
Travel	66-69
Discussion and Findings	70-95
The Numbers	72-82
The Context	83-88
The Future	89-90
The Risk	91-95
Decisions	96-98
Appendix A	A
Error of Law Decision	
Appendix B	B
List of materials considered by Tribunal	

Introduction

1. On the 14th July 2014 the Upper Tribunal promulgated the decision in [AT & Others \(Article 15c;](#)

risk categories) Libya CG [2014] UKUT 318 (IAC). That case had been convened in November 2013 to give country guidance on the risks arising in post-Gaddafi Libya. The Tribunal heard from three experts and had regard to a wide range of evidence. The Tribunal found that the power vacuum left by the collapse of the regime had been filled by militias, and that in-fighting amongst them was resulting in some violence. The position at the date of the hearing was not such however, that the Tribunal could be satisfied that there was a real risk of harm to the population at large. There was a government, an army and a police force in place. Although these institutions remained weak, the evidence indicated that they could, in general terms, provide a sufficiency of protection.

2. On the 15th July 2014 Tripoli airport was forced to close after skirmishes on the perimeter escalated to full scale rocket attacks on the runway. Defending the airport were a militia from the western city of Zintan which had declared allegiance to the man who had taken effective control of the east, General Khalifa Haftar. Attacking the installation were a coalition of Islamists and militiamen from Misrata, fighting under the banner 'Libya Dawn'. The lines were drawn. The two sides that fought the battle for Tripoli airport continue to define the political landscape in the country today, forming the backbone of rival 'governments'. Add to this a third entity, the only 'government' recognised by the international community, forced to operate from a heavily fortified naval base off the Tripoli coast. The country is now home to many hundreds of militias and heavy fighting has taken place in several cities as these forces compete for economic and political control.
3. These bare facts illustrate two things. First, the political situation in Libya today is very different from that considered in AT & Others: FA (Libya: art 15(c)) Libya CG [2016] UKUT 413 (IAC). Second, the security situation moves fast, and in an unpredictable way. These matters are at the forefront of our minds as we endeavour to give country guidance on the following issues:
 - i) Is the Appellant at risk under Article 15(c) if returned to Libya?
 - ii) If Article 15(c) does apply, can the Appellant relocate to, and reasonably be expected to stay in, another part of the country in which he would not face such a risk?
4. It will be observed that our enquiry is confined to whether ZMM, and other Libyans in the UK, should be granted humanitarian protection. We do not intend to give guidance on claims falling within the rubric of the Refugee Convention. Decision-makers should continue to refer to the guidance given in AT & Others in respect of individual risk categories, whilst of course having regard to any up to date evidence relied upon in the individual case before them.
5. This appeal has been selected as country guidance because ZMM could fairly be described, with no disrespect intended, as ordinary and unremarkable. He is male, he is healthy, he speaks Arabic and he was originally from Tripoli. He does not have a family for whom he is responsible, and as far as we are aware has no particular vulnerabilities. He has been in the United Kingdom since 2014.
6. The hearing took place over a single morning, when we had an opportunity to hear very helpful and informative evidence from Ms Alison Pargeter, an analyst specialising in political and

security issues in North Africa. Ms Pargeter is a Senior Research Associate at the Royal United Services Institute and a Senior Visiting Fellow at Kings College London. The Respondent does not challenge her expertise, and accepts that her evidence is helpful in setting out the current situation in Libya. Preparation of this judgment was subject to a short delay whilst the parties answered some additional questions in writing.

7. There are, we are told, as many as 14 different spellings in English of the name 'Gaddafi'. This gives some indication of the complexities faced by Arabists attempting accurate transliteration. We have tried to use standard forms of names throughout this determination; our apologies to experts if our choices result in inconsistency. We use the following abbreviations throughout the determination:

DBB Defend Benghazi Brigades

ERW Explosive Remnant of War

GNA Government of National Accord (the internationally recognised government based in Abu Sitta naval base, Tripoli)

GNC General National Congress (the interim government formed after the overthrow of Gaddafi, now defunct)

HOR House of Representatives ('Tobruk government', based in Tobruk and al-Bayda)

IDP Internally Displaced Person

IS Islamic State

LPA Libyan Political Agreement (signed in December 2015, the current framework for talks)

NSG National Salvation Government (alternative government based in Tripoli)

OCHA UN Office for the Coordination of Humanitarian Affairs

PC Presidency Council (executive branch of the GNA)

SCBR Shura Council of Benghazi Revolutionaries

UNSMIL United Nations Support Mission in Libya

The Legal Framework

8. Article 2 (e) of the Qualification Directive defines persons who are eligible for subsidiary protection:

"(e) 'person eligible for subsidiary protection' means a third country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15, and to whom Article 17(1) and (2) do not apply, and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country;"

9. 'Serious Harm' is defined at Article 15, the relevant sub-section for the purpose of this appeal being (c):

Serious harm consists of:

- (a) death penalty or execution; or
- (b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or
- (c) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

10. There are therefore three limbs to this test. In the context of this appeal the Appellant must demonstrate that there is in Libya:

- a) an internal armed conflict;
- b) indiscriminate violence; and
- c) that as a result there is a serious and individual threat to his life or person.

11. In Diakité v Commissaire general aux refugies [2014] WLR(D) 37 the CJEU dispensed with the need to conduct a detailed legal analysis of the *conflict* itself [at 35]:

"[...] on a proper construction of Article 15(c) of Directive 2004/83, [...] an internal armed conflict exists, for the purposes of applying that provision, if a State's armed forces confront one or more armed groups or if two or more armed groups confront each other. It is not necessary for that conflict to be categorised as 'armed conflict not of an international character' under international humanitarian law; nor is it necessary to carry out, in addition to an appraisal of the level of violence present in the territory concerned, a separate assessment of the intensity of the armed confrontations, the level of organisation of the armed forces involved or the duration of the conflict."

12. Thus the words 'internal armed conflict' do not attract a sophisticated, complex construction. Rather they are to be given their ordinary and natural meaning. This was a rejection of the international humanitarian law paradigm pos tulated in, for instance, KH (Article 15(c) Qualification Directive) Iraq CG [2008] UKAIT 00023 (IAC). The war need not involve breaches of international law, nor do the parties need to adopt a formal military identity. It is enough that there are one or more of them confronting each other in the territory: see also paras 14-18 of QD (Iraq) v Secretary of State for the Home Department [2009] EWCA Civ 620.

13. The violence can be said to be *indiscriminate* where it could affect people in that country regardless of their circumstances. In HM and others (Article 15(c)) Iraq CG [2012] UKUT 409 (IAC) the Tribunal held that attacks could be properly regarded as indiscriminate:

"in the sense that, albeit they may have specific or general targets, they inevitably expose the ordinary civilian who happens to be at the scene to what has been described in argument as collateral damage. The means adopted may be bombs, which can affect others besides the target, or shootings, which produce a lesser but nonetheless real risk of collateral damage"

14. The matter in issue in this appeal is the nexus between the indiscriminate violence and the threat to the individual. In Elgafaji v Straatsscretaris van Justitie [2009] 1 WLR 2100 the CJEU found a distinction between the level of harm necessary to establish a case under Article 15(a) and (b) on the one hand, where a real risk of specific harm must be established, and (c), where the applicant fears a "more general risk of harm":

"43. Having regard to all of the foregoing considerations, the answer to the questions referred is that Article 15(c) of the Directive, in conjunction with Article 2(e) of the Directive, must be interpreted as meaning that: the existence of a serious and individual threat to the life or person of an applicant for subsidiary protection is not subject to the condition that that applicant adduce evidence that he is specifically targeted by reason of factors particular to his personal circumstances; the existence of such a threat can exceptionally be considered to be established where the degree of indiscriminate violence characterising the armed conflict taking place assessed by the competent national authorities before which an application for subsidiary protection is made, or by the courts of a Member State to which a decision refusing such an application is referred reaches such a high level that substantial grounds are shown for believing that a civilian, returned to the relevant country or, as the case may be, to the relevant region, would, solely on account of his presence on the territory of that country or region, face a real risk of being subject to that threat."

15. The term 'exceptional' should be understood in the same way as it is in the context of our domestic jurisprudence relating to Article 8 ECHR: it expresses an expectation of how often these situations will arise, rather than introducing a hurdle to be surmounted. See QD at paragraph 25:

"...The Court did not, as it might have done, decide that "individual" was there simply to exclude persons who enjoyed some form of protection from the violence faced by the population generally. Nor, however, has the judgment introduced an additional test of exceptionality. By using the words "exceptional" and "exceptionally" it is simply stressing that it is not every armed conflict or violent situation which will attract the protection of article 15(c), but only one where the level of violence is such that, without anything to render them a particular target, civilians face real risks to their life or personal safety".

16. As to the apparent difficulties with a test that requires there to be a 'real risk of a threat', the courts have made two related points.
17. The first is that whilst the individual does not have to establish that he *will* suffer specific acts of violence against his person he cannot succeed by claiming a fanciful fear or remote threat: as the Court of Appeal put it in QD: " when Article 15(c) speaks of a threat to a civilian's life or person it is concerned not with fear alone but with a possibility that may become a reality".
18. The second point is that the threat itself, if sufficiently serious, can cause serious harm sufficient to reach the required threshold. In HM and others (Article 15(c)) Iraq CG [2012] UKUT 409 (IAC) ('HM II') the Tribunal emphasised that when focusing on civilian deaths and injuries it is necessary to take account of the impact of threats of violence as well as the physical violence itself [at 272]. The feared harm can therefore be physical or mental, but it must be serious. In HM the Tribunal considered that as a benchmark, it would have to be harm serious enough to merit medical treatment [at 45], for instance post-traumatic stress disorder.
19. The general level of indiscriminate violence necessary for these conditions to be met must be high; but the violence need not be directly inflicted by one of the parties to the conflict. It could for instance result from the breakdown of law and order, but it must be established that there is a

causal nexus between the harm and the conflict. Assessment of the feared harm should be an inclusive one, taking account of all relevant metrics. In HM (II) the Tribunal suggested that relevant metrics would include: the number of physically injured, the size of population displacement, the degree of state failure, and the economic/humanitarian situation.

20. Article 7 of the Qualification Directive defines 'actors of protection':

"1. Protection can be provided by:

(a) the State; or

(b) Parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State.

2. Protection is generally provided when the actors mentioned in paragraph 1 take reasonable steps to prevent the persecution or suffering of serious harm, *inter alia*, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and the applicant has access to such protection.

3. When assessing whether an international organisation controls a State or a substantial part of its territory and provides protection as described in paragraph 2, Member States shall take into account any guidance which may be provided in relevant Council acts."

21. Article 8 of the Qualification Directive is concerned with internal protection:

"1. As part of the assessment of the application for international protection, Member States may determine that an applicant is not in need of international protection if in a part of the country of origin there is no well-founded fear of being persecuted or no real risk of suffering serious harm and the applicant can reasonably be expected to stay in that part of the country.

2. In examining whether a part of the country of origin is in accordance with paragraph 1, Member States shall at the time of taking the decision on the application have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant.

3. Paragraph 1 may apply notwithstanding technical obstacles to return to the country of origin."

22. As to whether the Appellant can "reasonably" be expected to stay in a part of the country where he will not face a real risk of harm, the Tribunal must conduct an inclusive and holistic evaluation of all of the relevant factors, including his personal characteristics, the socio-economic and security situation prevailing in the place of proposed residence. Regard must also be had as to how he will get there. In AMM and others (conflict; humanitarian crisis; returnees; FGM) Somalia CG [2011] UKUT 445 (IAC) the Tribunal declined to deem the safety or reasonableness of routes of return a "technical obstacle" and held it to be an inherent part of the risk assessment: "travel by land across southern and central Somalia to a home area or proposed place of relocation is an issue that falls to be addressed in the course of determining claims to international protection. Such travel may well, in general, pose real risks of serious harm, not only from al-Shabab checkpoints but also as a result of the present famine conditions..." [see paragraph 10 of the headnote]. See also AT & Others [83-88]. We note that this approach accords with that taken in the recast Article 8 (2011/95/EC):

"As part of the assessment of the application for international protection, Member States may determine that an applicant is not in need of international protection if in a part of the country of origin, he or she:

(a) has no well-founded fear of being persecuted or is not at real risk of suffering serious harm; or

(b) has access to protection against persecution or serious harm as defined in Article 7,

and he or she can safely and legally travel to and gain admittance to that part of the country and can reasonably be expected to settle there."

It is arguable that this recast text simply reflects the meaning that the original sought to convey.

The Evidence

23. There was a great deal of evidence before us, and we have had regard to everything to which we were referred. It has not been necessary or appropriate to discuss all of that evidence in this judgment, since much of it is not in issue. As we note in the introduction, Ms Pargeter's evidence was in substance unchallenged by the Respondent, albeit that Mr Singh considered that she might have a "possibly over gloomy" outlook on the future for Libya. The remainder of the evidence, to all of which we have had regard, consisted of reports by UN bodies and human rights organisations, articles in the Libyan and international press, and commentary by political analysts.

Key Documents

24. The key documents before us were:

- (i) The report of Alison Pargeter dated 25th March 2017, her response to questions put by the Respondent dated the 7th April 2017 and her short addendum report dated 9th May 2017.
- (ii) The Home Office Country Policy and Information Notes *Libya: Security and Humanitarian Situation* published in January 2017 and *Libya: Actual or Perceived Supporters of Former President Gaddafi* published in March 2017
- (iii) Monthly UNSMIL reports dated 2016 to 2017
- (iv) The Amnesty International (AI) response to Ms Pargeter's report, authored by Mr Tom Southerden and issued by the United Kingdom Section on the 13th April 2017
- (v) 'The Challenge of Violent Extremism in North Africa: the Case of Libya', testimony by Dr Frederic Wehrey of the Carnegie Endowment to the US House Subcommittee on Counterterrorism and Intelligence
- (vi) 'Internal Displacement in Libya - 2016 in Review' (Displacement Tracking Matrix Rounds 1-7) published by the International Organisation for Migration (IOM)
- (vii) 'Libya's IDP and Returnee Report - January-February 2017 (Displacement

Tracking Matrix Round 8) published by the International Organisation for Migration (IOM)

- (viii) Report of the Secretary-General on the United Nations Support Mission in Libya, 4th April 2017
- (ix) International Crisis Group, 2017 Watch List, Libya excerpt

25. The evidence broadly falls into two parts. There is the general background material on the political, economic and humanitarian situation in Libya, which provides the context. Then there is the data, such that it is, on human rights abuses, disorder and indiscriminate violence.

The Political Background

26. The current situation is summarised by Ms Pargeter as follows:

"1.1 Ever since the revolution that toppled Libyan leader, Colonel Muammar Qadhafi, in 2011, Libya has been mired in deep crisis. The political scene is in complete chaos and there are currently three competing governments, all claiming that they are Libya's rightful executive power, and none of which has any proper authority on the ground. The security situation is equally catastrophic. There is ongoing violence across the country and real power continues to lie with the array of militias and revolutionary brigades that proliferated during and after the revolution. Indeed, the country has fragmented beyond recognition and comprises a broad array of local power brokers, ranging from militias, tribes, towns and Islamist groups, all of whom are competing for control and dominance."

27. Of the three competing governments of which Ms Pargeter speaks, only one is recognised by the international community. This is the 'Government of National Accord' (GNA) installed in March 2016 and headed by the 'Presidency Council' (PC). The PC had initially comprised nine representatives but splits and factionalism have weakened the council; in Ms Pargeter's estimation it is now reduced to a functioning body of two men, Prime Minister Fayez Sarraj and his deputy. They are based, as they have been since their arrival in Libya, in a heavily fortified naval base called Abu Sitta. Ms Pargeter stated that the PC has very little legitimacy in the eyes of ordinary Libyans. It is able to exercise 'control' only inasmuch as there are certain militias in Tripoli who have pledged allegiance to it. Ms Pargeter describes that allegiance as opportunistic and fragile:

"3.3 ...Although these militias, such as the Special Deterrent Force that is led by Islamist commander, Abdelraouf Kara, now consider themselves to be part of the official forces of the state, they continue to act as they see fit. As the GNA Prime Minister, Fayaz Serraj told the media in November 2016, "They [the militias] do as they please as we have sadly seen in Zawia in the last three days and as we saw the militia clashes between Ghainawa or Haitham Tajuri or whoever. Whenever they want to go out and fight, they don't ask us and we end up firefighting these battles."

28. The alternative government in Tripoli is now known as the 'National Salvation Government' (NSG). It was established by those members of the General National Council (GNC) who rejected the Libya Political Agreement (LPA), an accord signed in Skhirat, Morocco in 2015. It is headed by Khalifa Al-Ghweill and consists mainly of hardline Islamist militias who follow the teachings of the Grand Mufti of Libya, described by Ms Pargeter as "ultraorthodox". The NSG continues to present a serious challenge to the legitimacy of the PC/GNA and has launched a number of

attacks against it in recent months. Ms Pargeter reports that in October 2016 the NSG seized a number of ministries and government buildings; in January 2017 it took the Defence, Labour and Martyrs' Ministries; and in February 2017 there was an assassination attempt against Fayaz Serraj, believed to have been carried out by a militia loyal to the NSG. In the same month a number of Misratan militias loyal to the NSG deployed in the city.

29. The power in the east of the country lies with Field Marshall Khalifa Haftar (more commonly known as General Haftar) a former soldier in the Gaddafi army who defected during the Chad war. He spent many years in exile in the United States and returned after Gaddafi was deposed to become one of the key players in the current conflict. He is the head of the self-styled Libyan National Army, a military force made up of numerous different militias. General Haftar purports to serve at the behest of the House of Representatives (HOR), the 'government' elected in 2014, now based in Tobruk and al-Bayda. General Haftar is described in some of the country background material as "secular"; Ms Pargeter did not consider that to be an accurate label in a deeply religious country. She confirmed that he is not ideologically Islamist in orientation, but stated that this position can fluctuate because of his dependence upon Salafist militias, particularly in Benghazi. Haftar and the House of Representatives are believed to be backed by Egypt, Russia, France and the UAE.
30. In respect of whether any of these rival authorities is able to act as an Actor of Protection, as defined by Article 7 of the Qualification Directive, the Respondent's latest Country Policy and Information Note (CPIN) (March 2017) summarises the position:

"2.5.2 The Libyan authorities rely largely on unregulated, armed militias to provide security and law enforcement and the rule of law is largely absent. The internationally recognised government of Libya based near Tripoli is therefore unable to provide a reasonable level of protection to a person who can demonstrate a real risk of persecution or serious harm."

The same document describes the domestic criminal justice system as "dysfunctional, offering no prospects for accountability" [at 4.3.5]. In their 2016-2017 country report Amnesty International advise that the "judicial system remained in a state of collapse". Ms Pargeter testified that it is unclear from one day to the next which government, or militia, is in control of which ministry, but that the truth is almost irrelevant, since few if any government departments are functioning effectively. In their April 2017 response to Ms Pargeter's report Amnesty International suggest that General Haftar has the strongest claim to effective control on the ground, but are damning in their condemnation of how this is implemented: the forces under his command are said to be committing gross human rights violations with impunity. General Haftar's ability to govern effectively is also substantially impeded by the fact that he is still fighting on several fronts. In Benghazi fighting continues in several neighbourhoods, where opposing militia, the Shura Council of Benghazi Revolutionaries (SCBR), are entrenched.

31. In addition to these three main powers, there is a myriad of different militias in operation. Ms Pargeter explained that some of these militias represent towns or urban neighbourhoods, some have tribal identities and some are ideologically driven: for instance, the aforementioned SCBR are Islamists believed to have some affiliation to al-Qaeda. That said, she did not consider the primary motivation of any of the players in this conflict to be ideology: "this is about power...it's a turf war". The consequence of this are shifting loyalties and agendas that can "produce significant

changes on the ground very quickly": AI (April 2017). In its 2014 'Position on Returns to Libya' UNHCR cite figures (attributed to the BBC) that there could be as many as 1700 different armed groups in Libya.

32. Until recently this number included so-called 'Islamic State' (IS) who had taken hold of Siirte and other coastal towns. Ms Pargeter agreed that one positive story to come from Libya in recent months was the defeat of IS, who were comprehensively driven out of Siirte in December 2016, primarily by an alliance of militias from Misrata. Although IS no longer holds any territory, Ms Pargeter does caution that it may be too early to tell whether they will continue to feature in the conflict. An American airstrike killed an estimated 80 IS fighters in a base south of Siirte in January but concerns have been expressed by experienced analysts that those fighters who were able to escape have headed south into the desert, where they may re-emerge or change tactics to launch terrorist operations (rather than attempting to seize and hold territory).
33. On 29th March 2017 Dr Frederic Wehrey, an American academic specialising in security issues in North Africa, told the US House Subcommittee on Counterterrorism and Intelligence that "scattered ISIS members are regrouping and al-Qaeda affiliated fighters who had defected to ISIS are now returning back to al-Qaeda linked groups, more experienced and battle-hardened. Vast portions of [the] southern deserts remain a thoroughfare for the movement of fighters and arms to the Sahel and beyond".
34. What are the prospects of political consensus among these different factions? At present the international community is pinning its hopes on the LPA, the accord which it managed to persuade individual members of the HOR and the GNC (the predecessor to the NSG) to sign in December 2015. It was this agreement that paved the way for the establishment of the PC/GNA. Ms Pargeter explains that from the outset the LPA was not well received in Libya. Many militias on the ground refused to recognise it and the leadership of both the HOR and the GNC voted to reject it. Prolonged negotiations to try and salvage the agreement have so far ended in failure. Today the success of this project depends, in the terms of the LPA itself, on the endorsement of the House of Representatives, which has thus far not been forthcoming. The principal stumbling block, in Ms Pargeter's view, is that the HOR are demanding that General Haftar be appointed the national head of the armed forces and security, something that his opponents have not been prepared to countenance.
35. There has been some very recent progress in this regard. On the 19th April 2017 the UN Secretary General's Special Representative in Libya Mr Martin Kobler reported to the Security Council that all three of the main blocs continue to support the LPA framework:

"The Prime Minister, The President of the House of Representatives both confirmed their commitment, as did the Commander of the Libyan National Army, Field Marshall Haftar, during our meeting last Thursday in Benghazi. The Head of the State Council expressed his agreement, as have almost all representatives of significant institutions and constituencies.

The agreement is not perfect. There is a consensus that amendments are needed."

In her oral evidence Ms Pargeter emphasised that amendments would need to be made before there could be a workable consensus, which at present appears remote. She was however able to

update the position further. She said that in the days before the hearing a meeting had taken place in the UAE between General Haftar and Fayaz Sarraj, the Prime Minister of the PC. No formal communiqué had been issued but leaks suggested that there had been some rapprochement between the two men and that this was grounds for cautious optimism. Ms Pargeter was not, however, "holding her breath for any real breakthrough". Any agreement would need to be debated and approved in the HOR and the GNA and there were factions in both that would be implacably opposed to agreement. She considered it very doubtful that most Misratan militias would agree and said that there were certainly powerful elements in Tripoli that would be opposed to it. Ms Pargeter's assessment would appear to be shared by Mr Kobler himself, who in the same address warned that the "optimism and confidence of Skhirat has faded".

36. Given that the talks were continuing on the day of the hearing, leave was given to the parties to submit further evidence during a limited period. Nothing has materialised.

The Economy

37. In his latest statement to the Security Council (19th April 2017) SGSR Martin Kobler said this:

"Public services, including access to electricity, health, education, water are failing many.

The economy continues to decline. The GDP has lost over half its value since 2012.

The lack of liquidity prevents Libyans from accessing their salaries. The dinar is losing value. The shadow economy and rampant corruption are growing.

Political divisions also threaten the cohesiveness of the sovereign financial institutions such as the Central Bank, National Oil Corporation and the Libyan Investment Authority. It is difficult to produce a realistic common budget for the whole of Libya."

38. We were provided with a report dated 24th February 2017 by the International Crisis Group (ICG) which includes Libya as one of the ten countries on its '2017 watch list'. ICG's conclusions on the economy, and its relationship with the conflict were as follows:

"Whatever is ideological and geopolitical dimensions, the conflict is largely about control of hydrocarbon resources and access to state funds. According to the National Oil Corporation (NOC), oil sector closures have cumulatively cost over a \$100 billion in lost revenues from oil exports since 2013, resulting, according to the Central Bank of Libya, in a fiscal deficit of 56 per cent of GDP for both 2015 and 2016. The bank's foreign currency reserves are estimated to have fallen below \$40 billion, compared to \$75 billion in March 2015. Oil production has increased since September 2016 - when Haftar-aligned forces seized most oil facilities in the Gulf of Sirte - from around 250,000 barrels per day (b/d) to 700,000 (still far below the 1.8 million b/d of 2010). Even if production reaches 1 million b/d by the end of March 2017, as the NOC projects, the economic outlook remains bleak. With crude oil prices \$50 a barrel production increases will not cover expected government expenditure of around \$40 billion in 2017. Libya could be bankrupt by the end of the year."

39. These rather bleak assessments of the economy were supported by Ms Pargeter. Oil production has recently risen, reaching 720,000 barrels per day by January 2017, but it is difficult to predict whether that level can be maintained, or whether it will have any direct positive benefit to ordinary Libyans. Multiple problems are identified. First, the oil infrastructure itself is a significant prize in the 'turf war' being fought by the opposing parties. By way of example Ms Pargeter explained that a number of export terminals in the east were seized by General Haftar in

September 2016, only to lose them to the Defend Benghazi Brigades (DBB) in early 2017; a matter of weeks ago General Haftar's forces managed to win them back. A similar pattern can be seen in the west, albeit with different militias involved.

40. Second, the political stalemate, and the continuing dispute over who the legitimate government might be, has left the banks with a serious liquidity crisis. Where for instance teachers and hospital workers continue to receive their salaries by automatic bank transfer, they find that they cannot actually access the money. Long queues can be seen outside banks and many Libyans have simply given up depending on being able to access their salaries. Ms Pargeter's contacts in Libya have told her that even in the cities people have started to grow their own vegetables and keep chickens. Services that Libyans had hitherto taken for granted, such as basic utilities, have been severely affected. For instance, in January 2017 a major blackout, caused by a lack of fuel and damage to some power plants, lasted for several days and affected the whole of the south and west of the country, as well as some parts of the east. Power cuts are now a feature of everyday life.
41. Ms Pargeter testified that as a result of this liquidity crisis, basic services such as health and education were severely compromised, even in places relatively unaffected by fighting. The health service had been largely dependent upon foreign workers who left in huge numbers after the collapse of the Gaddafi regime. In areas affected by fighting many hospitals had closed altogether, and the few that remained open were in a "dire" state. In their April 2017 commentary Amnesty International concurred with this view, citing the World Health Organisations assessment that the health system has "virtually collapsed". There is a serious shortage of fuel, medicine and other basic supplies. Some schools are occupied by internally displaced persons and others continue to operate on an ad hoc basis. The fact that none of the ministries is functioning effectively means it is difficult to get a clear picture of what public services are actually available and functioning.

The Humanitarian Situation

42. We were shown various figures in respect of the numbers of internally displaced persons (IDPs). While in January 2017 Human Rights Watch reported that there are now approaching 500,000 IDPs within Libya, that figure was not particularised and its origins were not explained. The most detailed evidence on IDPs was that produced by the IOM. The results of round 8 of the IOMs Displacement Tracking Matrix were published on 15th March 2017. These showed "relatively steady" figures on the number of internally displaced persons, with a total of 303,608 individuals identified. This was a small decrease in the numbers recorded in round 7, and a significant decrease from round 3 published in March 2016 when there were found to be 417,123. These figures do not include the numbers of non-Libyans, mainly migrants from the sub continent, who have been affected by the violence within the country.
43. There was also evidence of temporary displacement, for instance of families who fled fighting in the Tripoli suburbs, returning some time later. If they returned home within the reporting period they were not included in the figures. According to 91% of informants the main driver of

displacement was the threat from general conflict and armed groups while 74% said that this remained the reason that they were unable to return home. Other obstacles to return were identified as 'other security issues', the presence of explosive hazards, damaged infrastructure and in 2% of cases, economic factors.

44. The most positive developments recorded in round 8 were the return of some 132,050 persons to Benghazi and the defeat of IS in Siirte, which allowed 2550 people to return to the city between mid - January and mid - February 2017. This number had increased to 50,700 by the date of publication. The main obstacles preventing further returns to Benghazi were the fact that much of the infrastructure was heavily damaged (resulting for instance in a lack of water), many homes destroyed and there was a "lack of functionality" in schools and hospitals. Similar problems were reported in Siirte, with additional concerns about the danger presented by 'explosive remnants of war' (ERWs).
45. In November 2016 the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that there are 1.3 million people in need of urgent humanitarian assistance in Libya today. The assistance being provided by the UN includes essential medicines, food, water, hygiene, sanitation, shelter and education.
46. It is against that political and economic background that the evidence on violence must be assessed.

Indiscriminate Violence in a Situation of Internal Armed Conflict

47. All of the evidence establishes beyond peradventure that there is conflict in Libya and that the participants are using indiscriminate violence which is having an impact on the civilian population. The nature of that violence is summarised in the Respondent's March 2017 CPIN [at 4.2.5]:

"Forces aligned with all governments and dozens of militias continued to clash, exacerbating a humanitarian crisis with close to half-a-million internally displaced people...

"Militias and armed forces affiliated with the two governments engaged in arbitrary detentions, torture, unlawful killings, indiscriminate attacks, abductions, and forcible disappearances. Criminal gangs and militias abducted politicians, journalists, and civilians—including children—for political and monetary gain."

48. The January 2017 CPIN [at 8.1.2] cites similar findings by the UN Deputy High Commissioner for Human Rights, Ms Kate Gilmore, who addressed the Human Rights Council on the 27th September 2016:

"Warring factions continue to show little regard for civilians -failing to take steps needed to avoid or minimise civilian casualties and protect civilian objects from damage...

In residential areas across Libya, heavy weaponry has been deployed without ensuring sufficient precautions and this is true of all parties...

Armed groups act with complete impunity, continuing to abduct, torture and kill civilians on the basis of their perceived or actual family links, origin or political affiliation. In July, for example, 14 bodies were discovered dumped at a Benghazi rubbish tip. It was clear that the victims, some of whom had been abducted by armed groups earlier in the month, had been tortured and then killed. In June, 12 prisoners were released from Tripoli's Al-Ruwaimi prison, in compliance with a court order. But, just 24 hours later, their families confronted the grim task of identifying their bodies. The 12 had been beaten, shot and killed. Those responsible remain unidentified in both instances...

Human rights defenders and media professionals have also faced abductions and attacks. Thanks to repeated intimidation and attack against their staff, the National Council for Civil Liberties and Human Rights in Tripoli remains effectively shut down. In March, prominent human rights advocate Abdul Basit Abu-Dahab, was killed in Darna when a bomb placed in his vehicle exploded. Many other human rights defenders have fled the country, curtailed their activities or gone into hiding...

Civilian objects are not spared. In 2016, **homes have been attacked, looted and destroyed**, including in Benghazi, Zawiya and most recently in Misallata. From May to July, the Benghazi Medical Centre was shelled on four separate occasions. In June, a car bomb exploded at the entrance of the Al-Jala' Hospital killing five people, and injuring 13 others, including two children."

49. The assessment of the United Nations Support Mission in Libya ("UNSMIL") is set out at paragraphs 9.1.1-9.1.2 of its report:

"Libya continues to be embroiled in deadly violence and multiple armed conflicts, non-international in character, affecting several regions, and contributing to a general breakdown of law and order. All parties to the conflicts continue to commit violations of international human rights and humanitarian law, and abuses of human rights, including indiscriminate and disproportionate attacks; summary executions and other unlawful killings; arbitrary deprivations of liberty; and torture and other cruel, inhuman or degrading treatment (ill-treatment).

...

Across Libya, warring factions showed little regard for avoiding or minimizing loss of civilian life, injury to civilians and damage to civilian objects. They have used imprecise weaponry in densely-populated residential areas in what often amounted to indiscriminate attacks, leading to civilian fatalities and damage to civilian infrastructure..."

50. One of the central questions for the Tribunal is the extent to which the civilian population has been affected thus far. In respect of this Mr Singh relied heavily on figures produced by UNSMIL in their monthly 'Human Rights Report on Civilian Casualties'. The following note, reproduced in each report, explains the methodology:

"The figures for civilian casualties set out above only include persons killed or injured in the course of hostilities and who were not directly participating in the hostilities. The figures do not include those casualties that are not a direct result of hostilities, for example executions after capture, torture or abductions, or casualties caused as an indirect consequence of hostilities. The figures are based on information UNSMIL has gathered and cross-checked from a broad range of sources in Libya, including human rights defenders, civil society, current and former officials, employees of local governments, community leaders and members, witnesses, others directly affected and media reports. In order to assess the credibility of information obtained, where possible, UNSMIL reviewed documentary information, including medical records, forensic reports and photographic evidence.

The figures are only those that UNSMIL was able to document in the reporting period. They are not likely to be complete and may change as new information emerges about incidents involving civilian casualties that took place during this period.

Similarly, while UNSMIL has systematically tried to ensure that the cases it documented are based on

credible information, further verification would be required to attain a higher standard of proof. Due to the security situation, UNSMIL has not been able to carry out direct site visits in Libya to obtain information. Disruption in communications especially in areas controlled by groups pledging allegiance to the Islamic State in Iraq and the Levant (ISIL) and fear of reprisals against sources further hamper information gathering."

51. The resulting statistics, from airstrikes, shelling, gunshots, improvised explosive devices (IEDs), explosive remnants of war (ERWs) are as follows:

September 2016 7 deaths 4 injured
October 2016 29 deaths 73 injured
November 2016 38 deaths 51 injured
December 2016 3 deaths 7 injured
January 2017 16 deaths 12 injured
February 2017 28 deaths 38 injured
March 2017 20 deaths 4 injured
April 2017 26 deaths 2 injured

52. As the methodology note explains, the 'civilian casualty' figures do not include, for instance, casualties resulting from human rights abuses or criminality that has been permitted to flourish in the absence of a functioning state. Under a separate heading "other casualties" the UNSMIL notes do give examples of those kinds of incidents: in October 2016, for example, ten bodies were found in a rubbish dump in Benghazi. The men had been shot with their hands tied behind their backs.
53. Ms Pargeter opined that all figures should be treated with considerable caution. She pointed out that no one knows the true figures and that many incidents are not reported. She had recently read a report that between June 2015 and June 2016 up to 6,500 civilians had been killed in Benghazi. While this was reported in the Libyan press and the conclusions of research conducted by a group of NGOs in the city, it was incapable of being verified. Taking into account other reports Ms Pargeter considered that the figure of 6,500 was very likely an exaggeration. As for the size of the population overall, this was also a moot point. There had not been a census since 2006 and no one could know the true figure. She thought it was most likely somewhere between 5 million (Jane's Sentinel's estimate) and 6.5 million (the CIA's), but neither of those figures took into account the huge numbers who have left the country. She had for instance heard it said that there are a million Libyans living in Tunisia at present. Many others had gone to Europe. Again, she stressed that this figure could not be verified and one should treat even official statistics provided by the Tunisian government as estimates. Other sources suggest that there could be up to two million Libyans living outside the country.
54. Ms Pargeter provided a short addendum report to deal with the Benghazi figures that she had mentioned in her live evidence. Her sources were articles that appeared in the Egyptian and Tunisian press. An item on an Egyptian news site Al-Wafd Gate, for instance, cites a study carried out by Libyan civil society and human rights groups and shows a table of figures detailing casualties in Benghazi from June 2014 to June 2015. This asserts that the overall number of casualties in Benghazi during this period was 13365, including 6559 civilian casualties. As she had emphasised in her live evidence, Ms Pargeter was unable to say whether the figures in this

report were remotely accurate. Due to the "chaotic situation in Libya and the lack of any proper authorities it is impossible to verify these figures". The reports did not identify which NGOs were involved, so Ms Pargeter was unable to pursue the matter. She did note that Abdulhakim Matouq, a former spokesman of the Al-Bayda government, was quoted in the Libyan media as stating that General Haftar's forces alone had lost 10,000 fighters since the start of the Dignity Operation in Benghazi in May 2014.

55. Ms Pargeter agreed that there are some places in Libya where the conflict is less intense than others. The situation in Siirte is much better since IS have been driven out of the city, but the peace remains precarious: both General Haftar and the Misratans had appointed military commanders for the city and the city was tense, with returning IDPs facing destroyed homes, and a lack of basic utilities such as water and electricity. There was no way of telling if and when fighting might be sparked between these rival factions in the city. General Haftar was already fighting a proxy war against the Misratans in the south of the country, which Ms Pargeter described as "a mess - a vast ungoverned space" characterised by well-armed militias engaging in inter-tribal violence.
56. In Benghazi the situation was particularly grave during the past year but there are now pockets of peace, since General Haftar consolidated his position. That does not mean however that the civilian population is safe. There remains fighting in some suburbs and a famous landmark in the city, the Safina Building, had been destroyed in fighting just a few days before the hearing. The SCBR are dug in heavily and have deployed snipers. In the parts of the city taken over by General Haftar's forces there are reports of human rights abuses. These range from Salafist militias banning books and ordering women to be accompanied to local people being abducted and tortured on suspicion of support for the SCBR. In both Siirte and Benghazi there remains a risk to civilians from ERWs. In his 1st December 2016 report to the Security Council the Secretary-General expressed his concern about unexploded mines, describing the risk of injury and death to civilians and to humanitarian actors as "high".
57. Ms Pargeter described Tripoli as "chaos". The power vacuum that ensued after Gaddafi fell is very pronounced in the city, where each neighbourhood has its own militia. The civilian population don't know from one day to the next who is in control in their area. She gave an example of a conversation she had had with a friend in Tripoli a few days before the hearing. He had said that near his home there was a checkpoint at a traffic light that had been there for some time. It had been run by a certain militia and local people knew who they were and what to say to get through it without difficulty. Then overnight it changed hands and a completely different group of young men with guns were in control. These militias are committing gross human rights violations with total impunity. The militias in Tripoli are operating their own prisons and makeshift detention centres and there is no trial or recourse if one is "arrested".
58. Ms Pargeter further cites various Amnesty International and Human Rights Watch reports of people being tortured, "disappeared" and unlawfully killed in the city. The PC/GNA has failed to enforce its authority and even militias ostensibly under their control continue to fight with rivals. This led to significant clashes in June 2016 in the Abu Salim area in which ten militiamen were killed. Clashes elsewhere, said to involve Misratans versus locals, left 40 dead in the same month. October 2016 saw indiscriminate shelling and in November there was open fighting in the city centre.

59. Ms Pargeter said that this fighting has become "more frequent and more intense" in recent months. The rivalry between the two different governments in Tripoli is being reflected on the ground. On the one side, there are the militant Islamist forces led by Khalifa Al-Ghweill who are associated with the Grand Mufti. On the other, are the groups who have pledged allegiance to the PC/GNA, who tend to be "Salafist Madkhalist" in orientation. The competition between these two groups has resulted in heavy clashes in recent months. In her original report Ms Pargeter summarises recent events in the following terms:

"The violence, which left ten dead and scores more injured, appears to have been sparked in part by the emergence on the Internet of a video showing a Salafist fighter, who is purported to be from the Special Deterrent Force, confessing to the abduction and killing of the Grand Mufti's deputy, Sheikh Nadir al-Omrani, who disappeared from the al-Hadaba area of Tripoli in October 2016. However, while al-Omrani's killing may have been the trigger for this fight, the conflict was primarily about who controls which areas of the capital. The violence was such that both sides used heavy weapons, forcing the shutdown of whole areas of Tripoli. The trouble was only contained after tribal elders stepped in, demonstrating the impotence of the Presidency Council that did little more than issue a statement expressing its regret at the loss of life.

There were further heavy clashes on 8 February 2017, when brigades loyal to the GNA fought with those who reject it in the Al-Hadaba area of the capital. Further heavy violence erupted on 23 and 24 February when competing Islamist brigades battled it out in the densely populated Abu Slim neighbourhood. The violence, which left at least ten dead and several injured, prompted terrified residents to flee as shops, houses and other private properties came under random shelling. There was further trouble on 8 March when the head office of the Aman Bank in the Gurji district in the west of Tripoli was attacked and set alight by angry crowds after a member of the militia guarding the bank shot a customer dead during a fracas that had broken out as customers queued to get into the building. This incident provoked further violence because the militia guarding the bank was from Misrata, while the man who was shot was originally from Zintan. On 13 March 2017, armed residents from Gurji and Hay Andalous attacked Misratan and Amazigh (Berber) forces, before a host of other forces, including the Tripoli Revolutionaries' Brigade and the Special Deterrence Force, joined in. The violence soon spread to the Ghut Shaal, Hay Al-Islamiya and Gargaresh neighbourhoods. Then on 14 March 2017, the clashes spread towards Suq Al-Thalatha, prompting the evacuation of staff working at several buildings in the city's main business area. Later in the day the children's ward of Tripoli's Al-Hadaba Hospital was hit when the fighting moved to the area around the Rixos complex. Missiles also hit the headquarters of the Waha Oil Company in the Bulayla Tower, and the Marriott Hotel.

It is clear, therefore, that clashes between rival militias are a regular occurrence and often take place in residential areas. This is prompting real fear and anger among local citizens. Indeed, on 17 March 2017, angry locals staged a protest in the heart of Tripoli calling for the militias to leave the capital. However, the situation turned violent after members of the Special Deterrent Force, as well as of the Al-Nawasi and Al-Bouni Brigades, which are all part of the GNA's forces, stormed the square where the protest was taking place, shooting in the air."

60. In his 4th April 2017 briefing to the Security Council the Secretary-General of the UN reported that "... although consensus is slowly emerging on the issues that need to be addressed in order to restore political transition", since December 2016 "... the overall security situation had deteriorated significantly". In the east of the country fighting continued in various locations, in particular in Benghazi. In the south, the situation remained fragile, characterised by a build up of rival military forces "including the Misratan Third Force, Battalion 12 of the Libyan National Army and armed groups affiliated with the Awlad Sulayman, Qadhadhfa and Tebu tribes, which are competing for the control of strategic infrastructure amid ongoing tribal tensions". Of the capital city, the Secretary-General said this:

"14. The security situation in Tripoli remained volatile. The capital continued to be under the control of

multiple armed groups, some of them aligned with the Presidency Council and others opposed to it. Several of these groups sought to expand their influence, provoking increased clashes in contested areas throughout Tripoli and in its environs.

15. In early December 2016, armed groups clashed in downtown Tripoli with militants loyal to the former Government of National Salvation, leaving 20 people dead and many more injured, including civilians. To the west of the capital, armed groups from Janzur and the neighbouring Warshafanah area clashed in early February 2017. At least four people died. In the east of Tripoli, eight people were killed in clashes between groups from the towns of Qasr al-Qarahbulli and Tarhunah. On 21 January, an aborted car bombing near the Italian embassy in Tripoli resulted in the death of two of the perpetrators. Furthermore, ordinary crime and lawlessness spread, with kidnappings and robberies severely affecting citizens' freedom of movement. Further clashes took place in southern Tripoli in mid-and late February between groups from the Abu Salim area and Misratah, leaving at least 17 people dead."

61. Whilst we were referred to the available statistics on injuries and deaths, we were also shown numerous reports in the Libyan media about incidents that do not appear to have featured in the UNSMIL monthly round-ups. For instance, on 14th March 2017 the Libya Herald reported that fighting around the Rixos Hotel complex in Tripoli resulted in a missile striking the children's ward of Habda Hospital, starting a fire which was brought under control by staff. This incident is not mentioned in the UNSMIL report, which lists two other strikes on different hospitals, on different days, under the heading 'civilian facilities'. The same article quotes local residents hearing "the terrific noise of heavy weapons". The Tripoli Herald, reporting on the same round of fighting, gives a flavour of how life continues in these circumstances:

"Many residents have not dared leave their homes. Clashes sometimes calm down but then they flare up again. 'Many of our streets are blocked as armed men are spreading out everywhere' one resident told us by telephone."

62. Similarly, The Africa News Portal described life for civilian population in Tripoli in January 2017:

"[F]amilies are suffering from harsh living conditions, insecurity and arbitrary arrests, in a scene that reflects the chaos between militias...despite the PC having commenced functioning, the capital Tripoli is still under the control of militias, amid the absence of clear rule by the state. And it is often transformed into a battleground of clashes between conflicting troupes, employing murders or kidnapping, over control of some of the vital sites in the city."

Violent Crime

63. A different, but related, problem identified in the evidence is the rise in crime. Ms Pargeter explained that ordinary Libyans, having previously lived in a very centralised and authoritarian country, now find crime to be rife and are living in fear of it all of the time. In her oral evidence she gave the example of a friend who knows a 13 year old boy who was recently kidnapped in Zawia. His father dropped him at the school gate and within hours received a call demanding money. The money was paid and the boy was released unharmed but many are not so lucky. In the absence of any law and order this has become big business, funding militias and criminals alike. She pointed out that the lines between criminal gangs, whose motivation might be thought to be pure financial gain, and the militias, who are ostensibly political, are becoming increasingly blurred. It is all too easy for civilians to get caught in the way of their activities.

64. All the sources cited by Ms Pargeter indicate that kidnappings have increased considerably in the past year. Two media outlets, the Libya Akhbar website and the Libya Herald newspaper, have cited figures provided by a GNA-run ministry and police services in Tripoli. In the first quarter of 2016 there were said to be 221 reported kidnappings (up from 97 in the comparable

period in 2015); in a two week period in October examined by the Investigative Office of the Interior Ministry there were found to be 19 kidnappings, 29 armed robberies and 37 car-jackings, in six of which the owner of the car was killed. The same office released the following figures in respect of the six and a half weeks between the 15th December 2016 and the 31st January 2017: 293 kidnappings (including 32 females), the bodies of 188 corpses being found on the streets and 683 armed robberies, of which 23 resulted in a death. She concurs with the view expressed in the Libyan media that the true number of crimes is likely to be much higher, since many crimes are not registered, with relatives believing that informing the authorities could make the situation worse:

"It is clear that in the absence of effective central authority, kidnappings and violent crime have become everyday occurrences in the capital, with ordinary civilians the victims of such attacks. As the Libya Herald reported October 2016, "General criminality, extortion, car-jackings and kidnappings have become the norm in Tripoli with anyone deemed to be wealthy or with a well-paying job liable to be kidnapped at any time. Having a car is sufficient to make you susceptible to a daytime car-jacking. The increase of daytime kidnappings is evidence of the confidence of criminals that there is no deterrence or possibility of retribution from central authorities in the capital." It continues, "Victims and their families have no legitimate state institutions to revert to for help, and have to rely on their own efforts, any one of the many Tripoli-based militias such as Rada [Special Deterrent Force], informal networks or tribal connections in order to seek their kidnapped relative."

65. In his 4th April 2017 briefing to the Security Council the Secretary-General described crime as "endemic", and attributed the increase to the "state of general lawlessness and the weakness of judicial institutions". In common with Ms Pargeter, the SG was unable to make a distinction between 'pure' crime, and that perpetrated to fund ostensibly political activity: "Armed groups from all sides continued to abduct, torture and kill civilians. Individuals were targeted for their political opinions, affiliations, family or tribal identity, and also for ransom or prisoner exchange."

Travel

66. At the hearing we invited submissions on the ability of Libyan citizens to travel to and from, and around the country.
67. The Tribunal was informed that the Secretary of State is not currently making "escorted returns", i.e. forced removals. We were invited to determine the appeal on the notional basis that ZMM would be able to return to Libya on his own. By way of letter dated 5th May 2017 the Respondent stated that there are a "small number of airports" that remain open in Libya and that although there are no direct flights, transit options are available via Egypt, Jordan and Tunisia. Individuals may also travel overland from Tunisia. The letter provided a link which suggested to the reader that it would provide statistics on how many Libyans have voluntarily returned to their country of nationality in recent years; in fact the table simply reflects overall removal figures.
68. Ms Pargeter did deal briefly in her oral evidence with the Tribunal's question relating to the ability of civilians to move freely within the country. She testified that internal travel is possible, but dangerous. She provided further information in her addendum dated the 9th May 2017:

"The only airport currently operating in Tripoli is Mitiga airport, which used to be the capital's domestic

airport but that switched to being its international airport after Tripoli International Airport was destroyed in the fighting of the summer of 2014.

Mitiga airport is currently under the control of militia forces that are allied to the Presidency Council in the form of the Special Deterrent Force that is led by Abdelrouaf Kara and that is largely Salafist Madkhalist in orientation. Indeed, this airport has been the main base of some of the more hard line Islamist militias since the revolution and the militias still run a large detention facility at the site. The Special Deterrent Force has its main headquarters located inside the Mitiga complex.

Although the day to day functioning of the airport itself is run by Libya's airports authority, these militia forces, which control the area in which the airport is located, have intervened directly in the airport's functioning. In April 2017, for example, passport officers went on strike after one of their colleagues was beaten up by a group of militiamen. In the same month a number of immigration officials quit their posts at the airport in protest at the smuggling and extortion rackets being run by these militias through the facility. On 26 August 2016, it was reported on Twitter that militia leader, Haitham Tajouri, had kidnapped two people from Misrata, Ashraf Lamin and Taha Jamal, from inside the airport, although they were later released.

In December 2016, meanwhile, an Afriqiyah Airways plane was withdrawn from service after it was randomly shot at while on the ground at Mitiga airport.

The main airport in Benghazi (Benina) is not functioning for civilian flights because of the security situation. Sebha airport is also closed for the same reason. Misrata airport is open as is the Labraq airport at Al-Baida."

69. As to the possibility of overland travel Ms Pargeter said this:

"Anyone travelling overland from Tunisia to Tripoli would need to travel along the main coastal road which runs from the Tunisian border to the capital. They would first need to pass through the border crossing at Ras Jedir. This is a notorious trouble spot that is subject to repeated protests and shutdowns. As the most US State Dept travel advice on Tunisia that was issued on 2 May 2017 notes, 'Developments in Libya continue to affect the security situation along the Tunisian-Libyan border in areas such as Ras Jedir and Dehiba along with the cities of Ben Guerdan and Medenine. The Libyan border is frequently closed to all traffic with short notice for extended periods.'

In addition, this coastal road that runs from the Tunisian border to Tripoli is a notorious stretch of road that has been subjected to repeated attacks and closures over the past months and years, particularly around the area to the west of the capital, between Zawia and Janzour (the latter of which is Tripoli's western gate). This is because of the ongoing conflict between Wershefana and Zawia, which manifests itself when members of militias from these areas try to wrestle control of the stretch of road. With the exception of a three week period, this section of the road was closed."

Discussion and Findings

70. Applying the approach taken in Diakité, we are satisfied that there are today two or more armed groups confronting one another within Libyan territory and that there is therefore an 'internal armed conflict' within the meaning of Article 15(c) of the Qualification Directive. We are further satisfied, having regard to the evidence before us, that a feature of that conflict is indiscriminate violence. We need say no more about those prerequisites, since neither was contested by the Secretary of State. The question is whether that violence has reached a scale and intensity whereby the Appellant, or any other returning civilian, would by his presence alone face a serious and individual threat to his life or person.
71. In our assessment of that question we remind ourselves that in order to succeed the Appellant cannot simply rely on an unsubstantiated subjective fear. When Article 15(c) speaks of a threat to a civilian's life or person it is concerned not with fear alone but with a possibility that may become a reality. We are required to take an inclusive approach to the assessment of risk: our enquiry must be qualitative as well as quantitative. We propose therefore to examine the evidence of death and injury, both physical and mental, the general political and security

situation as well as the prevailing socio-economic conditions. We remind ourselves that civilians on the ground are unlikely to distinguish between 'direct' or 'indirect' human rights violations: we weigh into the balance all potential harms that arise from this conflict

The Numbers

72. Mr Singh based his case squarely on the statistics, such as they are, of fatalities and injuries recorded amongst the civilian population. He asked us to take as our starting point the overall population figures given in the CIA World Fact Book (2015) of 6,541,948 people. Adopting the UNSMIL estimates of civilian casualties, he submitted that there were 318 deaths between 1st January 2016 and 30th April 2017 and a further 370 physical injuries. Expressed as a proportion of the population the number affected is, in Mr Singh submission, "very small", and certainly insufficient to engage Article 15(c).
73. We agree that the figures of the dead and injured are obviously an important indicator of current or future risk to civilians returning to Libya. They cannot, however, be the only metric. We must have regard to all of the available evidence, all the more so where it is clear that the data are not reliable.
74. The first challenge we face in assessing the numbers is that we cannot be at all confident about the baseline population figure. The CIA's strikingly precise number of 6,541,948 seems incongruous given that there has not been a census in Libya since 2006. The CPIN gives the alternative figure of 5,000,000, that being the estimate of Jane's Sentinel. Ms Pargeter thought it likely to be somewhere between the two. It is unclear what proportion of that number is made up of migrants, who seek to take advantage of the security vacuum and use the country as a conduit to Europe: the CIA estimates it to be 12%. That is important because the figures we have been shown on casualties expressly do not include migrants. Nor does either of the aforementioned population estimates take into account the numbers of Libyan citizens who have left the country as a result of the conflict. Some estimates put the total at 1 million, some at 2 million. The media and government in Tunisia claim that there are 1 million Libyans in their country alone; the true number is impossible to quantify due to lack of accurate reporting systems. Taking all of that into account we are unable to accept that our starting point should be a population of 6,541,948 Libyans. We find as a matter of probability that the true figure, of those actually present in the country, must be considerably lower. For the purpose of this determination we accept Ms Pargeter's 'best guess' of a midway point between the two estimates: that would be 5,750,000.
75. We can be even less confident about the true figures of the dead and physically injured. We are satisfied, having regard to its methodology, that the deaths and injuries recorded by UNSMIL are likely to have occurred. By their own admission, however, their statistics in respect of those killed in indiscriminate shelling, shooting, bombing and other explosions are "not likely to be complete". They could not include, for instance, persons who receive injuries but do not attend hospital, or report it to any other body. They are unlikely to include all of those killed or injured in remote areas, or "disappeared" on the road between cities.
76. More importantly the UNSMIL statistics expressly exclude a large number of casualties relevant to our enquiry, since they do not include persons harmed as an "indirect" result of hostilities,

including " executions after capture, torture or abductions ". By way of example, the report dated 1st December 2016 states that in the preceding month 12 civilians were killed in air strikes, 11 people were fatally shot, 9 were killed by shelling and 6 died after coming into contact with "vehicle borne improvised devices". It makes no mention of the 26 persons reported abducted in Tripoli in the first two weeks of November, nor of the 19 corpses bearing signs of torture that were found on the city's streets in the same period. Although the relevant agencies are unanimous that such human rights abuses by armed parties to this conflict are frequent and widespread, none has been able to collate figures. There is likely to be a very high rate of underreporting of these matters, not least because there is no central authority to take such reports to.

77. In recognition of these difficulties Mr Singh suggests that we could multiply the UNSMIL casualty figures by five, or ten, to allow for underreporting and the "indirect" injuries. We find that the true figure is likely to be considerably higher than that. The evidence, including that provided by UNSMIL, establishes that *all* parties to the conflict are violating international human rights and humanitarian law. The evidence demonstrates such violations to be routine: in the absence of the rule of law these heavily armed men are accountable to no-one.
78. A third important group of physical casualties not documented by UNSMIL are victims of "ordinary" crime. We have no doubt, notwithstanding Ms Pargeter's characterisation of life under Gaddafi as "highly centralised and authoritarian", that crime did exist in Libya prior to October 2011. What appears to be certain is that it has grown exponentially as law and order has collapsed. Although the evidence before us suggested that some governmental institutions continue to operate (for instance in the collation of crime figures by the GNA controlled Investigative Office of the Interior Ministry) we see no reason to reject the assessment in the Respondent's most recent CPIN that "the rule of law is largely absent" and that the internationally recognised GNA is unable to provide a reasonable level of protection where an individual faces a real risk of harm. This accords with the view expressed by Ms Pargeter and the UN Secretary General.
79. The most recent statistics we were shown relate to the six weeks to the end of January this year. The Investigative Office reported there to have been, in Tripoli alone, 293 kidnappings and 683 robberies in that period, entailing the deaths of 23 robbery victims. A further 188 bodies were found in the streets. It is of course not possible to determine whether the 188 bodies were those of kidnap victims, militiamen or others. Even excluding those deaths entirely there were some 50 kidnappings per week and well over double that number of armed robberies. We accept Ms Pargeter's evidence that many more such crimes go entirely unreported, with relatives and victims fearing the consequences of reporting. Her assessment that "general criminality, extortion, car-jackings and kidnappings have become the norm in Tripoli" finds support in the statistics.
80. The data that has been available to us excludes the deaths of combatants. We were, for instance, urged to disregard the work of 'Libya Body Count', who do not distinguish between fighters and civilians. Whilst that is obviously an important line to draw, we are not satisfied that the deaths of combatants are entirely irrelevant. That is because these fatalities can give a good indication of the intensity of conflict that is occurring, and the evidence indicates clearly that the nature of the conflict is indiscriminate in respect of those caught up in it. For instance, the figures latterly

obtained by Ms Pargeter in respect of Benghazi serve as a potent illustration of what the words "heavy shelling" actually mean in practice: by the HOR's own admission General Haftar lost 10,000 troops in the battle for the city. Even if that is an exaggeration, it would tend to indicate that the tens of thousands of civilians who fled did so for good reason, and that those who remained did so under the most challenging of conditions. Most of the fighting in this conflict is taking place in densely populated urban areas. Whilst this obviously increases the chances of physical casualties in the civilian population, we find it also likely to increase the prospect of significant psychological damage.

81. This brings us to the last group of casualties with which we are concerned, a group wholly unreflected in the statistics: those who have suffered serious mental harm as a result of hostilities so far. Mr Singh submitted that there was no evidence at all about whether any of the civilian population was suffering from mental conditions associated with trauma. With respect, we find it hard to imagine that they are not. Take for instance the events of 14th March 2017 when media reports spoke of civilians in central Tripoli cowering in their homes from the "terrific" noise of heavy weaponry outside. A missile landed a direct strike on the children's ward in the hospital, setting the building on fire. In our judgement there can be no doubt at all that those civilians present in the ward, and hiding in their homes, apprehended a serious and individual threat to their life or person. There was no evidence before us to indicate that Libyans have a particular resilience to such events.
82. Whilst mindful of the need to avoid double counting we have also had regard to the numbers of the internally displaced. Although Human Rights Watch put the figure at 500,000, we are satisfied that the most reliable estimate of the number of IDPs in the country is that provided by the IOM using their Displacement Tracking Matrix. The 8th round of this multi-tool tracking device showed that there were 303,608 Libyan nationals identified as IDPs as of March 2017. This figure does not include the many thousands of migrants currently in the country, or those deemed to be "temporarily displaced", such as the residents of Abu Salim who were able to return to their homes after fighting subsided in the suburb. This figure nonetheless represents a significant decrease on the figures seen in preceding years, with some 130,000 people having returned to Benghazi and over 50,000 going back to Sirte by the middle of the month. We note that these people are not seeking to avoid civil unrest, or socio-economic deprivation. There is a clear correlation between the internal movement of persons and conflict: of those interviewed by IOM, 91% said that they had been displaced by conflict and armed groups. Seventy-four percent said that this remained the reason that they were unable to return home. The other main obstacles to return were identified as 'other security issues', the presence of explosive hazards and damaged infrastructure.

The Context

83. In her written submissions the Respondent accepted that there is grave political and economic instability in Libya. It is her case however that this could not assist the Appellant in establishing his. The fact that the country is in turmoil does not necessarily mean that Article 15(c) is engaged. We agree. The political backdrop to the conflict remains however an important factor in this appeal.

84. There is no single authority in Libya today which could be properly identified as "the government". The three entities who currently claim legitimacy do appear to be providing some services, or at least allowing some services to continue: the material before us contains references to hospitals, schools and even police forces continuing to operate, albeit in an extremely challenging environment. There is however no evidence before us that the HOR, the GNA/PC or the NSG is currently able to provide the populations under their control with effective protection. Their ability to do so in the foreseeable future is severely compromised by several factors.
85. First, the task of governance appears to be very far down the agendas of those ostensibly in power. We place significant weight on the uncontradicted assessment of Ms Pargeter that this conflict is not driven by ideology. It is primarily a turf war for valuable hydrocarbon resources.
86. Second, the three governments are themselves beholden to external and internal forces, all of whom have their own agenda. Externally various regional actors seek to influence the post-Gaddafi settlement for their own gain. Internally the "real power" lies with a vast array of unregulated militias, who in the words of Prime Minister Sarraj "continue to act as they see fit". The power vacuum operates to the advantage of these armed groups, who can use it to seize territory and resources, and profit from unchecked criminality; there is little incentive for them to provide peace, or seek stability.
87. Third, the state as it existed under Gaddafi, which had managed to persist to some extent at the time that AT & Others was heard, has all but disappeared in key areas. The current CPIN deems the domestic criminal justice system to be "dysfunctional, offering no prospects for accountability"; this view is supported by the UN, Human Rights Watch and Amnesty International who all describe it as being in a state of collapse. This severely limits the prospects of a return to law and order in the immediate future.
88. Fourth, Libya continues to face an economic crisis. Oil production has risen in recent months and this is certainly a development welcomed by commentators and international observers, but all agree that serious challenges remain. The International Crisis Group warns that the country could be bankrupt by the end of the year. Even if that is an unduly bleak assessment, it is clear that the lack of liquidity in the banking system, coupled with the interruptions to the oil supply caused by fighting, is heightening tensions on the ground. At present the UN body OCHA estimates that there are 1.3 million people in need of urgent humanitarian assistance, including essential medicines, food, water, hygiene, sanitation, shelter and education. We note that it is historically the case that such a scarcity of resources is more likely to fuel war than foster peace.

The Future

89. There are, it must be hoped, some grounds for future optimism. Senior members of the rival governments continue to speak of the LPA as a viable framework for peace. The UN and other international actors maintain their support for this enterprise, and in the absence of any alternative, it is the plan that must work if Libya is to emerge from its present state of political stalemate. The day after the hearing, for instance, British Foreign Secretary Boris Johnson flew to Tripoli to meet with Sarraj and press for progress. The meeting had apparently been planned for some time, but fortuitously fell in the days that followed the 'breakthrough' talks between Sarraj

and General Haftar which had taken place in the UAE in the preceding week. The meeting between these two leading figures was clearly significant. Press reports assert that they had not spoken in over a year, so this tentative entente was widely welcomed.

90. It is not presently possible to say whether this flurry of activity will result in any tangible benefits for ordinary Libyans. Ms Pargeter said that she would like to be optimistic, but experience had taught her otherwise. In her report she had described General Haftar as the "main stumbling block" to peace, insofar as he remains a divisive figure. Powerful Misratan militias hate him and will refuse to serve in any army that he heads; elements of the NSG are implacably opposed to any deal with their eastern rivals. Ms Pargeter said that she was "not holding her breath" as to any positive outcome from the recent talks. She pointed out that the LPA itself had been signed amid much fanfare by individuals who had returned to their respective bodies only to find that they rejected much that had been agreed after weeks of painstaking negotiation. That the LPA cannot survive in its present form appears to be recognised by all actors. As Martin Kobler, the Secretary-General's Special Representative in Libya puts it: "there is a consensus that amendments are needed". Whether these amendments can be made, so that the LPA can be implemented, remains to be seen.

The Risk

91. For the reasons we have set out, the statistics are unreliable and incomplete. UNSMIL know that in the 16 months between January 2016 and April 2017, at least 4.6 civilians died each week as a result of shooting, shelling, bombing, and other explosions. A further 5.4 received physical injuries in these attacks. If the snapshot crime figures are reliable, we can say that approximately 50 people per week are being kidnapped in Tripoli alone, with a further 113 falling victim to robbery at gunpoint. Each of these crimes can involve unreported deaths. We know that approximately 300,000 Libyans remain displaced after they fled their homes in fear of violence. Those figures are the starting point. We must then consider the victims of "collateral damage" who have not been counted by UNSMIL; the unknown number of civilians affected by the "widespread" human rights violations by militiamen; the uncounted victims of serious violent crime; and the unquantified number of people living with the clinical sequelae of trauma.
92. All of this data must be assessed against the backdrop of the general country information. The situation is complex and fast-moving but two features stand out: there is at present a manifest failure of state protection for the ordinary citizen and indiscriminate violence is liable to erupt anywhere, at any time. In the context of this extreme volatility we are satisfied that the cumulative effect of the evidence is such that the Article 15(c) test is satisfied.
93. In light of our findings we have not considered it necessary to conduct a region by region review. We do not doubt that there are in Libya today towns and villages which are relatively calm where, notwithstanding the absence of effective government, people are going about their 'normal' lives. We cannot however be satisfied that the peace in these oases is stable or durable, or that the notional returnee to Libya would be able to safely access such locations. In April 2017 the Secretary-General of the UN reported the freedom of movement of ordinary Libyans to be "severely affected" by violence and lawlessness. Ms Pargeter agreed. As her addendum report illustrates, travel across the country is a dangerous enterprise. Those few airports that do remain

open are under the control of various militias. Even if the arriving passenger were able to talk his way out of the airport without being robbed, assaulted, detained or worse, we cannot be satisfied that risks he would face on his onwards journey would be acceptably low. The evidence before us indicates that the situation throughout Libya is extremely unstable, that lawlessness and violence are widespread, and that there is not a sufficiency of protection for the ordinary civilian. We are satisfied that the Article 15(c) risk is made out.

94. Giving effect to our findings, assessments and conclusions above, the country guidance we give is as follows:

The violence in Libya has reached such a high level that there are substantial grounds for believing that a returning civilian would, solely on account of his presence on the territory of that country or region, face a real risk of being subject to a threat to his life or person.

95. This decision has been confined to consideration of Article 15(c), on the evidence as it was presented before us. The overriding theme of that evidence has been the volatility of the situation on the ground. It is to be hoped that the parties to this conflict, and the people of Libya, find some resolution to this sad and dangerous state of affairs as soon as possible.

Decisions

96. The decision of the First-tier Tribunal has been found to contain a material error of law and, insofar as it related to humanitarian protection, it has been set aside. The decision to dismiss the appeal on asylum grounds and human rights grounds was unchallenged and therefore that part of the decision is to stand.
97. We re-make the decision in respect of Article 15(c) by allowing the appeal on that ground.
98. This case concerns a claim for international protection. Having had regard to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and the Presidential Guidance Note No 1 of 2013: Anonymity Orders we therefore consider it appropriate to make an order in the following terms:

"Unless and until a tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his family. This direction applies to, amongst others, both the Appellant and the Respondent. Failure to comply with this direction could lead to contempt of court proceedings"

Upper Tribunal Judge Bruce

20th June 2017

Appendix A

Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/01430/2015

THE IMMIGRATION ACTS

Heard at Field House
On 16th November 2016

Decision & Reasons Promulgated
On 28th November 2016

Before

DEPUTY UPPER TRIBUNAL JUDGE D E TAYLOR

Between

ZMM
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation :

For the Appellant: Ms Moffatt of Counsel instructed by Duncan Lewis & Co Solicitors
For the Respondent: Mr C Avery, HOPO

DECISION AND REASONS

1. This is the appellant's appeal against the decision of Judge Borsada made following a hearing at Birmingham on 13th May 2016.

Background

2. The appellant is a citizen of Libya who has lived all his life in Tripoli. He came to the UK as a student on 9th September 2014 and claimed asylum on 28th April 2015.
3. The Secretary of State concluded that the basis of his claim was entirely false and the judge agreed. There is no challenge to the judge's credibility findings.
4. His appeal was dismissed on all grounds.

5. The appellant applied for permission to appeal and permission was initially refused by Judge Ogarro on 21st June 2016. Upon renewal, permission to appeal was granted by Judge Rintoul on 18th July 2016. Judge Rintoul noted that the grounds expressly stated that it is only the assessment under Article 15(c) of the Qualification Directive that is challenged.
6. At the hearing Ms Moffatt produced the case of FA (Libya); Article 15(c) Libya CG [2016] UKUT 413 which held that the former country guidance in AT and Others Libya CG [2014] UKUT 318 should no longer be followed.
7. Mr Avery did not seek to argue that this decision should not be set aside.

Conclusion on whether there is an error of law

8. The judge erred in law in that he did not engage with the objective material before him seeking to establish that the country guidance case of AT and Others should no longer be followed. The argument, set out in the grounds, that the situation in Libya generally has deteriorated significantly since the guidance in AT was accepted by the Tribunal in FA.
9. Accordingly failed to have proper regard to all of the relevant evidence before him. He followed a country guidance case which has now been found to be out of date.
10. His decision is set aside.
11. The appellant's representative requested leave to adduce an expert's report from Ms Alison Pargetter, a senior research associate at the Royal United Services Institute for the next hearing. She suggested that this is a suitable case for country guidance since there are no credibility issues.
12. That is a matter which will be decided by the relevant judicial officer who will then make appropriate listing directions.

An anonymity direction is made.

Signed
 Date 26 November 2016
 Deputy Upper Tribunal Judge Taylor

APPENDIX B
DOCUMENTARY EVIDENCE BEFORE THE UPPER TRIBUNAL

Expert Reports

<u>Date</u>	<u>Description</u>
25 th March 2017	Expert opinion of Alison Pargeter

Undated

Undated	Documents
	Libya Herald: In light of the security chaos, kidnappings in Tripoli are multiplying (inc English translation)
	Libya Focus: Can the new Arab initiative put Libya together again?
	10 dead and 15 wounded in clashes in the capital Tripoli (inc English translations)
	Tripoli in the grip of the militias: the conflict intensifies in the capital
	20 kidnappings and 12 assassinations in Tripoli within two weeks (inc English translation)
	The rise of crimes in an unprecedented manner... Has the security situation collapsed in Tripoli Libya (inc English translation)
	Official statistics: 47 armed robbery and 19 bodies bumped in the streets of Tripoli in the first half of November (inc English translation)
	Breaking news - the seventh day (inc English translation)
	Libya: pollicising the conflict in Sabha threatens to blow up efforts to calm down (inc English translation)
	My Sabha reveals the poor security, health and service situation in the city (inc English translation)
	Spokesperson for the Sabha medical centre (inc English translation)

2017

<u>Date</u>	<u>Source</u>	<u>Description</u>
24 April	<i>Gov.UK</i>	Libya Travel Advice
13 April	<i>Amnesty International</i>	Amnesty International
7 April	<i>Alison Pargeter's Report</i>	Responses from Alison Pargeter to the Respondent's Questions
6 April	<i>Chatham House - Royal Institute of International Affairs</i>	Libya's Power Vacuum Risks Heightened Violence
4 April	<i>Libya Express</i>	AFP photographer in Libya freed after two

		detention days in Benghazi
4 April	<i>United Nations Security Council</i>	Report of the Secretary- General on the United nations Support Mission in Libya
3 April	<i>Libya Herald</i>	HoR sets conditions for dialogue on Libyan Political Agreement: separate Presidency Council and government, no UNSMIL involvement, and no Additional Article 8.
3 April	<i>Bloomberg</i>	Libya's Oil Production Set to Rebound as Biggest Field Reopens
3 April	<i>Alison Pargeter expert report</i>	Respondent questions to Alison Pargeter in respect of her expert report
2 April	<i>Libya Herald</i>	Sniper kills woman and sailor on Benghazi's Guiliana Bridge
1 April	<i>Human Rights</i>	Human Rights Report on Civilian Casualties
1 April	<i>United Nations Support Mission in Libya</i>	Human Rights Report on Civilian Casualties
1 April	<i>Libya Herald</i>	Two more civilians killed in mine explosion in Benghazi's Gwarsha district
1 April	<i>United Nations Support Mission in Libya</i>	Human Rights Report on Civilian Casualties - March 2017
29 March	<i>Libya Herald</i>	Three including AFP photographer freed after "sinful" Benghazi Earth Hour celebrations
29 March	<i>Al Jazeera</i>	What is it like living in Libya these days?
29 March	<i>Carnegie Endowment for International peace</i>	The challenge of violent Extremism in North Africa: The Case of Libya
28 March	<i>Reuters</i>	UPDATE 3-Libya's oil output down 252,000 bpd due to armed protests
28 March	<i>The Maghreb Times</i>	Libya's Haftar refuses invite to Tunisia
26 March	<i>Libya Herald</i>	Presidency Council strips oil ministry of powers
24 March	<i>International Organisation for Migration</i>	IOM Director General Visits Tripoli as Tragedy of Migrant Deaths at Sea Worsens
23 March	<i>UN News Centre</i>	We can no longer turn our backs on communities affected by migration crisis in Libya - UN agency chief

23 March	<i>Amnesty International</i>	Evidence points to war crimes by Libyan National Army forces
22 March	<i>Qantara.de</i>	Quantara (Germany) Civil war in Libya Forever at loggerheads
22 March	<i>Human Rights Watch</i>	Libya: War Crimes as Benghazi Residents Flee
22 March	<i>International Organization for Migration</i>	IOM Director General Visits Tripoli as Crisis Worsens for Libyans and Vulnerable Migrants
22 March	<i>Alkarama (Switzerland) Libya</i>	Disappearance of Two Men Following Abduction from the Street by Pro-GNA Militia
21 March	<i>Human Rights Watch</i>	Libya: UN Human Rights Council should prioritize justice and accountability
21 March	<i>International Organization for Migration</i>	IOM Libya Releases 2016 Displacement Trends Analysis Report
20 March	<i>United Nations Support Mission in Libya</i>	Martin Kobler: Escalating violence and hateful rhetoric threaten widespread conflict in Libya
17 March	<i>Global Initiative against Transnational Organized Crime</i>	The Human Conveyor Belt: trends in human trafficking and smuggling in post-revolution Libya [Executive Summary; Human Smuggling as Resource Predation]
15 March	<i>IRIN News</i>	Libyan Oil wars and the battle for Tripoli
15 March	<i>Amnesty International</i>	The human cost of European hypocrisy on Libya
14 March	<i>Reuters</i>	UN Hears of human rights violations amid Libya Fighting
14 March	<i>Libya Herald</i>	Tripoli fighting spreads tonight
14 March	<i>Bloomberg</i>	Haftar's Army Says Key Libyan Oil Ports Back Under Its Control
14 March	<i>Office of the United Nations High Commissioner for Human Rights</i>	Press briefing note on Libya
14 March	<i>United Nations News Centre</i>	UN rights wing urges calm, protection of civilians amid hostilities in eastern Libya
14 March	<i>Voice of America News</i>	East Libyan Force claims recapture 2 key oil ports
14 March	<i>Al Jazeera</i>	Khalifa Haftar forces capture key Libya Oil Terminals

10 March	<i>International Crisis Group</i>	New Libyan Militia's Oil Strike Risks Wider Conflagration
9 March	<i>Al Jazeera</i>	Will losing oil ports end Haftar's power?
8 March	<i>Libya Herald</i>	Aman Bank head office set ablaze after guard kills customer
7 March	<i>Reuters</i>	Libyan oil guard head says asked to protect oil ports after clashes
4 March	<i>Chairman National Oil Corporation Statement</i>	National Oil Corporation's statement
4 March	<i>Voice of America News</i>	Libyan Islamist Militia Clings to Oil Port Region Amid Heavy Airstrikes
3 March	<i>US Department of State</i>	2016 Country Reports on Human Rights Practices: Libya
2 March	<i>Libya Herald</i>	Benghazi's Jalea Hospital treated 268 in February violence
1 March	<i>BBC News</i>	Libya Country Profile
1 March	<i>Reporters Sans Frontieres (Reporters Without Borders)</i>	RSF Decries Closure of Two Radio Stations in Libya
1 March	<i>Libya Herald</i>	Obari football coach murdered in Tripoli
March	<i>Home Office Country Policy and Information Note, Libya</i>	Actual or perceived supporters of President Gaddafi - Version 2
26 February	<i>Anadolu Agency News</i>	Car bombing kills 2 in Libya's Benghazi
25 February	<i>European Union External Action</i>	Statement by HRVP Federica Mogherini on the recent clashes in Tripoli
25 February	<i>Libyan Express</i>	Libyan national footballer abducted in Tripoli
25 February	<i>Libyan Express</i>	Human Rights Watch report on Haftar's forces crimes in Benghazi
25 February	<i>ReliefWeb</i>	Libya - joint statement by Ambassadors of France, Germany, Italy, Spain, the UK , and the US to Libya
24 February	<i>International Crisis Group</i>	Watch list 2017 [Libya Excerpt]
24 February	<i>Libyan Express</i>	Fighting in Tripoli's Abu Salim intensifies - ten killed
22 February	<i>Amnesty International</i>	Report 2016/17

22 February	<i>Foreign Affairs.com</i>	Foreign Affairs – Libya after ISIS
21 February	<i>United Nations Human Rights - Office of the High Commissioner</i>	Libya Gaddafi regime trial fell short of international standards – UN report
21 February	<i>Voice of America News</i>	European Border Officials Paint Grim Libyan Picture
20 February	<i>BBC News</i>	Libya's eastern authority bans women travelling solo
15 February	<i>Middle East Observer</i>	Middle East Observer: Libya: Haftar Refuses to Meet Al-Serraj in Cairo
13 February	<i>Human Rights Watch</i>	The Human Rights Council should establish the mandate of an Independent Expert on Libya
11 February	eNCA	Libya on edge as militias enter Tripoli
10 February	<i>Libya Tribune</i>	Libya's Political Stalemate: Time for action... EU and a new political initiative in Libya
10 February	<i>US Department of State</i>	On Recent Events in Tripoli
9 February	<i>Libya Herald</i>	New Militia grouping supports ex-premier Khalifa Ghwell
8 February	<i>Foreign & Commonwealth Office</i>	Libya-Human Rights Priority Country Update Report
8 February	<i>United Nations News</i>	United Nations News Centre, Libyans must make 2017 the 'Year of decisions', UN Envoy tells Security Council
8 February	<i>United Nations Support Mission in Libya</i>	Statement of SRSG Martin Kobler to the Security Council
7 February	<i>Libya Herald</i>	Residents move back to Benghazi's Garyounis and Gwarsha districts – to rebuild homes and lives
4 February	<i>Voice of America News</i>	EU-Tripoli Migrant Deal Ignores Political Chaos in Libya, Analysts Warn
3 February	<i>Medecins Sans Frontieres</i>	Migration: MSF Warns EU about inhumane approach to migration management
1 February	<i>United Nations Support Mission in Libya</i>	Human Rights Report on Civilian Casualties
1 February	<i>Relief Web</i>	Human Rights Report on Civilian Casualties - January 2017
26 January	<i>United Nations Support</i>	UNMSIL Team Visits Tobruk Prison

	<i>Mission in Libya</i>	
25 January	<i>African Arguments Online (Royal African Society)</i>	People smuggling in Libya: You can't bomb away a problem a problem of economics
22 January	<i>Libya Herald</i>	Triumph and tragedy in Benghazi's Ganfouda
21 January	<i>Voice of America News</i>	Libya Neighbours Hold Talks in Cairo to End Country's Crisis
19 January	<i>Voice of America News</i>	US Strikes Kill More than 80 Islamic State Fighters in Libya
19 January	<i>Libya Herald</i>	Situation in Sebha "terrible" says Mayor
18 January	<i>Libyan Express</i>	Another blackout sweeps through Libya from West to East
16 January	<i>Libya Herald</i>	Angry Fezzan HoR members suspend HoR membership over region's woes
13 January	<i>Human Rights Council</i>	Investigation by the Office of the United Nations Commissioner for Human Rights on Libya: detailed findings
12 January	<i>Human Rights Watch</i>	Libya: Armed Groups Detain, Torture, Kill
12 January	<i>The National</i>	Rival government's forces seize ministries from UN-backed Libyan PM
11 January	<i>United Nations High Commissioner for Refugees</i>	UNHCR / Mercy Corps, We Will Stay Here: IDP Vulnerability Assessment - Libya
11 January	<i>Washington Institute for Near East Policy (USA)</i>	After the Islamic State in Libya: All-Out War?
11 January	<i>Washington Institute for Near East Policy (USA)</i>	Shifting International Support for Libya's Unity Government
7 January	<i>Libya Herald</i>	Cold spell forces two-day closure of schools in eastern Libya
5 January	<i>United Nations News Centre, Libya</i>	Amid threat of renewed conflict, UN envoy urges restraint
2 January	<i>Libya Herald</i>	The GNA's 2017 "budget" is illegal say HoR members: An analysis
2 January	<i>Home Office Country Policy and Information</i>	Libya: Security and Humanitarian Situation - Version 2
1 January	<i>United Nations</i>	

	<i>Support Mission in Libya</i>	Human Rights Report on Civilian Casualties
January	<i>Libya Focus</i>	Showdown between Khalifa Haftar and the forces of Misrata
2016/17	<i>Amnesty International</i>	Report 2016/17 - Libya
2017	<i>World Health Organisation</i>	Libya Emergency Response Plan 2017
2016		
24 December	<i>Human Rights Watch</i>	Libya: Provide Medical Care, Safety for Civilians Fleeing Sirte
21 December	<i>Libya Herald</i>	Two more bombs explode inside Benghazi Medical Centre
18 December	<i>United Nations Support Mission in Libya</i>	UN Congratulates Libya for defeating Islamic State in Sirte
14 December	<i>International Crisis Group</i>	Oil Zone Fighting Threatens Libya with Economic Collapse
13 December	<i>Office of the United Nations High Commissioner for Human Rights/ United Nations Support Mission in Libya</i>	"Detained and dehumanised": Report on human rights abuses against migrants in Libya
1 December	<i>UK Parliament: House of Commons Library</i>	Libya November 2016 Update
1 December	<i>UN Security Council</i>	United Nations, Report of the Secretary-General on the United Nations Support Mission in Libya (December 2016)
1 December	<i>UN Security Council</i>	United Nations Support Mission in Libya, Human Rights Report on Civilian Casualties
December	<i>Libya Focus</i>	Tripoli, Sirte, and the Oil Crescent: Another violent month in Libya
28 November	<i>Qantara.de</i>	Qantara (Germany), Libya's domestic crisis: On the road to nowhere
22 November	<i>United Nations</i>	Libya: UN voices extreme concern at worsening

	<i>News Centre</i>	humanitarian situation in Benghazi
20 November	<i>Libya Herald</i>	Clashes continue in Sebha as Awlad Sulaiman claim Qaddadfa opponents have support from Sudan's JEM
19 November	<i>Libyan Express</i>	Armed clashes close Tripoli downtown street
15 November	<i>United Nations Office for the Coordination of Humanitarian Affairs</i>	OCHA: 2017 Humanitarian Needs Overview: Libya [Part I: Summary]
2 November	<i>Libya Herald</i>	Serraj blames Hafter, Saleh, Elkaber and Ghariani for Libya's problem
2 November	<i>Human Rights Watch</i>	Libya: Civilians under Siege in Benghazi
1 November	<i>United Nations Support Mission in Libya</i>	Human Rights Report on Civilian Casualties
November	<i>Libya Focus</i>	Good news, bad news: oil exports resume, while the council struggles
November	<i>United Nations Office for the Coordination of Humanitarian Affairs</i>	OCHA: Humanitarian Bulletin - Libya
31 October	<i>United Nations Support Mission in Libya</i>	Martin Kobler: Unacceptable to Fight, Particularly in Residential Area to Assert interest; Urge Parties in Zawiya to Stop Fighting
26 October	<i>NATO Parliamentary Assembly</i>	The Expansion of Daesh to Libya and the Western Mediterranean
25 October	<i>United Nations Office for the Coordination of Humanitarian Affairs</i>	Humanitarian Bulletin Libya
17 October	<i>VOA News</i>	Rival governments vie for control of Libya
9 October	<i>Libya Herald</i>	Testimony of a mid-week, daytime Tripoli armed robbery and car-jack victim
6 October	<i>Armed Conflict Location and Event Data Project</i>	Conflict Trends (No.52): Real-Time Analysis of African Political violence, October 2016 [Libya Excerpt]
1 October	<i>United Nations Support Mission in Libya</i>	Human Rights Report on Civilian Casualties
28 September	<i>AR3 Magazine</i>	

		After the Fall: Life Returns to Benghazi
27 September	<i>United Nations Support Mission in Libya</i>	33 rd session of the Human Rights Council: Oral update of the United Nations High Commissioner for Human Rights on Libya pursuant to Human Rights Council resolution 31/27
27 September	<i>United Nations Support Mission in Libya</i>	Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya pursuant to Human Rights Council resolution 31/27
26 September	<i>United Nations Office for the Coordination of Humanitarian Affairs</i>	Humanitarian Bulletin Libya
1 August	<i>Qantara.de</i>	Qantara (Germany), Libya: Facing hell in Sirte
24 July	<i>United Nations Office for the Coordination of Humanitarian Affairs</i>	Humanitarian Bulletin Libya
23 July	<i>Libya Herald</i>	Tripoli as a kidnap capital
18 July	<i>United Nations Security Council</i>	Report of the Secretary-General on the threat posed to Libya and neighbouring countries
18 May	<i>Human Rights Watch</i>	We Feel We Are Cursed: Life Under ISIS in Sirte, Libya
24 February	<i>Middle East Eye</i>	Cautious hope as residents return to 'liberated' Benghazi
15 February	<i>Human Rights Council</i>	Investigation by the Office of the United Nations Commissioner for Human Rights on Libya: detailed findings
10 February	<i>Office of the United Nations High Commissioner for Human Rights</i>	UN Chiefs call for international solidarity to address migrant and refugee flows in Libya
2016	<i>US Department of State</i>	Libya 2016 Human Rights Report
2016	<i>Political Map</i>	Political Map of Libya - Ezilon Map
2016	<i>Political Map</i>	Political Map of Libya
2016	<i>ReliefWeb</i>	Internal Displacement in Libya
2016	<i>Freedom of Press</i>	Libya - Freedom of the press
2016	<i>Human Rights Watch</i>	Libya: Events of 2016

2015		
16 November	<i>United Nations Support Mission in Libya</i>	Report on the Human Rights situation in Libya
October	<i>Office of the United Nations High Commissioner for Human Rights</i>	UNHCR Position on Returns to Libya - Update 1
September	<i>Reliefweb</i>	2015 Libya - Humanitarian Needs Overview
28 August	<i>Aljazeera.com</i>	For Benghazi's displaced, no help and no dignity
5 June	<i>Libyan Express</i>	800 displaced families from Sirte arrive in Tobruk
5 June	<i>Libyan Express</i>	More than 800 displaced families arrive from the city of Sirte to Tobruk (inc English translation)
2015	<i>Reuters</i>	Armed clashes west of Tripoli forces families to flee (inc English translation)
2014		
30 October	<i>Amnesty International</i>	Libya: Rule of the gun amid mounting war crimes by rival militias
29 October	<i>Amnesty International USA</i>	Libya: Rule of the gun - Abductions, torture and other militias abuses in Western Libya
9 June	<i>UPI .com</i>	Libyan oil output plummeting
2013		
19 November	<i>Amnesty International</i>	Libya: Rule of the gun
14 November	<i>UN News</i>	Amid surging violence in Libya UN warns of potential displacement crisis
2012		
14 September	<i>International Crisis Group</i>	Divided we stand: Libya's enduring conflicts