Libya tribal clashes claim 70 - News - JamaicaObserver.com
http://www.jamaicaobserver.com/news/Libya-tribal-clashes-claim-70_11152719

- # Libya tribal clashes claim 70

Thursday, March 29, 2012

- TRIPOLI, Libya (AFP) — Three days of clashes between tribes in the southern Libyan town of Sabha have killed more than 70 people, Libyan government spokesman Nasser al-Manaa said yesterday.

  "It is regrettable that more than 70 people have been killed and more than 150 have been wounded" since Monday in the desert town of Sabha, the spokesman told a news conference in Tripoli.

  Local officials said the fighting which is pitting the Toubou tribe against Arab tribes in Sabha had eased, and efforts to secure a truce were underway yesterday, although the Toubou claimed they were facing a "massacre".

  "There are still clashes but not as intense," in Sabha, said Abdelmajid Seif al-Nasser, a town official who quit his post on Tuesday from the ruling National Transitional Council (NTC) in protest at the violence.

  "The national army and a committee of elders have entered the town in a bid to secure a truce," Nasser, who represented the NTC in Sabha, told AFP

  earlier yesterday.

- But Toubou tribesmen said rival Arab tribesmen from Sabha were "surrounding" them in the Tayuri and al-Hijara neighbourhoods and shelling them since the early hours of the morning.

  "Al-Hijara is surrounded from all sides. All the Arab (tribes) are against us. They are bombarding us using all sorts of rockets indiscriminately. It is a real massacre," said Karima Jaber, a Sabha airport employee.

  Toubou chief Issa Abdel Majid Mansur said earlier this week that 40 members of his tribe had been killed, and accused Libyan authorities of using warplanes and tanks against his community.

  Speaking to AFP, Mansur denounced what he said was a plan to "ethnically cleanse" his people, and raised the threat of a separatist bid.

- "We announce the reactivation of the Toubou Front for the Salvation of Libya, an opposition group active under the former regime) to protect the Toubou people from ethnic cleansing," Mansur said.

  "If necessary, we will demand international intervention and work towards the creation of a state, as in South Sudan," he said.

  Ali al-Dib, a former rebel, said the clashes erupted in the city centre when the Toubou refused to hand over to local authorities one of their men accused of killing a member of the Bussif tribe.

  The Toubou are black oasis farmers by tradition who also have connections beyond Libya's borders. They live in southern Libya, northern Chad and in Niger, and have previously denied having separatist ambitions.

  The Toubou have also been involved in deadly clashes with another tribe in the Saharan oasis of Kufra, where ethnic groups are locked in a stand-off over smuggling.

UN throws out Libya detention proposals
http://www.canada.com/throws+Libya+detention+proposals/6353926/story.html

- # UN throws out Libya detention proposals

- Agence France-Presse March 24, 2012
- The UN Human Rights Council on Friday adopted a resolution urging Libya's new rulers to probe all alleged abuses, but threw out a Russian proposal calling for a halt to arbitrary detentions.
- The council also rejected an amendment tabled by the Ugandans, who sought to include a reference to "express deep concern about the deliberate killings . . . of persons of Sub-Saharan origins."

- The amendments tabled by the two delegations hours before the council session was due to close sparked frantic negotiations among ambassadors. Russia said its proposal would have made the resolution backed by Western states "more balanced."

  "It calls upon the Transitional Government of Libya to address the cases of arbitrary detention, including of foreign nationals, and to release them immediately or to bring them to fair trial," said Russia.

- Uganda meanwhile said its amendment was tabled as it feared that "impunity and a deliberate targeting of a particular ethnic group would continue."

  "We hope that this amendment will in some nature treat all situations of abuse with equal measure," said the Ugandan envoy.

- However, the United States and Italy both said they could not support the proposals as they came too late.

  Instead a resolution that "strongly encourages the transitional government of Libya to investigate human rights violations" was adopted.

[NATO'S Craven Coverup of Its Libyan Bombing » Counterpunch: Tells the Facts, Names the Names](http://www.counterpunch.org/2012/03/15/natos-craven-coverup-of-it-libyan-bombing/?utm_source=rss&utm_medium=rss&utm_campaign=natos-craven-coverup-of-it-libyan-bombing)
http://www.counterpunch.org/2012/03/15/natos-craven-coverup-of-it-libyan-bombing/?utm_source=rss&utm_medium=rss&utm_campaign=natos-craven-coverup-of-it-libyan-bombing

- March 15, 2012
- Investigations Around Libya

NATO'S Craven Coverup of Its Libyan Bombing

by VIJAY PRASHAD

- Ten days into the uprising in Benghazi, Libya, the United Nations' Human Rights Council established the International Commission of Inquiry on Libya. The purpose of the Commission was to "investigate all alleged violations of international human rights law in Libya." The broad agenda was to establish the facts of the violations and crimes and to take such actions as to hold the identified perpetrators accountable. On June 15, the Commission presented its first report to the Council. This report was provisional, since the conflict was still ongoing and access to the country was minimal. The June report was no more conclusive than the work of the human rights non-governmental organizations (such as Amnesty International and Human Rights Watch). In some instances, the work of investigators for these NGOs (such as Donatella Rovera of Amnesty) was of higher quality than that of the Commission.

  Due to the uncompleted war and then the unsettled security state in the country in its aftermath, the Commission did not return to the field till October 2011, and did not begin any real investigation before December 2011. On March 2, 2012, the Commission finally produced a two hundred-page document that was presented to the Human Rights Council in Geneva. Little fanfare greeted this report's publication, and the HRC's deliberation on it was equally restrained.

- Nonetheless, the report is fairly revelatory, making two important points: first, that all sides on the ground committed war crimes with no mention at all of a potential genocide conducted by the Qaddafi forces; second, that there remains a distinct lack of clarity regarding potential NATO war crimes. Not enough can be made of these two points. They strongly inferthat the rush to a NATO "humanitarian intervention" might have been made on exaggerated evidence, and that NATO's own military intervention might have been less than "humanitarian" in its effects.

  It is precisely because of a lack of accountability by NATO that there is hesitancy in the United Nations Security Council for a strong resolution on Syria. "Because of the Libyan experience," the Indian Ambassador to the UN Hardeep Singh Puri told me in February, "other members of the Security Council, such as China and Russia, will not hesitate in exercising a veto if a resolution – and this is a big if – contains actions under Chapter 7 of the UN Charter, which permits the use of force and punitive and coercive measures."

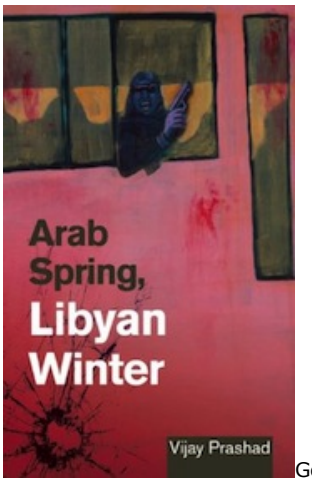
- *Crimes Against Humanity*.

  The Libyan uprising began on February 15, 2011. By February 22, the UN Human Rights Chief Navi Pillay claimed that two hundred and fifty people had been killed in Libya, "although the actual numbers are difficult to verify." Nonetheless, Pillay pointed to "widespread and systematic attacks against the civilian population" which "may amount to crimes against humanity." Pillay channeled the Deputy Permanent Representative to the UN from Libya, Ibrahim Dabbashi, who had defected to the rebellion and claimed, "Qaddafi had started the genocide against the Libyan people." Very soon world leaders used the two concepts interchangeably, "genocide" and "crimes against humanity." These concepts created a mood that Qaddafi's forces were either already indiscriminately killing vast numbers of people, or that they were poised for a massacre of Rwanda proportions.

  Courageous work by Amnesty International and Human Rights Watch last year, then much later the 2012 report from the UN belies this judgment, (as does my forthcoming book *Arab Spring, Libyan Winter*, AK Press), which goes through the day-by-day record and show two things: that both sides used excessive violence and that the rebels seemed to have the upper hand for much of the conflict, with Qaddafi's forces able to recapture cities, but unable to hold them.

  The UN report is much more focused on the question of crimes committed on the ground. This is the kind of forensic evidence in the report:

- (1) In the military base and detention camp of Al Qalaa. "Witnesses, together with the local prosecutor, uncovered the bodies of 43 men and boys, blindfolded and with their hands tied behind their backs." Qaddafi forces had shot them.



Going over many of these kinds of incidents, and of indiscriminate firing of heavy artillery into cities, the UN Report notes that these amount to a war crime or a crime against humanity.

- (2) "Over a dozen Qadhafi soldiers were reportedly shot in the back of the head by *thuwar* [rebel fighters] around 22-23 February 2011 in a village between Al Bayda and Darnah. This is corroborated by mobile phone footage." After an exhaustive listing of the many such incidents, and of the use of heavy artillery against cities notably Sirte, the UN report suggests the preponderance of evidence of the war crime of murder or crimes against humanity.
- There is *no* mention of genocide in the Report, and none of any organized civilian massacre. This is significant because UN Resolution 1973, which authorized the NATO war, was premised on the "the widespread and systematic attacks currently taking place in the Libyan Arab Jamahiriya against the civilian population" which "may amount to crimes against humanity." There was no mention in Resolution 1973 of the disproportionate violence of the *thuwar* against the pro-Qaddafi population (already reported by *al-jazeera* by February 19), a fact that might have given pause to the UN as it allowed NATO to enter the conflict on the rebels' behalf. NATO's partisan bombardment allowed the rebels to seize the country faster than they might have had in a more protracted war, but it also allowed them carte blanche to continue with their own crimes against humanity.
- With NATO backing, it was clear that no one was going to either properly investigate the rebel behavior, and no-one was going to allow for a criminal prosecution of those crimes against humanity. Violence of this kind by one's allies is never to be investigated as the Allies found out after World War 2 when there was no assessment of the criminal firebombing of, for example, Dresden. No wonder that the UN Report notes that the Commissioners are "deeply concerned that no independent investigation or prosecution appear to have been instigated into killings committed by *thuwar*." None is likely. There are now over eight thousand pro-Qaddafi fighters in Libyan prisons. They have no charges framed against them. Many have been tortured, and several have died (including Halah al-Misrati, the Qaddafi era newscaster).
- The section of the UN report on the town of Tawergha is most startling. The thirty thousand residents of the town were removed by the Misratan *thuwar*. The general sentiment among the Misratan *thuwar* was that the Tawerghans were given preferential treatment by the Qaddafi regime, a claim disputed by the Tawerghans. The road between Misrata and Tawergha was lined with slogans such as "the brigade for purging slaves, black skin," indicating the racist cleansing of the town. The section on Tawergha takes up twenty pages of the report. It is chilling reading. Tawerghans told the Commission "that during 'interrogations' they were beaten, had hot wax poured in their ears and were told to confess to committing rape in Misrata. The Commission was told that one man had diesel poured on to his back which was then set alight; the same man was held in shackles for 12 days." This goes on and on. The death count is unclear. The refugees are badly treated as they go to Benghazi and Tripoli.
- To the Commission, the attacks against Tawerghans during the war "constitute a war crime" and those that have taken place since "violate international human rights law" and a "crime against humanity." Because of the "current difficulties faced by the Libyan Government," the Commission concludes, it is unlikely that the government will be able to bring justice for the Tawerghans and to undermine the "culture of impunity that characterizes the attacks."

- *NATO's Crimes*.

For the past several months, the Russians have asked for a proper investigation through the UN Security Council of the NATO bombardment of Libya. "There is great reluctance to undertake it," the Indian Ambassador to the UN told me. When the NATO states in the Security Council wanted to clamor for war in February-March 2011, they held discussions about Libya in an open session. After Resolution 1973 and since the war ended, the NATO states have only allowed discussion about Libya in a closed session. When Navi Pillay came to talk about the UN Report, her remarks were not for the public.

- Indeed, when it became clear to NATO that the UN Commission wished to investigate NATO's role in the Libyan war, Brussels balked. On February 15, 2012, NATO's Legal Adviser Peter Olson wrote a strong letter to the Chair of the Commission. NATO accepted that the Qaddafi regime "committed serious violations of international law," which led to the Security Council Resolution 1973. What was not acceptable was any mention of NATO's "violations" during the conflict,

> "We would be concerned, however, if 'NATO incidents' were included in the Commission's report as on a par with those which the Commission may ultimately conclude did violate law or constitute crimes. We note in this regard that the Commission's mandate is to discuss 'the facts and circumstance of….violations [of law] and…crimes perpetrated.' We would accordingly request that, in the event the Commission elects to include a discussion of NATO actions in Libya, its report clearly state that NATO did not deliberately target civilians and did not commit war crimes in Libya."

- To its credit, the Commission *did* discuss the NATO "incidents." However, there were some factual problems. The Commission claimed that NATO flew 17,939 armed sorties in Libya. NATO says that it flew "24,200 sorties, including over 9,000 strike sorties." What the gap between the two numbers might tell us is not explored in the report or in the

press discussion subsequently. The Commission points out that NATO did strike several civilian areas (such as Majer, Bani Walid, Sirte, Surman, Souq al-Juma) as well as areas that NATO claims were "command and control nodes." The Commission found no "evidence of such activity" in these "nodes." NATO contested both the civilian deaths and the Commission's doubts about these "nodes." Because NATO would not fully cooperate with the Commission, the investigation was "unable to determine, for lack of sufficient information, whether these strikes were based on incorrect or outdated intelligence and, therefore, whether they were consistent with NATO's objective to take all necessary precautions to avoid civilian casualties entirely."

- Three days after the report was released in the Human Rights Council, NATO's chief Anders Fogh Rasmussen denied its anodyne conclusions regarding NATO. And then, for added effect, Rasmussen said that he was pleased with the report's finding that NATO "had conducted a highly precise campaign with a demonstrable determination to avoid civilian casualties." There is no such clear finding. The report is far more circumspect, worrying about the lack of information to make any clear statement about NATO's bombing runs. NATO had conducted its own inquiry, but did not turn over its report or raw data to the UN Commission.

- On March 12, UN Secretary General Ban Ki-moon went to the UN Security Council and stated that he was "deeply concerned" about human rights abuses in Libya, including the more than eight thousand prisoners held in jails with no judicial process (including Saif al-Islam Qaddafi, who should have been transferred to the Hague by NATO's logic). Few dispute this part of the report. The tension in the Security Council is over the section on NATO. On March 9, Maria Khodynskaya-Golenishcheva of the Russian Mission to the UN in Geneva noted that the UN report omitted to explore the civilian deaths caused by NATO. "In our view," she said, "during the NATO campaign many violations of the standard of international law and human rights were committed, including the most important right, the right to life." On March 12, Russia's Foreign Minister Sergei Lavrov accused NATO of "massive bombings" in Libya. It was in response to Lavrov's comment that Ban's spokesperson Martin Nesirky pointed out that Ban accepts "the report's overall finding that NATO did not deliberately target civilians in Libya."

NATO is loath to permit a full investigation. It believes that it has the upper hand, with Libya showing how the UN will now use NATO as its military arm (or else how the NATO states will be able to use the UN for its exercise of power). In the Security Council, NATO's Rasmussen notes, "Brazil, China, India and Russia consciously stepped aside to allow the UN Security Council to act" and they "did not put their military might at the disposal of the coalition that emerged." NATO has no challenger. This is why the Russians and the Chinese are unwilling to allow any UN resolution that hints at military intervention. They fear the Pandora's box opened by Resolution 1973.

- **Vijay Prashad's** new book, Arab Spring, Libyan Winter (AK Press) will be out in late March. On March 25, he will be speaking at the plenary panel of the United National Anti-War Coalition National Conference in Stamford, CT, alongside Bill McKibben, Richard Wolff and Nada Khader on "Global Economic Meltdown, Warming and War."

Libya: Bolster Security at Tawergha Camps | Human Rights Watch

http://www.hrw.org/news/2012/03/05/libya-bolster-security-tawergha-camps

- **Libya: Bolster Security at Tawergha Camps**

Survivors Describe Fatal Attack

March 5, 2012

- (Tripoli, March 5, 2012) – The Libyan government should urgently increase security for the roughly 12,000 displaced people from Tawergha in western Libya, Human Rights Watch said today. Nearly a month after militias raided a Tawergha camp in Janzur, shooting dead one man, three women, and three children, that camp and others still lack adequate protection, Human Rights Watch said.

In Tripoli and other western areas, Tawerghans have been subjected to attacks, arrests and harassment since August 2011, mostly by militias from Misrata, Human Rights Watch said. Human Rights Watch has found no evidence that the government is investigating these crimes or the shooting deaths in Janzur.

- "The displaced people of Tawergha are exposed to the violent whims of militias in western Libya," said Sarah Leah Whitson, Middle East and North Africa director at Human Rights Watch. "The government needs to get serious about providing more official forces to protect these camps and to investigating the killings there."
- Human Rights Watch interviewed nine witnesses to the violence at and around the Janzur camp on February 6, 2012, among them family members of people who were killed and three people who were wounded, as well as camp leaders and a Defense Ministry official. Human Rights Watch also reviewed death reports and medical records of the wounded.
- According to the United Nations High Commissioner for Refugees, approximately 35,000 people from Tawergha are displaced around Libya. Tawergha leaders say 16,000 of their people are in eastern Libya and 12,000 are in the west, mostly in Tripoli. Tawerghans in eastern Libya, further from Misrata, appear less vulnerable to attack.
- The town of Tawergha near Misrata has been abandoned since mid-August 2011. Militias from Misrata are blocking residents from returning because they accuse Tawerghans of rape and other atrocities in Misrata during the war, together with forces loyal to Muammar Gaddafi.

A Commission of Inquiry on Libya appointed by the UN Human Rights Council recently concluded that Misrata militias had committed crimes against humanity of torture and killings of Tawerghans. "The Misrata *thuwar* [anti-Gaddafi forces] have killed, arbitrarily arrested and tortured Tawerghans across Libya," said the report, issued on March 2, 2012. "The destruction of Tawergha has been done to render it uninhabitable."

- The Libyan government and international actors who support it should ensure that sufficient security forces protect the Tawergha camps and that legal authorities promptly investigate crimes against displaced persons, Human Rights Watch said. The government should also take urgent steps to help Tawerghans safely return home.
- Security at Tawergha camps in western Libya should come from the central government, such as the national army, which has lawful authority to carry out security measures, rather than quasi-official local military councils, frequently consisting of unaccountable militias, Human Rights Watch said.

- Another camp for displaced Tawerghans, on Airport Road in Tripoli, with about 300 people, was also raided twice in February by unknown militias. Three men were detained, one of whom was later released, camp residents said. Camp leaders said that four guards assigned to the camp by local militias lack the power to resist such raids and abductions by other armed groups.

  The violence at the Tawergha camp in Janzur on February 6 began after heavily armed fighters from various militias, some of them apparently from Misrata, entered the Janzur Marine Academy, where about 2,000 Tawerghans were taking shelter. Camp residents said that militia fighters told them they had come to search for weapons.
- The camp was guarded at that time by about six Marine Academy cadets who operate under the authority of the Libyan Army. When Human Rights Watch visited the camp in late February, the number of guards had not increased, although a new 14.5mm gun stood at the gate.

  Witnesses said that men with pistols and AK-47s entered the camp around 9:30 a.m. with up to 10 vehicles mounted with 14.5mm guns and 23mm artillery pieces. Four witnesses said that some of the vehicles had the markings of militias from Misrata. One person who was wounded claimed that the people attacking him were yelling "*Misrata hurra! Misrata hurra!*" ("Free Misrata! Free Misrata!").

  Some of the vehicles remained at the gate, but others went into the camp near a cluster of buildings where Tawergha families live. There the armed men invading the camp abducted three male camp residents, camp leaders said, all of whom were released within two weeks.
- The militia vehicles that entered the compound returned to the gate, which is when the shooting took place, witnesses said. Najma Abdulgadar Faraj, 60, a homemaker and mother of eight, and Juma al-Gaddafi, 55, were shot dead near the gate in unclear circumstances.

  After camp residents learned of the two deaths, some of them started throwing stones at the militia fighters, one witness said.

  In the late morning, camp residents began marching outside the camp to protest the killings. Militias in the area near the camp fired into the air to force the protesters back, witnesses said. When the protesters continued to march, members of another militia opened fire on the crowd for about two minutes, killing three people, including a 12-year-old girl, two witnesses said. One of the witnesses described the scene:
- We were marching. We saw some people from Misrata and they told us to go back … The *shabab* [youth activists] refused to turn back and sat down in the middle of the road. When we reached the guys from Misrata, near a clinic, there was a place near a wall. But we got shot at before we reached the wall. We decided to turn back. A guy was injured in his side but said to us, "Leave me and just go." After that, another girl got injured. I grabbed Fatima (not her real name) by her arm and said we have to leave. Fatima told Haneen to leave with us. But Haneen was shot in the neck from the front, and the bullet exited her shoulder. I didn't see who shot her. There were four or five guys shooting, one of them was carrying a handgun and the rest had Kalashnikovs.
- Haneen Salah Agily, the 12 year-old girl, died instantly. Two others, Nureddin Beleid al-Agmaty, 21, and Nasseradin Muhammad al-Agmaty, 25, were also killed at the scene, according to the two witnesses. Death records viewed by Human Rights Watch confirmed the names, dates, and cause of the deaths.

  Witnesses said the militias then forcibly held some protesters for at least two hours in a nearby medical clinic. More than 10 others managed to escape the area, walking several kilometers to the coast. A journalist who visited the clinic while the Tawerghans were there said he heard some of the militia members say, "There are a bunch of guys on the beach – let's go." Members of the militia then left for the beach, he said.

  Two of the people who made it to the beach told Human Rights Watch that militia fighters arrived there in the early afternoon and opened fire on the escaped protesters, killing two boys, Muhammad Atiya Erhuma, 13, and Farayj Abdulmullah Farayj Muhammad, 15.

  One of the protesters who made it to the beach recalled the shooting:

- > We walked until we reached the seaside outside the Tourist Village. It was around 1 p.m. But then a *katiba* [militia] came to us again, and they started shooting. They were around 50 meters away. We had nothing to defend ourselves. We just tried to hide. Two kids, Muhammad and Farayj, were injured with bullets. We tried to help them, but [the militia] started shooting at us again. The group split up, and my friend and I hid in a place until 7 p.m. – we covered ourselves with blankets and stones.

  The families said they found the two boys' bodies in the hospital later that day. A relative of Muhammad said he had one bullet wound in his torso – the entry wound was in his back and the exit wound in the chest – and another in his leg. A relative of Farayj said he had three entry wounds in his back and one in his upper right arm. The death records of both boys reviewed by Human Rights Watch confirmed the dates and causes of death.

- Following the deaths in and near the camp, the United Nations mission in Libya calledon the government to increase protection for the displaced people of Tawergha and to investigate the February 6 attack.

  Human Rights Watch urged the government to ensure that its formal criminal justice authorities conduct a prompt and thorough investigation into the killings in and around the camp, leading to the prosecution of those responsible.

  "A key way to protect displaced Tawerghans is to arrest and prosecute those who use violence against them," Whitson said.

AFP: Libya tribe offers olive branch to Misrata

http://www.google.com/hostednews/afp/article/ALeqM5himCh7DGsIoMr6R14qDnveH7UHHA?docId=CNG.28a53cf883b6a06ef4a5724a08609e32.9d1

- Libya tribe offers olive branch to Misrata

(AFP)

- BENGHAZI, Libya — Libya's Tawarga tribe apologised to Misrata's people for damage caused in the coastal city during last year's war, according to a statement received by AFP on Friday.

  "We the Tawarga tribes of Libya apologise to our brothers in Misrata for any action committed by any resident of Tawarga," tribal elders said in a joint statement issued after a meeting in the eastern city of Bengazhi late Thursday.

  Tensions between the people of Tawarga and Misrata, who fought on opposite sides of the nine-month conflict that toppled the regime of Moamer Kadhafi, are widely viewed as a major obstacle to stability in Libya.

  "We affirm that their honour is our honour, their blood our blood, and their fortune our fortune," the statement added.

  The elders urged all of those accused of committing crimes, regardless of their tribal affiliation, to present themselves to judicial authorities to receive "punishment."

  More than 1,000 people attended the meeting, including senior officials of the ruling National Transitional Council, tribal elders, and displaced people from Tawarga now living in Benghazi.

  Absent from the gathering were representatives of Misrata, where officials accuse the Tawarga of playing a central role in a brutal siege by Kadhafi's regime against the port city.

- "We extend our hands and our hearts in the interest of all of Libya and building together a prosperous future and brighter tomorrow," it read.

  A senior official representing NTC chairman Mustafa Abdel Jalil at the meeting welcomed the gesture.

  "The National Transitional Council welcomes these steps that will heal the rift between the disputing brothers," said Mohammed al-Mufti, who heads an advisory committee.

  "The national reconciliation between the Tawarga and the people of Misrata concerns all Libyans and has their support," he said, adding it was a requirement for stability.

- Tensions have been running high between people from Tawarga and militia-rich Misrata since October, when Kadhafi was killed in his hometown of Sirte.

  Many fear the animosity between the two could spark more fighting.

  Human Rights Watch said Tuesday that authorities in Misrata are barring thousands of displaced people, accused of being Kadhafi backers during the war, from returning home. It estimates 30,000 Tawargans were violently displaced.

  Sheikh Bakr al-Mahdi, who heads a committee for national reconciliation, urged the people of Misrata to accept the olive branch on offer.

  "The committee asks God for Misrata and its wise rulers to accept this great honour by agreeing to peace and tolerance," he said.

  He added the National Transitional Council had a responsibility to "speed up the judicial process so that perpetrators of violence are punished and people calm down and the fires of sedition are put out."

Libya sends army to stop clashes in southeast | Reuters

http://www.reuters.com/article/2012/02/18/us-libya-clashes-idUSTRE81H0MA20120218

- Libya sends army to stop clashes in southeast
- TRIPOLI | Sat Feb 18, 2012
- (Reuters) - Libya has sent military forces to stem clashes between rival tribes over control of territory in the far southeast of Libya, the armed forces chief said on Saturday, as more people were reported killed in the violence.

- Clashes broke out late last week in the remote city of Al Kufra and have continued since, highlighting the challenge of policing the sparsely populated desert. Dozens of people have been killed, the tribes have said.

  Libya's ruling National Transitional Council has struggled to assert its authority across the whole of Libya as rival regional militias and tribal groups jostle for power and resources following the fall of Muammar Gaddafi.

  Gunmen from the Zwai tribe have been clashing with fighters from the Tibu ethnic group led by Isa Abdel Majid, who they accuse of attacking Al Kufra backed by mercenaries from Chad, according to a security official from the Zwai tribe.

- The Tibu, however, said they were the ones to come under attack.

  Speaking by telephone on Libyan state television, armed forces chief Yousef al-Mangoush denied there was any foreign presence in the area and urged elders from both sides to meet.

  "This is a problem between two tribes, which stems from the past. It is not an ethnic problem," he said. "Military forces are now on the ground there."

- In a text message to Reuters, Adelbari Idriss, a security official from the Zwai tribe, said two people were killed and seven injured in clashes in the city on Saturday. Separately, he said the Zwai had stopped two cars carrying Chadian men.

  It was not immediately possible to independently verify his comments nor contact officials from the Tibu side.

- The Tibu are mainly found in Chad but also inhabit parts of southern Libya, Sudan and Niger, often criss-crossing unmarked desert borders. Abdel Majid's men supported the Libyan rebels during the 2011 uprising that ousted Gaddafi.

- In Al Kufra, tribal ties are far more powerful than they are on the country's Mediterranean seaboard. A tribal rebellion in 2009 was suppressed only after Gaddafi sent in helicopter gunships. The remote region is also a hub for smugglers

taking advantage of the lawless borders of sub-Saharan Africa.

The province surrounding Al Kufra is Libya's largest and borders Sudan and Chad. The roads in the region are poor, and some reports said the airport was out of use due to the fighting, possibly holding up any aid.

(Reporting by Ali Shuaib)

Unease hangs in the air on anniversary of Libyan revolution - CNN.com
http://www.cnn.com/2012/02/17/world/africa/libya-anniversary/index.html

- # Unease hangs in the air on anniversary of Libyan revolution

By **Jomana Karadsheh and Moni Basu,** CNN

updated 1:57 PM EST, Fri February 17, 2012

- **Tripoli, Libya (CNN)** -- In Tripoli, "no guns" signs outnumber ones that say, "no smoking."

Khadija Teri made that telling observation in her blog a few days back.

She witnessed men drawing weapons while arguing on the street. "Seeing men shouting, waving guns and pointing them at each other just because of a silly argument is frightening," she wrote.

A year after the start of the Libyan revolution, human rights groups describe a nation of lawless militias who commit crimes with impunity and threaten to destabilize the nation by hindering efforts to rebuild.

- **STORY HIGHLIGHTS**
  - Tensions are high on the first anniversary of Libya's revolution
  - Human rights groups warn that armed militias threaten Libya's stability
  - A national survey found a lack of trust is prevalent among Libyans
  - Some Libyans are frustrated with the pace of progress
- *Libyan militias 'out of control'*

Amnesty International said abuses committed by militias amount to war crimes and the monitoring group called on Libyan authorities to rein them in. Otherwise, Amnesty said, the risks Libyans took to demand justice in their homeland, could end up being in vain.

A year ago, Libyans dared to take to the streets of Benghazi, their simmering anger heated to a boil by the arrest of human rights lawyer Fathi Terbil. As many as 2,000 protesters gathered outside of government offices. They chanted slogans against Moammar Gadhafi, the man who had ruled them with a firm grip for four decades.

It was unimaginable then that he could ever be ousted from power. But the Libyans persisted, inspired by their neighbors to the east and west.

- They called for a "Day of Rage" on February 17. After that, the protests intensified and spread and eight long months later, after brutal fighting and a NATO air campaign, Gadhafi was defeated.

This week, Libyans could hardly believe a year has passed by.

Since October, when Gadhafi was captured and killed, many aspects of life seem normal. But in important ways, Libya has foundered.

Perhaps the nation is no different than any other that is recovering from trauma and massive upheaval. Frustration is palpable on the streets, as is an unease about what the future might hold.

As Libyans prepare to celebrate their freedom, revolutionary fighters in the capital are on high alert and additional checkpoints have sprouted everywhere.

Ordinary Libyans cling to the optimism that blossomed with the first protests in Benghazi last February. Building a

nation after four decades of tyranny is no easy task, they say.

- At the main plaza that Gadhafi called Green Square (it's now known as Martyr's Square), revolutionary music blares from cars.

But many still fear former regime loyalists might try to disrupt anniversary celebrations or somehow still destroy the new Libya.

In recent days, text messages have circulated among former regime loyalists calling for their own uprising to "liberate (Tripoli) from the NATO revolution." Videos by what is being self described as the Libyan "resistance" have also emerged on social media sites.

Only 17% of Libyans feel people can be trusted, found an Oxford Research International poll, touted as the first national survey of Libya and startling in some of its revelations.

Consider that only 29% of Libyans said they would prefer to live in a democracy; 35% said they would still prefer rule by a strong leader.

And 16% of the 2,000 Libyans surveyed were ready to resort to violence for political ends. That means 630,000 people are potential fighters, in addition to the 280,000 people who previously picked up a gun.

- The revolutionary militias on the streets call themselves their nation's heroes. They are the ones who drove out Gadhafi, after all.

They insist on retaining arms to protect their revolution, especially given that military and police presence is virtually nonexistent.

Mohammed, 28, says Libya's government is weak; its defenses not strong enough.

The nation needs a government that can quickly integrate revolutionary factions under one umbrella; one that can activate a functioning judiciary. Recruit a national army, he says.

Without strong national reconciliation measures, Mohammed fears that Libya will risk civil war.

"I am hoping for the best every day," he says.

But he worries. And is not alone in his fears.

Criticism has been rising of the National Transitional Council and the performance of the interim government.

- Many Libyans say they are frustrated with the slow pace of rebuilding, not unusual for a nation almost starting from scratch. But the question is will the Libyan government be able to maintain confidence of its people?

Other Libyans decry the lack of transparency in decision-making and the government's inability to impose authority over the the militias.

Tripoli residents complain of daily cuts in electricity and an ill-equipped health care system.

Some of that frustration has surfaced very publicly.

Last month angry protesters stormed the NTC headquarters in Benghazi and the deputy head of the council, Abdulhafidh Ghoga resigned from his post amid the protests.

Government officials argue that they have inherited a mess left behind from the four decades of Gadhafi rule. They have pleaded for patience.

- Anes AlSharif, the former spokesman for the Tripoli Military Council, an umbrella group of the armed factions in the capital, blames the current situation on the lack of leadership by the civilian authority.

"There is a feeling growing that the NTC is not doing enough towards driving this revolution from phase one to phase two in this transitional period," he says.

Libyans have only to look at Egypt to see how prickly the revolutionary journey can be.

"It is a government with no real power and what it really needs is to have a partnership with the guys who are on the ground and make them a part of this state," AlSharif says.

Voters are set to go to the polls at the end of June to pick a national assembly that will be tasked with drafting a constitution.

The goal before was to get rid of Gadhafi. Now, Libya's leaders will have to unify the nation with new goals -- ones that respect the enormous sacrifices of the Libyan people, AlSharif says.

- "We need to be faithful to their sacrifices to our country and to ... remember the goal of this revolution was not one to get rid of the Gadhafi regime and to create chaos," he says. "This would be a disaster, an ultimate betrayal to our guys who fell in the fight for freedom and to establish an advanced modern state."

The objectives may seem lofty at times, but Friday, Libyans are taking stock in what they have already gained.

"We never believed that this revolution will come and now it's a reality so we feel like we are in a dream," says Minister of Planning Essa Tuwegiart.

Journalist Ramadan Jarbou, however, knows it's very real. He no longer has to dote on each word, consider its consequences. No one bothers him after he publishes an article.

The Benghazi writer erupts in stinging statements about Gadhafi's neglect of Libya. "I can express myself," he says.

And that, he says, was why the revolution was worth it.

One Libyan in three wants return to authoritarian rule - Africa - World - The Independent
http://www.independent.co.uk/news/world/africa/one-libyan-in-three-wants-return-to-authoritarian-rule-6950631.html

- # One Libyan in three wants return to authoritarian rule

Alistair Dawber

Thursday 16 February 2012

- Almost a year after the start of the Libyan uprising that led to the ousting and killing of Colonel Muammar Gaddafi, new research suggests more than a third of its citizens would rather return to being ruled by a strongman than embrace democracy.

  Despite thousands of deaths in the revolt against Colonel Gaddafi's 40-year rule, fewer than a third of Libyans would welcome democracy, according to the study published by the Institute of Human Sciences, at the University of Oxford, and Oxford Research International.

- Libya is traditionally a tribal society and there are concerns that the vacuum created by Colonel Gaddafi's removal in October could lead to clashes between the factions that toppled him. In recent weeks, medical and human-rights groups have complained that the situation in parts of country is getting out of control.

  The deaths of 12 detainees who lost their lives after being tortured by the various militias running law and order in towns and cities across country are documented in an Amnesty International report released today. The study follows last month's decision by Médecins sans Frontières to halt operations in Misrata after being asked by officials to treat prisoners midway through torture sessions, allowing authorities to abuse the victims again.

- Still, the survey found 35 per cent would still like a strong leader in five years' time, although more than two-thirds wanted some say in future governance.

  "Although there appears to be a push for an early election, the population seems to be happy with the National Transitional Council [NTC]," Christoph Sahm, director of Oxford Research International, said.

  "Perhaps more significantly, Libyan people have not yet developed trust towards political parties, preferring a return of one-man rule. Yet they have also resoundingly said they want a say in how their country is run, which suggests Libyans who have had autocratic rule for decades lack the knowledge of how a democracy works and need more awareness of the alternatives to autocratic government."

- While trust in the NTC will be welcomed by Western backers - 81 per cent of Libyans expressed faith in the new administration that helped defeat Colonel Gaddafi - 16 per cent said they were ready to resort to violence for political ends.

  The figures are borne out by the Amnesty report, 'Militias threaten hopes for new Libya,' which points to evidence of war crimes being committed against Gaddafi loyalists. Its authors found that torture or ill-treatment was being perpetrated in 10 out of 11 detention centres they visited, with several prisoners saying they had offered false confessions to rape and other offences simply to end their ordeal.

- The bodies of the 12 men who died were covered in bruises, wounds and cuts, Amnesty said, and some had fingernails and toenails pulled out.

  "Militias in Libya are largely out of control and the blanket impunity they enjoy only encourages further abuses and perpetuates instability and insecurity," said Amnesty's Donatella Rovera. ""Militias with a record of abuse of detainees should simply not be allowed to hold anyone and all detainees should be immediately transferred to authorised detention facilities under the control of the National Transitional Council."

Document - Militias Threaten Hopes for New Libya | Amnesty International

http://www.amnesty.org/en/library/asset/MDE19/002/2012/en/608ac5a8-95d0-4a3b-89de-b4a1b585feee/mde190022012en.html

- Document - Militias Threaten Hopes for New Libya
- **Contents**

5 1. INTRODUCTION

9 About this report

10 2. DETENTIONS OUTSIDE LEGAL FRAMEWORK

10 Arbitrary detention

11 Unauthorized interrogations

11 Coerced confessions

12 'Shuttling' detainees between militias and unlawful places of detention

14 3. TORTURE AND OTHER ILL-TREATMENT

143. TORTURE AND OTHER ILL-TREATMENT

17Detainees of Tawargha origin

18Detainees of Mshashiya origin

19Detainees from Sub-Saharan Africa

224. DEATHS IN CUSTODY

265. REVENGE ATTACKS AND FORCIBLE DISPLACEMENT

26Tawargha people

28Mshashiya people

29'Outsiders' targeted

29Misratah "returnees"

326. CONTINUING SCOURGE OF IMPUNITY

33INEFFECTIVE PROSECUTION SYSTEM

357. CONCLUSIONS AND RECOMMENDATIONS

37Endnotes

1. INTRODUCTION

'The lack of oversight by the central authority creates an environment conducive to torture and ill-treatment'

Navi Pillay, UN Commissioner for Human Rights, 26 January 2012

Lawlessness still pervades Libya a year after the outbreak of the uprising which ended 42 year of Colonel Mu'ammar al-Gaddafi's repressive regime. Hundreds of armed militias, widely hailed in Libya as heroes for their role in toppling the former regime, are largely out of control. Their actions, and the refusal of many to disarm or join regular forces, are threatening to destabilize Libya, hinder the much-needed building of accountable state institutions based on the rule of law, and jeopardize the hopes of millions of people who took to the streets a year ago to demand freedom, justice and respect for human rights and dignity.

Hundreds of armed militia groups, established at local levels during the fighting, continue to operate largely independently of the central authorities, often effectively controlling specific areas or neighbourhoods. Some militia members have a military background but most were civilians. Militias have established sometimes fluid networks of co-operation. Frequent armed clashes between different militia groups have caused death and injury among fighters and uninvolved bystanders.

In 2011, thousands of mainly young men took up arms under the banner of the National Transitional Council (NTC) – the loosely structured opposition leadership formed at the end of February – to overthrow the old order. After

opposition fighters, backed by NATO strikes took control of most of the country in late August, the NTC failed to get a grip on these militias. Despite pledges to bring to justice those who committed war crimes and human rights abuses on both sides, the authorities have so far failed to take action against suspects who fought with the NTC forces, sustaining a climate of impunity for human rights abuses.

- Militias took captive thousands of suspected al-Gaddafi loyalists, soldiers and alleged foreign "mercenaries", many of whom were tortured or ill-treated in custody, in some cases leading to death. Scores of suspected al-Gaddafi loyalists were unlawfully killed following capture, among them the ousted Libyan leader himself and one of his sons. Militias also looted and burned homes and carried out revenge attacks and other reprisals against alleged al-Gaddafi supporters, forcibly displacing tens of thousands of people.

Militias also continue to seize and detain people, outside any legal framework, and hold them in secret detention centres before handing them over to other facilities run by officially or semi-officially recognized military or security entities. The captors do not identify themselves, though the name of the militia is often daubed on their vehicles, and no indication is given to their relatives as to their destination. Despite releases, thousands of detainees remain held without trial or any means to challenge the legality of their detention.

- In January and early February 2012, Amnesty International delegates interviewed scores of victims of torture who were held in and around Tripoli, al-Zawiya, Gharyan, Misratah, and Sirte, as well as several families of people who died in the custody of militias after they were tortured. Detainees told Amnesty International that they had been suspended in contorted positions; beaten for hours with whips, cables, plastic hoses, metal chains and bars, and wooden sticks; and given electric shocks with live wires and taser-like electro-shock weapons. The patterns of injury observed were consistent with their testimonies. Medical reports confirmed the use of torture on several detainees who had died. Most of the militia-held detainees interviewed were Libyans suspected of having supported or fought on behalf of al-Gaddafi forces during the conflict. Hundreds of foreign nationals, mostly sub-Saharan Africans, also continue to be detained, often for no more than having entered Libya irregularly and regardless of the fact that they may be entitled to international protection, and some of them said they were tortured.

- Detainees are often tortured immediately after being seized by militias and subsequently during interrogation, including in officially recognized detention centres. To date, detainees have not been allowed access to lawyers, except for rare cases in eastern Libya. Several told Amnesty International that they had confessed to crimes they had not committed just to end the torture.

Some detainees were too scared to speak – fearing further torture if they did so – and were only prepared to show Amnesty International delegates their torture wounds. Human rights defenders, prosecutors, doctors and many others, including militia members opposed to such abuses, told Amnesty International delegates that they were too afraid to speak publicly about militia abuses they had witnessed. Their fears are justified – people who lodged complaints about abuses reported receiving threats or being attacked by militias.

- The Libyan authorities have been alerted on numerous occasions to the ongoing abuses by militias. In May 2011 Amnesty International submitted a memorandum to the NTC detailing patterns of abuses by then opposition fighters, including torture of detainees and deliberate killings of captured fighters and detainees. In September and October 2011, Amnesty International published two reports which described abuses by militias, including torture that it had investigated in previous months. On 26 January 2012, Medecins Sans Frontieres (MSF) suspended its work at a clinic in a detention centre in Misratah because of ongoing torture of detainees during interrogations. The same day, Amnesty International reported recent incidents of death in custody and torture in Tripoli, Misratah and Gharyan. The Prime Minister and Deputy Prime Minister announced that more detention centres would be brought under the control of the authorities and promised to investigate the reported abuse, whereas Ibrahim Betelmal, the head of one of the interrogation centres in Misratah where detainees are frequently tortured, accused both organizations of being supporters of the al-Gaddafi regime. He did, nevertheless, acknowledge that there "may have been a few cases of former rebels taking revenge", but insisted that he had not given orders to torture. Also on 26 January 2012, the UN Commissioner for Human Rights, Navi Pillay, expressed concern that "the lack of oversight by the central authority creates an environment conducive to torture and ill treatment" and called on the Libyan authorities to take control of all makeshift prisons to prevent further atrocities.
- However, the NTC-led transitional government appears to have neither the authority nor the political will to rein in the militias, many of which are reluctant to disband or submit to the central authority. The authorities have been unwilling to recognize the scale of militia abuses, at most acknowledging individual cases despite the mounting evidence of patterns of grave, widespread abuses in many parts of the country. This, together with a lack of action to hold perpetrators to account, is sending the wrong message to the militias and encouraging further abuses. Indeed, the failure of the authorities to even begin to investigate with a view to bringing to justice former anti-Gaddafi fighters responsible for war crimes during the conflict and human rights abuses has perpetuated the climate of impunity for such crimes.

- Amnesty International welcomed the NTC's publicly stated commitment to respect international human rights law, and its calls on supporters to treat captives with dignity and to avoid revenge attacks and other reprisals. In response to an Amnesty International report in September 2011, the NTC pledged to put "its efforts to bring any armed groups under official authorities and will fully investigate any incidents brought to its attention."

This pledge has not, however, been fulfilled and no action has been taken to investigate even the most serious abuses committed by former opposition fighters and militias and to bring those responsible to justice. For example, no investigation has been carried out into the killing of some 65 civilians and al-Gaddafi loyalists whose bodies were found on 23 October 2011 in the Mahari Hotel in Sirte, despite clear evidence identifying some of the perpetrators. Similar impunity has been apparent in other cases highlighted in this report involving people who were tortured to death, even though the prosecutors have seen the scarred bodies of the victims, families have lodged complaints, and Amnesty International and others have publicized the cases.

- After four decades of widespread human rights abuses and authoritarian rule under Colonel al-Gaddafi, the new Libyan authorities face the daunting task of establishing a proper foundation for the rule of law and respect for human rights. Under the previous regime, most opponents were silenced, in prison or in exile. Draconian legislation outlawed

dissent and the establishment of independent organizations. Hundreds of political prisoners were detained arbitrarily. Special courts sentenced opponents after grossly unfair trials. Impunity for torture, extrajudicial executions and enforced disappearances was deeply entrenched. During the eight-month conflict in 2011, al-Gaddafi forces executed many prisoners in their custody and committed war crimes and other human rights abuses. Thousands of people lost their lives fighting to overthrow the government, some slaughtered in groups after they had been rounded up by soldiers. Many of those in today's militias suffered under the old regime and saw their friends and relatives die in the conflict; some of them want revenge or to exact vigilante-style justice.

- Confronting the militias, holding them to account for their actions and enforcing the rule of law are undoubtedly hugely difficult challenges for the NTC, which itself is an interim body without the authority of a democratic mandate. Elections, if they happen on schedule, are due to take place in June 2012. The authorities are also confronted by continuing fighting between rival militias in what appear to be battles to carve out fiefdoms and areas of control.
- An ultimatum of 20 December 2011 set by the government for militias to leave Tripoli has been ignored and programmes for integrating members of militia into regular forces are making slow progress. The authorities must ensure that those who have committed or acquiesced in human rights abuses are excluded and not placed in positions where they could repeat their abuses. Those who are suspected of having committed war crimes and serious abuses must be excluded pending investigation and prosecution.
- Another challenge is to tackle the widespread discrimination and xenophobia against sub-Saharan Africans and dark-skinned Libyans from Tawargha and other parts of Libya where support for al-Gaddafi forces during the conflict was reportedly high. The 30,000 residents of the town of Tawargha, who were forcibly displaced during the conflict, are still barred from returning to their town, where their homes have been looted and burned down. They remain in poorly resourced camps in Benghazi, Tripoli and elsewhere in Libya and face an uncertain future. So far the NTC has been unwilling to take on the militias and local authorities in Misratah who are determined not to allow the residents of Tawargha to return home. Similarly, thousands of people have been evicted or fled their homes in the Nafusa Mountains, mainly people from the Mshashiya and Qawalish tribes, as well as in Sirte and Bani Walid, and remain targeted by militias because of their alleged support for al-Gaddafi forces during the conflict.

- It is crucial that the new authorities take concrete steps to show all Libyans that the four decades of repression and widespread human rights abuses are over, and that everyone will be equally protected by the law. They must make it clear that torture, revenge attacks by militia or any other forms of human rights abuse will not be tolerated and that perpetrators will be held accountable – regardless of their political affiliation or other role or connections. Among other things, Amnesty International urges the authorities to:

Enhance efforts to rein in militias and establish security forces that are trained to respect human rights.

Order the closure of all unofficial places of detention, including those in the headquarters of militias; establish mechanisms to bring all places of detention under the control of the authorities; and ensure effective oversight over detention procedures and practices.

Notify detainees' families of where they are detained and ensure that all detainees are allowed access to lawyers.

Ensure that prompt investigations are carried out into all known or reported cases of torture and other ill-treatment; and where there is sufficient admissible evidence; bring suspects to justice in fair trials and without the possibility of the death penalty.

Ensure that people who have been forcibly displaced are allowed to promptly return to their homes and that their safety is guaranteed and that they receive redress, including compensation and assistance to rebuild their homes and their lives.

- ## About this report

This report is based on findings by an Amnesty International research visit to Libya in January and February 2012, during which the organization's delegates carried out research in and around Tripoli, al-Zawiya, the Nafoussa Mountains, Misratah, Sirte and Benghazi. Delegates visited 11 detention facilities in central and western Libya used by various militias to hold people; several locations were visited more than once. Delegates were told that at 10 of these locations, detainees were tortured or ill-treated, and at seven of the locations were shown injuries resulting from recent abuse. At one detention centre, an Amnesty International delegate witnessed detainees being beaten and threatened.

Amnesty International delegates met detention administrators, hospital staff, doctors, lawyers, detainees, former detainees, relatives of people killed or abused in detention, as well as militia members and representatives of the Libyan authorities.

Some names of individuals whose cases are included in this report, as well as the names and exact locations of some detention facilities and some militia, have been withheld to protect people from reprisals.

- # 2. DETENTIONS OUTSIDE LEGAL FRAMEWORK

"(...) No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."

International Covenenant on Civil and Political Rights (Article 9.1)

Thousands of detainees remain held in scores of detention facilities in Libya where torture is rife, resulting in several known deaths. The exact numbers of detainees and detention centres are not known. The International Committee of the Red Cross (ICRC) reported in December that since March it had "visited over 8,500 detainees in about 60 places of detention." Most detainees are believed to be held in and around the cities of Tripoli and Misratah.

In early February 2012, some 2,400 detainees were reportedly in detention facilities under the control of the judicial authorities. However, the majority of detainees remain held by officially recognized military and security entities and by militias operating outside the law.

- ## Arbitrary detention

During and in the weeks after the conflict, militias focused almost entirely on detaining suspected al-Gaddafi supporters and soldiers, including suspected foreign "mercenaries" – most of whom were in fact migrant workers. Since then, militias have also been detaining criminal suspects, also outside the legal framework. In Tripoli and Sirte, Amnesty International spoke to detainees accused of theft, drinking alcohol and being involved in fights. In both places, those in charge of the detention centres told Amnesty International that these detainees would be released shortly because "their offences were not serious". It was not clear on what basis the militias decide how long such detainees will remain held. As well, there have been allegations of militias detaining people in order to extort money from them or their families.

- On 29 November 2011, the Interior Ministry issued a decree prohibiting arrests and interrogations of detainees by "revolutionary brigades" – i.e. militias. However, this decree continues to be widely ignored. Members of militias who have not been integrated into regular forces told Amnesty International that they continue to detain people, including at the request of the police. Virtually all detainees and former detainees interviewed by Amnesty International were never shown an arrest warrant; a few said that they had been shown documents issued by the militia detaining them.
- As a state party to the International Covenant on Civil and Political Rights (ICCPR), Libya is obliged to prevent arbitrary arrest and detention and to allow anyone deprived of their liberty an effective opportunity to challenge the lawfulness of their detention before a court (Article 9 of the ICCPR). It must ensure that those arrested are promptly informed of any charges against them. Those charged must be brought before the judicial authorities within a reasonable time. Libya's Code of Criminal Procedure sets 48 hours as the limit for referring suspects to the General Prosecution, extending the limit to seven days for "offences against the state".

Some safeguards against arbitrary arrest and detention are included in Libyan law. For instance, Article 14 of Law No. 20 of 1991 on the Promotion of Freedoms stipulates: "No one can be deprived of his freedom, searched or questioned unless he has been charged with committing an act that is punishable by law, pursuant to an order issued by a competent court, and in accordance with the conditions and time limits specified by law". Other safeguards include the requirement for security officers to hold a warrant from the competent authority when arresting or detaining a suspect (Article 30 of the Code of Criminal Procedure), the requirement to detain suspects only in "prisons designed for that purpose" (Article 31), and the right of detainees to challenge the legality of their detention (Article 33).

- ## Unauthorized interrogations

At several detention centres visited by Amnesty International delegates in January in western and central Libya, interrogations were conducted by self-appointed "judicial committees" which operate as a sort of parallel prosecution, outside the legal framework, but have acquired de facto competence to decide on the release or ongoing detention of detainees.

Members of these "judicial committees" said that they had to take on the task of prosecutors because the judicial system was not working. Indeed, the "judicial committees" have been frequently referred to as the "prosecution" by both the administrators of detention centres and detainees. Many members of these "judicial committees" appeared to have a legal background, though not necessarily any prosecutorial experience and appear to work closely with the leadership of the militia or any other entity in control of the particular detention centre.

All interrogations of detainees by members of such "judicial committees" have been conducted without the presence of defence lawyers and many detainees told Amnesty International that they had been coerced into giving self-incriminating testimonies. Members of such "judicial committees" expressed their expectation that testimonies and possibly other evidence gathered by them would constitute the basis for prosecution.

- ## Coerced confessions

Amnesty International interviewed several detainees who were presented by the administrators of detention centres as having "confessed" to rape during the conflict. When speaking to the detainees in private, some were clearly unaware of such allegations against them and most said that they had been coerced into "confessing" to them. Some clearly feared that withdrawing their "confession" would result in further torture. Some were too scared to talk and just pointed at visible traces of abuse on their bodies. Many detainees who had signed a "confession" stated that they did so without having read it.

A 23-year-old soldier, **A1**, was detained in Tripoli in early September 2011 and directly transferred to Misratah. There, he was coerced to "confess" to having committed rape during the conflict. Amnesty International was allowed to examine his testimony, which had been signed in October. It contained the names of several soldiers with whom A1 had allegedly raped women on several occasions. However, according to an interrogator at the detention facility, none of the named soldiers has so far been detained. When Amnesty International delegates met A1 in private, he was terrified that the conversation could be overheard. However, he stated that he did not commit the crimes he had "confessed" to and explained that he had been severely beaten at the time of his "confession".

- **A 2**, a 28-year-old soldier, was detained by a militia in mid-September 2011 in Tripoli, where he was held and tortured for about three weeks before being taken to Misratah, where he was tortured again. He remains held there. When Amnesty International delegates met him in private at the detention centre, he said that because of the torture he suffered in detention in Misratah, he testified that he had witnessed other soldiers committing crimes during the conflict. He stated that during the interrogation sessions he was beaten with a hose and a stick, including on his chest, and as a result could not eat for several days. He also showed Amnesty International delegates scars of burn injuries on both of his legs and his right arm. He said that he had been blindfolded when he was burned, and that he could not read the statement that he signed. Amnesty International delegates were allowed to examine A2's testimony – about 20 handwritten pages. It included several names of people who had allegedly committed war crimes, including killing of prisoners and rape.

The judicial authorities have taken control of several detention centres, including the dossiers on detainees produced on the basis of interrogations by "judicial committees". They should publicly declare that incriminating testimony recorded by any unauthorized bodies, including "confessions" that may have been obtained under coercion, will not be accepted as evidence in any future trial of anyone. Fundamental fair trial rights include "the right not to be compelled to testify against oneself" (Article 14.3 of the ICCPR).

- ## 'Shuttling' detainees between militias and unlawful places of detention

Various militias are operating discrete and sometimes fluid networks of co-operation. At some detention centres, those in charge named other militias with which they were mainly co-operating, including with regard to the seizure, detention and interrogation of people.

Numerous militias have established bases at different locations. Particularly in Tripoli, an unknown number of militias from outside the capital have established a presence, enabling them to detain people at different locations. Many detainees told Amnesty International that they had been held at a number of locations, and their transfer often lasted several hours. Upon arrival at each new place of detention, some in secret locations and some in squatted houses of perceived or real supporters of al-Gaddafi, detainees were often beaten with sticks or the butts of rifles, or otherwise tortured and ill-treated, and sometimes given electric shocks using taser-like instruments.

- Interrogations are not necessarily conducted at the location where detainees are held the longest. In fact, many detainees expressed fear of being taken for interrogation to other locations that have a reputation for abuse. Although MSF had a clinic in the only detention centre in Misratah where detainees say there is no torture or ill-treatment they suspended their work there after 26 January 2012 because they said that detainees were being brought to them for medical care in order to make them fit for further abusive interrogation elsewhere. MSF said that on 3 January its staff had treated a group of 14 torture victims who had been returned to the jail from an interrogation centre. The need for further essential medical care was refused by those responsible at the interrogation centre and 13 of the detainees were again taken away for further interrogation.
- At two interrogation centres in Misratah visited in January run by the Security Committee and the National Military Security, Amnesty International delegates challenged those in charge of interrogations about the abuses of detainees who had visible and extensive torture wounds. They were told that the detainees had been delivered in this condition by the militia that had detained them and acknowledged that the identity of those who brought in the detainees had not been recorded.

However, while some of the detainees confirmed that they had indeed been tortured and abused by the militias who first detained them, others said that they had been tortured in the interrogation centres themselves. Their allegations were supported by the fact that they had been held in the interrogation centres for weeks and that they had fresh injuries and torture marks.

- As well, detainees are sometimes abused or tortured by militia members who enter the detention centres. The authorities in charge of the detention centres are generally unable or unwilling to intervene to stop and prevent the attacks. For example, on 29 January 2012 at the Wahda detention centre in Misratah, which is now supposedly under the authority of the Ministry of Justice, Amnesty International observed three militia men beating and threatening some detainees whose release had been ordered and who were waiting in the courtyard to leave. One of the militia men kept kicking and threatening to kill an older detainee who was cowering, squatting against the wall, and crying. When the Amnesty International delegate challenged him, he responded that "those Tawargha must not be released or we'll kill them".

3. TORTURE AND OTHER ILL-TREATMENT

'Two live wires were connected to the toes of my feet... They gave me electric shocks six or seven times.'

A 22-year-old graduate in computer science, speaking to Amnesty International in January 2012 about the torture he suffered the previous month

After areas of Libya came under NTC control, militias took captured individuals to makeshift detention centres where detainees were particularly vulnerable to torture and other ill-treatment. Since then, people detained by militias are also held at detention centres under the control of the judicial authorities; these include Jdeida Prison, Maftuh Prison and Ain Zara Prison, all in Tripoli.

- Torture and ill-treatment appear to be most common in the first days of detention, but in many cases the abuse continues for much longer. Many detainees told Amnesty International that they had been beaten, including with sticks, whips and rifle butts. Several said they suffered other forms of torture, including electric shocks, burns, and threats of rape or death. Forensic examinations of some of those who died in detention provide further evidence that such methods are still being used. In none of the cases highlighted below or documented in previous reports has any effective investigation been carried out and none of the perpetrators has been brought to justice, even though in several cases there is strong evidence not only of the abuses committed but also of the identity of the abusers and/or their commanders.
- **T wo brothers** and several other friends were abducted in and around the capital on 30 January 2012 by members of a well-known Tripoli militia, the Suq al-Jumaa brigade. A relative repeatedly asked the militia about the whereabouts and fate of the two brothers and then lodged a complaint with the police was himself abducted on 3 February 2012 and severely beaten and threatened. Though the militia confirmed holding the two brothers, their whereabouts and conditions have not been clarified.

On 5 February 2012, an Amnesty International delegate visited the militia's headquarters at Ma'atiga airport seeking to establish whether these and other people were detained there. Members of the militia said that there were no detainees in their jail and took the delegate to another of their detention centres where, according to the register, only few people were being held for petty common offences. The delegate returned to the Ma'atiga headquarters and saw that a small group of detainees were being brought back to their cells in the detention centre. It became clear that they had been moved to another section behind a heavy metal door and told to keep quiet when the delegate first arrived. Most of the inmates bore marks of torture on their legs, backs and buttocks. One clearly terrified detainee, who the militia had continued to try to conceal, had been badly beaten on his face, body and hands. Guards said that the men had not been beaten in the jail but in the interrogation building across the courtyard. All the detainees were held for common-law offences; some said that they had indeed committed the offences, while others protested their innocence.

- B1 is a 29-year-old former soldier who lives in Tripoli. He gave Amnesty International pictures of his torture wounds and described what had happened to him:

"On about 3 November I was with my cousin in the Gorji area of Tripoli visiting a friend. We were walking in the street and wanted to catch a cab to get back to the house of my brother in the Abu Salim Mashrua area of Tripoli. Suddenly, two armed men whom we did not know walked up to us and forced us into their v ehicle. It was a small bus and ' Thuwar Jabal Nafusa ' [Revolutionaries of the Nafusa Mountains] was written on it… We were blindfolded and taken to an unknown location that was apparently previously used as a workshop.

" At this location there were four more men who were with them. I was accused of having fought with al- Gaddafi's forces. I told them that I had not ret urned to the troops since March.

" Then they forced me to lie on my back on a bed and my hands and legs were tied to the frame. In this position was beaten with fists on my face. Then they beat me with a plastic hose on my feet. Later, I had to turn around face - down and was tied again to the bed. In that position, I was beaten again with a hose on my back and on the head. I was also subjected to electric shocks to various parts of my body including my left arm and chest. The instrument they used was a black stick about 50cm l ong. My cousin was also subjected to e lectric shocks.

" The torture lasted until about 3am . Then they put us in a vehicle and drove us back to the road to Tripoli , where they left us."

- B2, a 22-year-old security guard working for a company in Tripoli, described his torture in a militia's detention centre in Tripoli. He told Amnesty International that he and three of his fellow security guards were detained at their homes by militia on 2 October and taken to a detention centre in the Abu Sitta area of Tripoli. They were accused of killing a member of the militia. B2 said that he was beaten with a stick, suspended upside-down and subjected to electric shocks. A week later he was transferred to a detention centre in Suq al-Jumaa, where he was held for three weeks and also beaten. Subsequently, he was held at Ain Zara Prison until the release of all four was ordered on 23 December 2011. However, following protests against their release, B2 was re-detained on 26 December 2011 and taken to the detention centre of another militia, where he was hit and insulted. On 30 December 2011, he was beaten on the soles of his feet (the torture method known as falaqa). He said:

"*T hey took me to an office upstairs w here they tied my legs to a stick and began beating me with a hose on the sole of my feet … I was not blindfolded and could see those involved in beating me. There were about six guards – including the two who subjected me to* falaqa."

Several people taken to a militia's detention facility in Janzur near Tripoli described their treatment there to Amnesty International.

- B3, a 40-year-old former police officer, married with three children, who had already been detained by militia in early December 2011, explained what happened when he was held there for one day in January 2012:

"*On 19 January at about 9am a group of armed men came to my home in Janzur. They handcuffed me and took me to the s oap f actory. I was taken for interrogation on the first day. I was beaten with a belt and with a stick. They mainly hit me on the shoulder and back. This lasted for about 30 minutes. However, there are no more traces left*."

B4, aged 23, who showed an Amnesty International delegate bruising still visible on his lower left leg, said:

"*On 18 January at about 6am I was stop ped while driving near the head quarters of the local militia in Janzur. They took me to the offices of their head quarters. They accused me of having stolen goods, but I was delivering those goods as a driver. Then they said I was driving an unlicensed car. About 15 minutes after our arrival, they took me to another room where I was told to stand with my face against the wall. There were several men in the room, maybe up to seven. They beat me with a belt and with a stick. One stick broke from the beating. After about one hour the beating stopped*."

Another man held at the same detention facility, 22-year-old B5, a graduate in computer science and a member of a family of perceived al-Gaddafi supporters, told Amnesty International that on 29 December 2011, at about 10am, he and his brother were taken from their family home in the Ghot al-Shaal neighbourhood of Janzur by members of a militia. B5 said:

- "*They started beating me on the way to the detention centre. They also used swear words. At the de tention centre I was suspended fr om the iron bars of a gate and was beaten with a stick and a cable. This lasted for some hours. Afterwards I was taken to another room for interrogation where they gave me electric shocks. They tied my legs while I was lying on the floor on my back. Two live wires were connected to the toes of my feet. I believe they used the electric current from the socket. They gave me electric shocks six or seven times . Then I was taken to a separate room where I stayed for three days*."

A non-Libyan Arab, B6, a 55-year-old electrical engineer who lives with his Libyan wife in Janzur, still had bruising on his buttocks when he spoke to Amnesty International. He said:

"*On 4 January at about 10pm I was detained by members of the [militia] in Janzur because a Libyan woman with whom I had an argument – and I may have pushed her – had filed a complaint. Although the woman withdrew her complaint against me three days later , I remained in detention. After several days they took me for interrogations. There were three of them in the room and one of them told me that as a foreign national I should behave with Libyan women. The told me to take my trousers down and to lie on the table. Then one of them took a hose and beat me. The bruises on my back parts are still visible. They also kicked and boxed me with their fists .*"

- B7, a 26-year-old cigarette seller, was detained on 9 October by militia at his home in Sirte and taken to the National Military Security in Misratah, where he remains and is subject to frequent beatings. He described how he was treated on 19 January, when he was taken to the interrogation office, where there were several people in civilian clothes:

"*One person took a glass bottle and hit my head. Then the y forced me to sit on the floor and tied my hands to the back. They kicked my head. They beat me all over my body with a hose, with a wooden stick and with a cable used for cars. They wanted information about people I do not know*."

- ## Detainees of Tawargha origin

People from the Tawargha area, who are black Libyans, are at particular risk of reprisals and revenge attacks by Misratah militias, because the area was a base for al-Gaddafi troops when they were besieging Misratah and because many Tawargha allegedly supported al-Gaddafi forces during the conflict. The number of Tawargha people among the detainees appears disproportionately high and most of those interviewed by Amnesty International said they had been tortured or ill-treated.

B8, a 26-year-old soldier of Tawargha origin, was detained on 26 September 2011 by militia about 20km south of Sirte while travelling with his family to Jufra. That evening he was transferred to a detention centre of Military Police in Misratah, where he remained for two to three weeks. There, he said, he was abused, including by being beaten with a plastic cable. After being transferred to various other detention centres, generally without being ill-treated, he was

taken in early January to the detention centre of the National Military Security in Misratah. He told Amnesty International:

- "*This morning [probably 3 January] they came and took me to the interrogation office upstairs. There were about five men in civilian clothes in the office. I was insulted for being from Tawargha. I told them that I was based as a soldier in Sirte and did not participate in the fighting in Misratah. However, they did not believe me. They took turns beating and whipping me. They also beat me on my right hand which is now swollen and on my head. They suspended me from the top of the door by my wrists for about an hour and kept beating me. They also kicked me. I still have pain in my left side. They blindfolded me before they brought me back to the cell*."

- B9, a 45-year-old army officer from Tripoli of Tawargha origin, was abused while held at a militia's detention facility in Tripoli. After the fall of Colonel al-Gaddafi in August, he did not report for duty for some weeks. However, after a public appeal for people to return to work, in October he reported to the military base in Tripoli which had been taken over by a militia with links to Misratah.

"*On 2 January 2012 at about 5.30pm I was taken by about 10 armed men – some in camouflage uniforms , others in plain clothes – from my home in the centre of Tripoli . They took me to the base of their [militia] in Tripoli where I remained held for about 24 hours. Upon arrival at the base , I was taken to an office for interrogation. Then they took me to a nearby room where they tortured me. Those involved in the torture took turns – there were about four to six people involved*.

"*Even before I was asked the first question I was beaten with a wooden stick and a heavy rubber cable while I was tied with one wrist to the iron bar of a window and with the other to a metal locker or cabinet .*

" *Later the y tied me to the metal frame of a bed and beat me again with a rubber cable. The beating caused bleeding injuries and scars are still visible on my body . The beating also dislocated m y right shoulder , which needed surgery. Two weeks ago my whole body was covered in bruises*.

"*They also subjected me to electric shocks through live wires while I was lying on the floor. They put the electricity to different parts of my body – including my wrists and toes. At one point I fainted and they t hrew water at me to wake me up*."

- He said that he believes that the only reason he was detained was that a colleague reported him to the militia for being of Tawargha origin.

B10, a 40-year-old soldier from Tawargha, married with five children, was abused in Dafniya detention centre, near Misratah. He said that he and another soldier from Tawargha were detained by members of a Misratah-based militia on 9 January 2012 at the Tawargha camp near Airport Road in Tripoli:

"*On about 9 January two armed men came to the camp where we live in Tripoli … The two men had a document issued by a militia with my name and the n ame of the other person on it which they showed us. They took both of us initially to a detention centre in Tripoli where we stayed for three days. There was no beating at that place. After three days we were taken to a detention centre near Misrata h . We arrived at the detention centre in the evening and two men, one in uniform the other in plain clothes, began torturing us even before asking questions. We were both present when the other one was tortured and they did the same things to both of us. They gave us electric shocks with a ta s er. They also beat me with their fists and they kicked me while I was lying on the floor. They asked if I was with al-Gaddafi's troops during in the fighting. This lasted for about one hour or more. After this they did not beat us again*."

- ## Detainees of Mshashiya origin

Members of the Mshashiya and from Qawalish tribes in the Nafusa Mountain area have similarly been targeted by militias because of their alleged support for al-Gaddafi forces during the conflict. People from the Mshashiya tribe and Qawalish village are particularly targeted by militias from Zintan.

B11 is a 20-year-old soldier who originates from the Mshashiya region but lives with his parents in Tripoli. Amnesty International saw him in January 2012 soon after his release from detention when he was being treated in hospital for torture injuries and was hardly able to talk. His elder brother reported:

"*On 16 January in the evening about 10 armed men with two vehicles – apparently from a militia from Zintan – came to our family house Tripoli. The armed men did not show an arrest warrant. There was a man accompanying them [who was apparently related to one of the militia men] and he accused my brother of having pulled a knife on him in an incident that occurred about seven months ago and in which no one was injured. The armed men took my brother away. The next day my father and I looked everywhere for my brother and were finally able to collect him from a detention centre near the Tripoli International Airport. After his release my brother told me that he was initially taken to a farm near the a irport where he was abused. He said he was tied to a post and beaten , including on his back, legs and genitals. The armed men who abused him were apparently the same who had taken him from the house*."

- **Detainees from Sub-Saharan Africa**

People from sub-Saharan Africa who have been detained by militias have been particularly vulnerable to abuse. While many Sub-Saharan Africans were detained during and in the weeks after the conflict because of the belief that al-Gaddafi forces used African mercenaries to fight pro-NTC forces, many are now being held because of their suspected "illegal" status or related issues.

When Amnesty International delegates visited Ain Zara Prison in January 2012, about 400 out of approximately 900 detainees were foreign nationals, mainly from Sub-Saharan Africa. According to the prison administration, about 10 per cent of the foreign nationals were accused of having fought during the conflict. Several Sub-Saharan Africans interviewed by Amnesty International in detention and after release said they had been tortured or ill-treated.

- **B12**, a 36-year-old Sudanese man, was arrested at the drugstore he runs in the Abu Salim neighbourhood of Tripoli. His friend, also 36 and from Sudan, who was working as a cook, was arrested with him as he was in the drugstore at the time. B12 told Amnesty International:

"*On 22 December at about 3pm a man in plainclothes came to my shop in Tripoli. He came without an arrest warrant and took me and a friend into a vehicle that was waiting. In the vehicle were two Libyans working with him. They took us to the local council of our neighbourhood where we were kept until noon the next day. We were not ill-treated there. On the second day in the afternoon we arrived at Ain Zara Prison. Soon after our arrival we were beaten by a group of 8-10 guards. My friend was punched on his nose by a guard. My friend still has a scar on his left wrist caused by a guard beating him with a stick . We were also beaten with a hard water hose*.

- "*At Ain Zara I shared a cell with my friend, another Sudanese and four other foreigners. There is a special section for foreigners at Ain Zara Prison. On 24 December we were before the interrogators at the prison … The interrogator proposed that if we wanted to be released, we should collect money from friends so that we could be returned to Sudan. We refused and were sent back to our cell. On about 29 December we were taken again before the interrogators who ordered our release*."

One of the Sudanese men who shared a cell with B12 and his friend, 27-year-old **B13**, described what happened when he was taken to Ain Zara Prison:

"*I was beaten on arrival. One guard beat me on the back of my head – apparently with a hard water hose – and this caused severe bleeding. They took me to the prison clinic where the injury was stitched*."

- All three men were freed on 1 January 2012 and issued with a document signed by the director of Ain Zara Prison, stating that they were released "without bail".

B1 4, aged 25, is an Oromo without nationality. He told Amnesty International:

"*On 8 November I was travelling with a group of foreigners by bus from Benghazi towards Tripoli. There were about 60 people in the bus including Egyptians, Libyans and Somalis. At a checkpoint near Misrata h we were stopped and armed men entered the bus. They asked for our identity documents and a group of 10 Somalis and I were told to get off the bus. The bus moved on without us.*

" *We were taken one by one into a room for questioning. When I entered that room there were two men in the room shouting at me. They said things like: ' We do not want you Africans anymore , al-Gaddafi brought you. Now he is gone and you can go home" … One of them put the magazine of his K alashniko v next to my head and fired several shots out of the window … Then they started beating all over my body – including my genitals. They used an elastic black stick to beat me. They also kicked me. The other Africans were also severely beaten.*

We were held for about 4 days at the checkpoint. On the fifth day they took us to a detention centre in Misrata h where we stayed in one room … we had to stand with our face against the wall. We had to take off out shirts and they beat us with wire cables on our backs. My back was bleeding and at night I could hardly sleep from the pain. After several days they decided to let us go."

- **B1 5**, the 19-year-old brother of B14, also shared with Amnesty International the abuse he had suffered:

"*On about 26 October I travelled together with a man from Eritrea from Benghazi towards Tripoli when we were stopped by armed men in Si rte. They held us for three days at a place I do not know in Sirte. We were beaten many times with a plastic cable. .. After three days a man came and took us to a place in the desert where we were told to look after his goats. We were left there for several weeks and did not receive any payment. Finally we decided to run away.*

" *After about three days without food and water we were picke d up by a Libyan man. He drove u s to a militia in Misrata h , told them that he believed we were mercenaries and left us there. We were told to remove our shirts and beaten*

with a rope on our back. They accused us of being mercenaries. The next day I was taken to a room where they gave me electric shocks to various parts of my body – including my arms and my back. The following night they tied my legs to a chair, forced me to bend over and beat me with a stick on my back. After about one week we were told to go. Luckily, I had hidden some money in a sock so we could make our way to Tripoli."

- Members of militia have also abused foreign nationals without arresting them. For example, a Sudanese man told Amnesty International that in November 2011 he was stopped by armed men on his way from Benghazi to Tripoli. He and other foreign nationals from Africa were accused of having no legal status and threatened. Some were hit.

The NTC has promised to respect Libya's obligations under international human rights law. Libya is a state party to the ICCPR and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and as such the authorities must prevent torture, investigate whenever there are reasonable grounds to suspect acts of torture and other ill-treatment have occurred – even when no official complaints have been made, bring those responsible to justice, and provide reparation to victims. The authorities are also required to take concrete measures to prevent torture and other ill-treatment, including by granting independent bodies the right to monitor the situation of detainees in all prisons and other places of detention. In both respects, the transitional government has failed to fulfil its obligations.

4. DEATHS IN CUSTODY

The post-mortem found bruise marks in parallel lines across the body; marks of electric shocks; two nails missing on the left hand; burn marks on the forehead, right forearm and left wrist; bruising around both ankles; and severe abrasions on the soles of the feet.

Report into the death of Fakhri al-Hudairi al-'Amari, who died on 19 November 2011

Amnesty International has detailed information about at least 12 abused detainees held by militias who have died since September 2011 in their custody or in hospital within hours of being taken there from detention. Amnesty International has seen forensic reports or spoken to examining doctors about nine of these cases. In all, bruises or other evidence indicating torture or other ill-treatment was found and in several cases the forensic examination concluded that death was caused by the abuse. In at least 10 of the cases, the authorities have been informed of the deaths. Eight of these cases happened more than three months before the writing this report, and no effective measures have been taken to bring the perpetrators to trial. Relatives of several of the victims told Amnesty International that they were deeply upset that the authorities had failed to take appropriate action to investigate the death and hold those responsible to account for their crimes.

- **C1**, aged 36, a factory worker from Tawargha who was married with three children, died within a day of being detained on 12 September 2011 in Tripoli by a militia from Misratah. The militia stopped him and some of his relatives in their car. The female relatives and children were ordered out, and then the militia drove off in the car with C1. One witness said the car was initially stopped by about five armed men, then more armed men arrived. Another said that one of the militia's vehicles had launchers for rocket propelled grenades and the name of a Misratah-based militia written on the side. Until the family found his body about one month later at a hospital in Tripoli they had no knowledge about his fate.

Forensic examination found patterns of injuries showing that he had been beaten with instruments and indicated that he had died as a result of abuse. The family submitted a complaint to the police, but no effective investigation into the circumstances of his death had been conducted.

- **Abdelhakim Milad Jum'a Qalhud**, a 50-year-old school director married with seven children, from the town of al-Qarabuli, east of Tripoli, was detained at his home on 16 October 2011 at about 10pm by members of the local militia. In the following days he was seen twice by doctors. On the first occasion, members of the militia took him to Qarabuli Hospital where he complained of pain in the abdomen and could hardly speak. On the second occasion, a doctor was called to the detention centre where he found the patient unable to speak or move. On both occasions doctors found multiple bruises all over his body and urged hospital treatment. The militia ignored the medical advice and on 25 October 2011 armed men delivered his body to the local hospital. His family, who had been told by militia on his arrest that he would be returned the same night after questioning, heard no further news until 26 October 2011, when they were told he had died. Forensic examination found patterns of injuries showing that he had been beaten with instruments and concluded that he died as a result of abuse. The forensic report described abrasions and bruising on the upper and lower limbs, back and genitals, and ligature marks on both wrists. The prosecutor went to the hospital to see the body.

- **Fathi Imhamed Ali al-Heimer**, aged 26, was seized by a militia as he approached a mosque near his home in Tripoli on 5 October 2011. The next day, at 10pm, the militia went to his home and also took his brother to a detention facility in the militia's headquarters. The brother told Amnesty International that he was placed in a cell with his brother, who had by then already been badly beaten on his face and body. The militia then beat Fathi in front of him. He said he was not himself beaten much, but was given electric shocks – four times on the first day. On his second day there, he said the militia took Fathi out for 10 minutes or so and beat him again. Fathi's brother was released after six days, but Fathi remained in detention.

Their father went to the militia's headquarters and at first he was told that Fathi was there but visits were not allowed. About three weeks later he was told that Fathi had been moved to Zintan and then to Al-Qalaa, near Yefran. The father went to the local militia headquarters in both places but could not find him. A nurse then told the family that

Fathi's body was in the morgue of Tripoli's Central Hospital. The family told Amnesty International that the body bore deep bruises all over and burn marks from electric shocks. According to the death certificate Fathi's hands and feet were bound when his body had been brought in by the al-Qalaa local council. The family lodged a complaint with the police who, according to the family, forwarded it to the military prosecutor in the capital.

According to the forensic examination Fathi had been beaten numerous times all over his body, his hands and legs had been tightly bound, causing bruising and abrasion, had been injured with hot metal objects, and someone had pressed down on his neck. It concluded that death was caused by the beating which inflicted multiple injuries all over his body.

- **Abdellatif (Lotfi) Iyad Mohammed Zbeida** was detained on 11 September 2011 by a militia from Misratah near Tripoli but immediately handed over to a local council. He was subsequently moved to the Sidi Khalifa Military Council, in the former Internal Security building in downtown Tripoli (Jumhuriya Street, now 17 February Street). The family was able to visit him once and on occasions he was able to call them on the phone of a sympathetic guard. The last call came on 22 October, asking for food for Lotfi, which the family took to the detention centre and it was accepted.

On the night of 25/26 October, Abdellatif Zbeida was badly beaten and at 7am he was taken to the nearby central hospital. He died almost immediately. Video footage filmed at the morgue shows Abdellatif Zbeida's back completely black with deep bruising from the shoulders to the knees, open wounds and missing flesh in his lower legs and chest, and deep whip marks and cuts on his upper arms. The forensic examination found deep bruises and abrasions all over the body, as well as marks on his head, ears and nipples caused by electric shocks. It concluded that death resulted from the severe abuse which also caused these wounds.

- **Fakhri al-Hudairi al-'Amari** died on 19 November as a result of torture. The post-mortem found bruise marks in parallel lines across the body; marks of electric shocks; two nails missing on the left hand; burn marks on the forehead, right forearm and left wrist; bruising around both ankles; and severe abrasions on the soles of the feet.

Aged 31, married with two children, he had been a police officer in Tajura, a suburb of Tripoli, for about 12 years. On 17 October at about 7am, dozens of armed men went to homes of the family in the rural area of Qasr al-Akhyiar about 50km east of Tripoli. The names of several militias were daubed on their vehicles, names noted down by the family. The armed men ransacked the house, stealing money and mobile phones, threatened the inhabitants, and took away Fakhri and four of his brothers – Muhammad, 'Emad, Haythan and Ibrahim. All five were taken to a detention centre in Tajura.

After their arrival, Fakhri was separated from his brothers and they did not see him again. On about 24 October the four brothers were released but Fakhri was not. On 14 November a person called a family member and reportedly offered the release of Fakhri in exchange for his car. The following day Fakhri was allowed to briefly call his wife and he told her that he was fine.

On 19 November the family received a phone call from Abu Salim Hospital informing them that Fakhri al-Hudairi al-'Amari had been taken there but was critically ill. Family members rushed to the hospital but he was no longer able to communicate and died within minutes of their arrival. Images of the body seen by Amnesty International show deep bruising all over the body and limbs, as well as open wounds on the soles of the feet.

- **'Ezzeddine al-Ghool**, a 43-year-old former army colonel and father of seven, was detained by a militia based in Gharyan, 100km south of Tripoli, on 14 January 2012 and died within 24 hours. The forensic examination found deep bruising and wounds caused by blunt objects all over the body and several fingernails removed, and concluded that he had died as a result of the injuries sustained. At least nine other men who were detained at the same time also said they were tortured. Eight of them needed hospital treatment abroad for serious injuries. One of them told Amnesty International that he had been made to kneel facing the wall with his hands cuffed behind his back and repeatedly struck by different people with a metal chain, plastic hose, electric cables and a metal bar. He said that some of those detained with him had been even more severely beaten and that at least one of them had had some of his fingernails pulled out.

Despite strong forensic and other evidence that all these men died as a result of torture while detained by militias, by early February 2012, no effective investigation into the circumstances of their death had been conducted. Some initial investigations appear to have been conducted in a recent high profile case.

- **Omar Brebesh**, aged 62 and Libya's former ambassador to France, died on 20 January 2012, apparently as a result of torture, the day after he was detained by a Tripoli-based militia at their base in the Tripoli neighbourhood of Crimea. Pictures of his body, seen by Human Rights Watch, showed extensive bruising on the abdomen, cuts on both legs, a large wound on the left foot and the apparent removal of toenails. Human Rights Watch also saw a report by the judicial police in Tripoli that stated that Omar Brebesh had died from torture and that an unnamed suspect had confessed to killing him. It was reported that the prosecutor in the town of Zintan opened an investigation into the death.

5. REVENGE ATTACKS AND FORCIBLE DISPLACEMENT

'At one point the militias shot indiscriminately towards the demonstrators... That is when Hanin and the others were killed.'

The sister of 12-year-old Hanin Salah 'Aquila Zayed who was killed on 6 February 2012 during a protest against killings of people in a camp for displaced people from Tawargha

From the first days of the uprising in February 2011, opposition fighters carried out revenge killings and other attacks against individuals associated with the al-Gaddafi regime or suspected of having committed crimes on its behalf. As opposition fighters took control of more and more cities and towns from al-Gaddafi forces, such attacks increased in frequency and scale, resulting in entire villages and communities being displaced. Cases documented by Amnesty International and brought to the attention of the NTC since April 2011, including in its September 2011 report, *The battle for Libya: Killings, disappearances and torture*, have not been investigated by the authorities, and revenge attacks by militias made up of former opposition fighters continue.

- ## Tawargha people

In August 2011, having driven al-Gaddafi forces out of the town of Tawargha, 30km east of Misratah, opposition fighters from Misratah attacked the town and those still living there. They forced the entire population of some 30,000 to flee and looted, vandalized and burned down their homes and properties. Since then, Misratah-based militias composed of former opposition fighters have continued to systematically destroy and burn down homes and infrastructure in Tawargha in order to make it impossible for people to return.

- Amnesty International delegates who visited the town in September 2011 and again in February 2012 noted a marked increase in the scale of the destruction. The militias, largely supported by Misratah's civilian and military and security authorities and by many of Misratah's residents, have vowed that the inhabitants of Tawargha will never be allowed to return. Even the name of the town on road signs on the outskirts has been systematically rubbed off or painted over. The homes and properties of Tawarghas who used to live in Misratah itself have similarly been looted and torched. In addition, militias from Misratah have continued to hunt down and terrorize the displaced inhabitants of Tawargha all over Libya.
- The latest such attack reported at the time of writing happened on 6 February in and around a camp for displaced Tawargha residents in Janzur, a suburb of Tripoli. Seven civilians, including three children and an elderly woman, were shot dead and at least 13 others were shot and injured in the attack. Two of the victims – a 58-year-old man (**Juma'a al-Gaddafi**) and a 61-year-old woman (**Najma AbdelQader**) – were shot dead inside the compound of a disused naval base that houses some 2,500 displaced Tawarghas. Five others, including three children – **Hanin Salah 'Aquila Zayed**, aged 12, **Mohammed Atiya Salah Mahjub**, aged 13, and **Frej AbdelMoula Frej**, aged 15 – were killed some 4 km from the camp as they participated in a small demonstration to protest against the attack. According to the forensic reports, the victims died as a result of gunshot wounds to the upper parts of the body.

- **Hoda Mohammed Bela'id Liqmati**, a 25-year-old woman whose brother (Nassereddine Mohammed Bela'id Liqmati) and uncle (Noureddine Bela'id Liqmati) were shot dead in the demonstration and who was herself shot and injured, along with her sister, told Amnesty International:

"*We were walking eastward on the main road, towards the town's centre to demonstrate about the killings of two elderly people in our camp earlier that morning. A militia vehicle, a pick-up truck with an anti-aircraft machine gun mounted on the back, drove past us and the militia men hurled threats and abuses at us. They wore camouflage clothes. There was indiscriminate shooting from the militia. My 20-year-old brother Na sser eddine was shot and fell [he was shot in the abdomen and in the leg] . I ran to help him and as I reached him I was shot in the left thigh and fell down. My siste r , Hammala , rushed over to help us and she was herself shot in the back and is now in a serious condition*."

- When Amnesty International visited Hammala in hospital her condition was indeed serious and she spoke with difficulty. Her testimony is consistent with the incidents described by her sister.

The sister of Noureddine Bela'id Liqmati told Amnesty International that her brother was shot in the chest while standing among other demonstrators.

The sister of the 12-year-old Hanin Salah 'Aquila Zayed told Amnesty International:

"*At one point the militias shot indiscriminately towards the demonstrators. People r a n in different direction s , each trying to find shelter from the fire. That is when Hanin and the others were killed and others were injured. Hanin was shot in the neck. I was standing near her .*"

- The two other children killed were apparently chased and shot as they tried to run away to safety. Their bodies were found on the beach a few hundred metres away. According to the forensic examination, Frej AbdelMoula Frej was shot three times in the back and once in the right arm, and Mohammed Atiya Salah Mahjub was shot once in the chest and once in the knee.

Survivors and witnesses of the attack told Amnesty International that among the armed individuals who stormed the camp early on 6 February were members of Misratah militias who they recognized from previous raids, and others who said they were Ministry of Defence personnel.

In Misratah, members of the scores of local militias as well as local authorities and many residents accuse members of the Tawargha community of having raped and killed civilians in Misratah when they fought alongside al-Gaddafi forces during the conflict between March and May 2011. At present, it is impossible to establish if such allegations are true as none of those detained in relation to the conflict has yet been brought to justice.

- Hundreds of Tawarghas have been seized by Misratah militias from the capital and other towns, and taken to Misratah where they have been arbitrarily detained and tortured. Some have died in detention and others remain unaccounted for. The scores of Tawarghas interviewed by Amnesty International in detention centres, camps for displaced people, and elsewhere refuted the allegations against them. Many acknowledged that they fought alongside al-Gaddafi forces, most as members of the armed forces and some as volunteers, but said they did not commit rape or murder. Several detained Tawarghas said that they had been repeatedly beaten and tortured to make them confess to such crimes. Some said they had confessed because of the torture.

Many inhabitants of Tawargha did support the former regime throughout the conflict and many served in al-Gaddafi's armed forces during it. However, some Tawarghas told Amnesty International that al-Gaddafi forces based in the town during the conflict did not allow inhabitants to leave, exposing them to the incoming fire from Misratah-based opposition fighters. Whatever the extent of support for al-Gaddafi forces in Tawargha during the conflict, the entire population of the area continues to pay the price for the crimes allegedly committed by some members of their community.

- ## Mshashiya people

Other communities elsewhere in the country have also suffered revenge attacks and in some cases been driven out of their homes and villages. They include members of the Mshashiya tribe who lived in the Nafusa Mountain area. In June-July 2011, after opposition fighters from nearby areas and notably from Zintan took control of the area, the entire population of the village of 'Awnya were forced out of their homes by militias from Zintan.

A woman sheltering in a school in Shgeiga with her husband and eight children told Amnesty International in late January 2012:

"*On 20 June we fled our home in 'Awnya because the armed militias from Zintan were attacking the place. We stayed in Tripoli for a month and then we came here. When we fled it was summer and our warm clothes, blankets and heaters remained behind in the house. We could take nothing with us because there was no space for anything in the car. Now it is very cold and we lack everything. The little we have was given to us by charitable people and organizations but now we have been told that we have to leave this school because the school year is starting and the school is needed . I don't know where we can go and what will become of us. We have nothing. My husband used to work in the electricity company in Yefren but now he is not working because Mshash i ya people are not allowed to go to Yefren. We heard that our homes have been burned down but we have not been able to go to check. We need help to go back home .*"

- Other families from 'Awnya are living in rented accommodation in Tripoli and elsewhere. A teacher and father of four said that since he and his family fled their home in 'Awnya he had been trying to make a living doing odd jobs in Tripoli, but was finding it difficult to provide for the family and pay the rent.

In January 2012, Mshashiya families were hopeful that a reconciliation initiative sponsored by tribal leaders and elders from different parts of Libya would soon bear fruit and that they would be allowed to return to their village. However, no resolution had been reached by mid-February 2012.

- ## 'Outsiders' targeted

In al-Zawiya, a town that also saw violent confrontations between supporters of the uprising and al-Gaddafi forces, hardened feelings against those who are known to have or are suspected of having supported the former regime and its forces have also resulted in revenge attacks and reprisals by local militias. Like in Misratah, the main targets have been residents of the city who are originally from other parts of Libya and who are mostly dark-skinned.

In the Erzaza housing estate, many apartments have been looted and burned down. The families who lived in these buildings told Amnesty International that they were first told to leave and threatened, and after they left their homes were set on fire. Their neighbours whose homes have not been burned are also staying away because they said they too were threatened with being burned alive in their homes if they stayed

Some and possibly many of the families who have been targeted in this way did indeed support the former regime and its forces and some of the men may have fought alongside al-Gaddafi forces during the conflict.

- A 70-year-old woman whose apartment was burned down told Amnesty International:

"*I lived with my two unmarried daughters and my son and his wife. My son was the only one who worked and did not*

work for the regime, he was a guard at a Chinese company. On 11 December in the middle of the night armed militias came and told us to leave. They were shooting in the air. We left with nothing and had to spend the night with people. The following day they burned our apartment. Now I an d my daughter s and other women from the families whose homes were burned are sheltering here with kind people, and my son has gone to Tripoli to try to find work, and the men from the other families are scattered here and there. Why we are being targeted like this? Is it because we are black and poor?"

- **Misratah "returnees"**

"No to the returnees, traitors, dogs." Such graffiti is scrawled all over Misratah, notably on the walls of houses that have been burned down, attacked with explosives or seized by militias in recent months and weeks.

The "returnees" are long-time residents of Misratah who are originally from other parts of Libya and who did not stay in Misratah during the height of the conflict, when the city was under siege and attack by al-Gaddafi forces between March and May/June 2011. Their absence is now considered "evidence" of their support for the former regime. This is seen as justification for scores of families being collectively punished by being banished from their homes and from the city.

- A mother of four young children told Amnesty International:

"*We have lived in Misratah since we were married in 2000 and all our children were born here and our work is here. During the war we left because we were scared. We first went to Zlitan, then to Tripoli and then to Tunisia. We came back to Misratah in August by boat from Tunisia and we found another family living in our apartment. They said it was given to them by the housing committe e . We went to complain to the housing committee but they said that we had left during the war and have no right to come back. We contacted the Local Council but they said they could not help. We went to the Revolutionary Union and they said they could not intervene for now because the family who took our apartment is well connected to a powerful militia. I managed to return to work after getting the approval of the S ecurity C ommittee but have not been able to get our home back. We now live in a small rented apartment .*"

- A mother of six, whose husband was a colonel in the air force, told Amnesty International:

"*We left Misratah in mid - March. I went to Khoms to my family with my children and my husband went to Zlitan. He was killed there in June by a NATO strike. I came back to Misratah with my children in September and found a man from the military police living in my house. His wife let us into the house and said we could stay there but then her husband came with armed men and threw us out. He said: ' T his house was yours during Mu'ammar's time but not any more'. One of the militia felt sorry for us and took us to an empty house nearby and said we could stay there but we refused because that house belongs to another family who is in the same situation as us . My old neighbours let us stay at their house for a few days, while I contacted the authorities and did the procedures to get the house back but none of the civil or military committees helped me. At the local council they asked where we were during the war. I said we were staying with relatives in Khoms and they told me to go back to my relatives there. One of them asked me how we got back into Misratah and said we should not have been allowed back into the city. Now we are staying in Khoms with relatives. Three weeks ago I went back to the house to get blankets and heaters and the man who lives in the house first refused to let me take anything and then eventually gave me some blankets but not the heaters. My children all studied in Misrata h and they have had to interrupt their studies. I don't know what will become of our family .*"

- Many of the homes that have been attacked or seized are in the south and east of Misratah, in areas that were overrun and taken over by al-Gaddafi forces at the beginning of the conflict, such as Tammina, Kararim, Nusur al-Jaw and Kerzaz, and east of Qasr Ahmad. Many, possibly most residents fled these areas at the height of the conflict.

In May 2011, just after al-Gaddafi forces had been driven out of Misratah by opposition fighters and NATO airstrikes, Amnesty International visited the areas that had been under the control of al-Gaddafi forces and found that several homes had been destroyed or vandalized and ransacked. Local residents said that al-Gaddafi forces had deliberately targeted the homes of perceived opposition supporters.

Since then, former opposition fighters now organized into numerous militias have carried out similar revenge attacks on the homes of those they accuse of having supported the al-Gaddafi regime and its forces.

- Some targeted people were members of al-Gaddafi armed or security forces – as are some militia members and commanders – and they may indeed have supported the al-Gaddafi regime or even participated in the fighting and/or in the commission of attacks on civilians. If so, they should be brought to justice in fair trials based on the evidence against them – not be subjected, along with their entire families, to revenge attacks and intimidation by militias operating outside any legal framework.
- To date, "returnee" families who have been arbitrarily dispossessed of their homes, subjected to threats or attacks and effectively banished from Misratah by militias have obtained neither protection nor redress. The various civil, military and security councils and committees that govern the city's affairs have failed to take any action to stop the abuses. In fact, they have institutionalized such practices by making the potential return of families to their homes conditional on them fulfilling ill-defined "security" requirements. These include completing a form entitled "Security approval form for the purpose of residency", and providing statements by several neighbours who stayed in Misratah during the conflict that guarantee that the family concerned do not present a security threat and– a condition impossible to meet for those who lived in areas where the entire neighbourhood fled during the conflict. However, securing the neighbours' guarantees does not necessarily mean that the various military and security committees and councils will approve a family's return to its home, and even securing approval from the various committees and councils does not guarantee that the decision will be implemented. A family who has been unable to repossess its

home despite obtaining the security approval told Amnesty International that the housing committee had not reversed its decision to allocate the home to other people currently occupying it and refusing to leave.

6. CONTINUING SCOURGE OF IMPUNITY

Colonel al-Gaddafi's government took no steps to investigate past gross human rights violations or bring to justice those responsible. The NTC vowed to do so, but has struggled to secure key evidence, such as archived material and government records, some of which has been burned and looted.

The new Libyan authorities face the challenge of re-establishing law and order, and breaking with the legacy of impunity. The challenge is compounded by the widespread availability of weapons and the authorities' lack of control over militias, including over militia members who commit abuses without fear of being brought to justice.

- In September 2011, the NTC pledged to put "its efforts to bring any armed groups under official authorities and will fully investigate any incidents brought to its attention." This pledge has not been fulfilled. As long as defence lawyers and judicial authorities have no access to thousands of suspected al-Gaddafi loyalists in detention, the detainees remain held without trial or any means to challenge the legality of their detention; and those among them who have committed crimes cannot be brought to justice.

While the Pre-Trial Chamber I of the International Criminal Court (ICC) issued an arrest warrant against Saif al-Islam al-Gaddafi for his alleged criminal responsibility for the commission of murder and persecution as crimes against humanity, he was arrested in November 2011 in Libya by members of militia from Zintan. Subsequently, the Libyan authorities expressed wish to try him under Libyan legislation. However, according to the Office of Public Counsel for the Defence of the ICC the Libyan authorities have failed to provide him with access to a lawyer and they have also failed to bring him before a judge to determine the legality of his detention.

- However, the Libyan authorities have generally failed to take action against opposition fighters and supporters who unlawfully killed suspected al-Gaddafi soldiers and loyalists, and alleged "African mercenaries", when towns including al-Bayda, Benghazi, Derna and Sirte first came under their control. Some victims were beaten to death; some were hanged; others were shot dead after they surrendered or were captured.

Members of Colonel al-Gaddafi's security apparatus and other suspected loyalists were targeted for revenge attacks. Several were found dead after they were seized by heavily armed men; some of the bodies were found with their hands tied behind their backs. For example, Hussein Gaith Bou Shiha, a former Internal Security Agency operative, was taken from his home on 8 May 2011 by armed men and the next morning was found dead near Benghazi. He was handcuffed and had been shot in the head.

- In a number of prominent cases of extrajudicial executions believed to have been carried out by opposition fighters, investigations were announced, but months later no further news had emerged. For example, Abdul Fatah Younes al-Obeidi, former Secretary of the General People's Committee for Public Security (equivalent to the Interior Minister) who defected to the opposition in February 2011, and his two aides, Mohamed Khamis and Nasser Mathkur, died from gunshot wounds in late July 2011. Armed men had taken them for questioning to a military camp in Gharyounes on 27 July 2011 and later allegedly to another location. In November 2011, a list of possible suspects – including a former NTC member – was announced but no further developments were reported.

The NTC announced an investigation into the deaths of Colonel al-Gaddafi and his son Mu'tassim after they were captured alive and apparently extrajudicially executed on 20 October 2011, but no findings have yet been made public.

- No action has been taken to investigate the killing of 65 people whose bodies were found on 23 October 2011 in the grounds of the Mahari Hotel, which at the time served as the opposition fighters' base in the city of Sirte. Some of the bodies had their hands tied behind their back and many had been shot in the head. Video footage taken by opposition fighters themselves on 20 October 2011 shows them hitting, insulting, threatening to kill and spitting at a group of 29 men in their custody, many of whom were found dead on 23 October 2011 at the hotel. One of the opposition fighters is heard saying "take them all and kill them". Among the 29 men seen in the video in the custody of the opposition fighters are civilian residents of Area 2 of Sirte and men from other parts of Libya, some of them long-time residents of Sirte and some who may have been volunteers with al-Gaddafi forces. Families of some of the victims who were residents of Area 2 told Amnesty International that their relatives had stayed in their homes to prevent possible looting. Other residents of Area 2 who had also remained in the area until 20 October 2011 also told the organization that they had remained because they feared that if the area was left empty their properties would be looted.

- A relative of one of the victims shown in the video told Amnesty International:

"The situation became more uncomfortable in the city; there was no electricity or water and the shops were closed and so the women and children of the family left the city and went to stay with relative. My brother and I stayed at home to protect the house. We had no idea what was happening outside except that we heard shooting and shelling. We did not leave the house for days and when we left to go to our neighbours, we crawled against the walls for fear of the shelling. On 20 October the shelling intensified even more and we thought that if we stayed we would be killed. We saw many cars leaving the area and we decided to follow them and leave town. I was in a car with my brother and other neighbours; he could not walk because he had been previously injured by a shell which had landed on our house.

"As we were driving to leave town there was a lot of shooting and shelling and I got out of the car and fled on foot... I was

caught by the thuwwar [revolutionaries] and detained till night and then one of them who knew me and knew I had nothing to do with any fighting vouched for me and they released me. My brother and other neighbours were caught by another group of thuwwar and their bodies were later found in the garden of the Mahari Hotel . "

Similar impunity has been apparent in the cases highlighted in this report of people who were tortured to death, even though the prosecutors have seen the scarred bodies of the victims, families have lodged complaints, and Amnesty International and others have publicized the cases.

- **INEFFECTIVE PROSECUTION SYSTEM**

Amnesty International has raised its concerns with prosecutors in different parts of Libya about the lack of investigations into abuses by former opposition fighters/militias. Some said that they had not received complaints or that they had passed the file to the General Prosecutor in Tripoli. Others said that they are simply not able to carry out their work because they have neither the resources nor the protection. One prosecutor told Amnesty International:

"*If we issue arrest warrants there is no police/security forces to enforce them. For cases of common law crimes the police [now national security] can enforce warrants, or we can get the kata 'i b [i.e. militias] to arrest the suspects. But in these sensitive cases against the [militia] , it is not possible for now. Anything could happen; I cannot take such risk with no protection, no one to care for my safety .*"

Asked why prosecutors were not inspecting unlawful places of detention and taking steps to have them closed down, several prosecutors told Amnesty International that without a clear mandate and backing from the General Prosecutor and a functioning police/security force to ensure the safety of the prosecutors, it was impossible to undertake such activities.

- # 7. CONCLUSIONS AND RECOMMENDATIONS

The Libyan authorities face a considerable challenge in their efforts to bring under control the numerous militias that have largely taken the law into their own hands and to ensure the the necessary reforms of the judicial system and its effective functioning. In a period of transition, it is imperative that the authorities firmly demonstrate their commitment to turning the page on decades of gross and widespread violations in Libya. They must uphold human rights in the present and exercise the necessary political will to ensure that impartial and independent investigations are conducted into war crimes and human rights abuses committed by both al-Gaddafi forces and by anti-Gaddafi fighters and militias. All those responsible for such crimes, regardless of their political positions, must be brought to justice in fair trials in compliance with international standards. The Libyan authorities must also ensure that those who have committed, ordered or condoned human rights abuses are excluded from positions that would allow them to repeat such abuses. They must also send a strong signal to their supporters – including through further public appeals – and to the public at large that torture and other ill-treatment and reprisals and revenge attacks will not be tolerated and that the same human rights standards will be applied to everyone.

Amnesty International calls on the Libyan authorities to implement the following recommendations as a matter of priority. Amnesty International also calls on all Libyan militias to cooperate with the Libyan authorities, in this respect:

- **Detention**

End arbitrary detentions immediately, and ensure that arrests are only carried out by security forces authorized by law and that no one is deprived of their liberty except in accordance with procedures and on grounds prescribed by law. All laws in this regard should comply with Libya's obligations under international law.

Order the closure of all unofficial places of detention and place all detention facilities under the oversight of the General Prosecution and the Ministry of Justice, with provision for independent monitoring.

Notify detainees' families of where they are detained and ensure that all those detained have access to families and lawyers, and are given an opportunity to challenge the lawfulness of their detention before a court or are released.

Establish clear structures and procedures for policing and for the detention of anyone suspected of having committed a recognizable criminal offense.

- **Torture and other ill-treatment**

Ensure that all those detained are treated humanely, receive necessary medical treatment, and are protected from

torture and other ill-treatment.

Ensure that detainees undergo medical examinations when transferred to official detention centres and are provided with medical certificates describing any injuries.

Ensure that prompt investigations are conducted into all alleged or suspected cases of torture and other ill-treatment, and deaths in custody. Investigations should be impartial and independent, and conducted by individuals with expertise in investigating such cases; if necessary, international assistance should be sought.

Suspected perpetrators of such crimes should be brought to justice in proceedings that meet international standards for fair trial.

Publicly condemn torture and other ill-treatment of detainees and the targeting of Sub-Saharan Africans and black Libyans, including in forums widely accessible to Libyans such as national television and radio.

- **Unlawful killings**

Ensure that reported cases of unlawful killings are investigated and that those responsible are brought to justice. This should include fighters or others deliberately killed after having been captured or seized by opposition fighters and militias, and notably the case of the bodies of 65 people found on the grounds of the Mahari Hotel in Sirte on 23 October 2011.

- **Protection and return of forcibly displaced people**

Take immediate action to ensure that all those who have been forcibly displaced are allowed to promptly return to their homes and that their safety is guaranteed and that they receive redress, including compensation and assistance to rebuild their homes and their lives.

Ensure that those responsible for any attacks on individuals and communities with the aim of, or resulting in, forcibly displacing them are brought to justice.

- **Racism and protection of migrants and refugees**

Take steps to counter racism, xenophobia and discrimination against Sub-Saharan African migrants and refugees and dark-skinned Libyans, including by acknowledging that reports on the use of African mercenaries by Colonel al-Gaddafi were wildly exaggerated and by celebrating the diverse ethnic make-up of Libya and the positive contribution of migrants.

Endnotes

Militias are often constituted along geographical or tribal lines. Some militias operate only or mostly in or around their towns and villages, while others (notably those from Misratah and Zintan) operate in various parts of the country and have a heavy presence in the capital (a Zintan militia controls Tripoli international airport). In recent months some militias have reportedly become "affiliated" to the Ministry of Defense and others to the Ministry of the Interior. However, in practice even those militias which are now in theory operating under the authority of the Ministries of Defense and Interior are not subjected to any effective supervision or control by the central authorities.

The battle for Libya: Killings, disappearances and torture, Index: MDE 19/025/2011, and Detention abuses staining the new Libya, Index: MDE 19/036/2011.

HYPERLINK "http://articles.cnn.com/2012-01-26/africa/world_africa_libya-msf-torture_1_torture-human-rights-group-detainees?_s=PM:AFRICA" http://articles.cnn.com/2012-01-26/africa/world_africa_libya-msf-torture_1_torture-human-rights-group-detainees?_s=PM:AFRICA and HYPERLINK "http://af.reuters.com/article/worldNews/idAFTRE80U14G20120131" http://af.reuters.com/article/worldNews/idAFTRE80U14G20120131

BBC, "Libya prisoners make new torture allegations", 28 January 2012, accessed at: HYPERLINK "http://www.bbc.co.uk/news/world-africa-16771372" http://www.bbc.co.uk/news/world-africa-16771372

OHCHR, 26 January 2012, Human Rights concerns about armed brigades holding detainees in Libya, HYPERLINK "http://www.ohchr.org/EN/NewsEvents/Pages/HRconcernsaboutarmedbrigadesholdingdetaineesinLibya.aspx" http://www.ohchr.org/EN/NewsEvents/Pages/HRconcernsaboutarmedbrigadesholdingdetaineesinLibya.aspx

NTC, response to Amnesty International report on Libya, 13 September 2011.

- See, for example, "Rival Libyan militias fight gunbattle in capital", Reuters, 1 February 2012, accessed on 9 February 2012 at: HYPERLINK "http://www.reuters.com/article/2012/02/01/us-libya-tripoli-battle-idUSTRE81029420120201" http://www.reuters.com/article/2012/02/01/us-libya-tripoli-battle-idUSTRE81029420120201

Reuters, " Militias given until Dec. 20 to leave town", 7 December 2011, accessed at: HYPERLINK "http://uk.reuters.com/article/2011/12/07/libya-militias-idUKL5E7N744N20111207" http://uk.reuters.com/article/2011/12/07/libya-militias-idUKL5E7N744N20111207

HYPERLINK "http://www.icrc.org/eng/resources/documents/update/2011/libya-update-2011-12-01.htm" http://www.icrc.org/eng/resources/documents/update/2011/libya-update-2011-12-01.htm

MSF, "Libya: Detaines tortured and denied medical care, MSF Suspends Work in Detention Centres in Misrata, 26 January 2012.

NTC, "A vision of a democratic Libya", accessed at: HYPERLINK "http://www.ntclibya.org/english/libya/" http://www.ntclibya.org/english/libya/

See Amnesty International, The battle for Libya: Killings, disappearances and torture, chapters 5 and 6, Index: MDE 19/025/2011.

The battle for Libya: Killings, disappearances and torture, p63.

NTC, response to Amnesty International report on Libya, 13 September 2011.

As of February 2012 the decision whether to transfer the case of Saif al-Islam al-Gaddafi to Libya has been pending before the Pre-Trial Chamber and he formally remained under the jurisdiction of the ICC despite the fact that, in violation of their obligations under the Rome Statute, the Libyan authorities have refused to execute the ICC arrest warrant. Public Redacted Version of "OPCD Observations on Libya's Submissions Regarding the Arrest of Saif Al-Islam" (ICC-01/11-01/11-51-Conf, 2 February 2012) HYPERLINK "http://www.icc-cpi.int/iccdocs/doc/doc1326934.pdf" http://www.icc-cpi.int/iccdocs/doc/doc1326934.pdf

Libya: job done? | Editorial | Comment is free | The Guardian
http://www.guardian.co.uk/commentisfree/2012/feb/17/libya-torture-human-rights-abuses?newsfeed=true

- # Libya: job done?

The country is run by militias, torture and human rights abuses are widespread but neither Britain nor France seem bothered

- - Editorial
  - guardian.co.uk, Friday 17 February 2012
- David Cameron gave Nicolas Sarkozy a shell casing to mark the first anniversary of the Libyan uprising. The two men called each other brave before talking about Syria, whose death toll has dwarfed Libyan casualties before Nato began bombing, but where no military intervention is being contemplated. If they kept the subject on Libya, they would have soon run out of positive things to say. The National Transitional Council, the body the west funds and recognises, is neither trusted nor in control. The country is run by hundreds of militias which refuse to give up their arms or submit to the NTC's authority. Misrata is a city state, with its own prisons and justice system. Militias have co-ordinated to form alternative committees to the NTC, but it's everyone for himself. Torture carries on and, according to a recent Amnesty report, widespread human rights abuses are committed with impunity. Neither the British prime minister nor the French president seem bothered by this. For them, it's "job done".
- Libya is not Iraq or Syria, and there appears to be a universal belief, shared by militia commanders, that elections will

and should be held in June. Militias have weapons but no money. The Qatari funds have dried up and the £150bn of Gaddafi-era assets frozen globally is being returned to the NTC, although some of it is flying straight out of the country, pocketed by corrupt officials; £10bn of the £12bn frozen in Britain has been returned and the remainder is being held back because no audit chain exists. Put to one side a legacy of tyranny which left the country bereft of a civil society or political parties. These alone are not propitious conditions for an election to be held.

- It is folly to expect that tensions between militias and tribes will dissipate following the election of a constituent assembly. Disarmament and demobilisation will be the consequences of a central authority with real political legitimacy, not the precursors to it. At the moment the NTC, whose members are not even known, lacks the trust within the country to exert such authority. The NTC is distrusted even on home turf in Benghazi. The elections in neighbouring Tunisia were both peaceful and successful because negotiations were held and alliances were formed well in advance of the results. And promises were kept by Islamists after they were swept to power in greater numbers than they anticipated. Libya is still at the ground zero of this process. Its Islamists are split, unable to overcome personal dislikes, let alone offer deals to others.

- Libya is free of Gaddafi's quixotic tyranny but is still miles from building a democratic alternative. Neither Britain, France, nor the UN will do it for them. The assumption that a central government or a national army can be unloaded in kit form from the nose cone of a C-5 Galaxy, and stay long after the transporter has lumbered home, is an imperial conceit. State-building has been the untold disaster of liberal interventionism. Mr Cameron and Mr Sarkozy have shown that they lack the attention span, the money or the political will to do it. But repeated failure has not lessened their appetites for planning for fresh conflicts, like the one about to be launched against Iran. If not them, who? The Arab League is dominated by the Gulf states. Saudi Arabia is using the civil war in Syria to divert attention from the suppression of its own internal dissent, which is inexorably rising. No help there.

  If any country has a long-term interest in events beyond a long border, it is Egypt – for all sorts of reasons: historical, cultural, tribal. Before the war, 2 million Egyptian workers worked in Libya. Of course, it has more than enough on its domestic plate, but it is also time Egypt assumed its regional responsibilities. It could invite the Libyan militias to a conference in Cairo, where they could start hammering out deals that the Libyan elections will need only too soon.

Into the unknown
http://www.ottawacitizen.com/news/Into+unknown/6173271/story.html

- # Into the unknown

By David Pugliese, Ottawa Citizen February 18, 2012

- Story
- Photos (2)

On October, Foreign Minister John Baird toured the former fortified compound of Moammar Gadhafi in Tripoli, the first visit by a foreign minister to the compound since it was seized by Libya's rebel forces.

Photograph by: Sean Kilpatrick, Reuters , Ottawa Citizen

- When the Libyan people rose up against Moammar Gadhafi one year ago this week, his regime's retaliation was immediate, and brutal. The world reacted almost as swiftly. Western leaders lined up to condemn the colonel they had once wooed and backed the rebels with warm words of support and relentless airstrikes. In Part 1 of a three-part series, David Pugliese looks at why we went to war - and what was missed in the rush to act.

- Foreign Affairs Minister John Baird beamed with pride last summer as he signed a Canadian bomb that would soon be dropped on Libya. "Free Libya. Democracy," he wrote on the weapon.

  Baird was on a trip to visit Canadian aircrews in Italy as well as the leaders of Libya's rebel forces, his first major international visit in the Foreign Affairs portfolio. He returned to Ottawa full of praise for both.

  Canada, he pointed out, was at the forefront of the NATO mission in Libya. As for the rebel leaders, the minister said, they were just ordinary people - doctors, engineers and parents - trying to overthrow Libyan strongman Moammar Gadhafi.

  In Gadhafi's place would come democracy, the rebels had assured Baird. "I can honestly say their courage and their resolve are remarkable," he wrote in the Citizen in July.

- Defence and political analysts, media commentators and newspaper editorialists have portrayed Canada's military intervention in Libya as a great victory. Canadian Lt.-Gen. Charles Bouchard, who led the NATO mission, has been hailed as a hero.

  But almost a year after Canada went to war to bring what it called freedom and democracy to Libya, the African nation

is in a state of turmoil.

- The National Transitional Council that Baird praised at the true representative of the Libyan people is ignored in many areas of the country. Gun battles have broken out as rebel fighters carve out pieces of land for their own tribes or organizations.
- The rebels, who would not have come to power if it weren't for NATO's bombing, and who once complained about the brutality of Gadhafi's regime, are now themselves brutalizing others.

- Prisoners - more than 8,000 men, women and children were thrown behind bars by the victorious forces - are being tortured and killed.

  Last month Médecins Sans Frontières pulled its staff out of prisons in Misrata after they were told to provide medical aid to prisoners so they could be tortured again. This week, Amnesty International reported it had documented the torturekillings of at least 12 detainees held by rebel militias.

  Human rights agencies have gathered evidence about the ethnic cleansing by anti-Gadhafi forces of towns populated by black Libyans and African workers.

- Months after the fighting stopped, new questions are being raised about Libya's future. It is becoming evident that the coming years will test Baird's earlier boast about the rebels: "The one thing we can say categorically is that they couldn't be any worse than Col. Gadhafi."

- From the day Gadhafi seized power in a 1969 coup, he was a thorn in the side of western nations.

  He forced petroleum companies to pay higher royalties on Libyan oil, bringing billions more into the country's coffers. And while Gadhafi and his supporters ensured they had more than their share of that wealth, living a lavish lifestyle, the colonel also used the oil revenue to significantly improve Libyans' lives.

  When he seized power, life expectancy was 51 years. Under his regime it increased to 74. Literacy grew to 95 per cent for men, 78 per cent for women, and the per capita income increased to $16,300.

- But like many Arab and African leaders, Gadhafi ruled the country of six million with an iron fist. His secret police arrested and tortured dissidents. In the 1970s and '80s his regime conducted show trials and televised executions. His forces brutally put down an uprising at a Tripoli prison in 1996, killing 1,200 political prisoners.

  Gadhafi promoted anti-U.S. views, funding a variety of terrorist organizations, from the IRA to guerillas in Colombia. His agents were behind the bombing of a German disco that killed and injured U.S. military personnel and his regime was responsible for the Lockerbie bombing, which killed 270 people. U.S. president Ronald Reagan labelled him a "mad dog."

- But some in Africa had a different view of Gadhafi. He was seen as a leader who stood up to the western colonial powers, demanding they compensate the continent's nations for the raw resources they had extracted over the decades.
- Gadhafi provided hundreds of millions of dollars in aid for countries in the region and campaigned against apartheid in South Africa. He promoted the idea of a United States of Africa, a proposal that would eventually lead to the creation of the African Union.

- Gadhafi had a reputation for eccentric behaviour, but he was a keen tactician who had honed his survival skills over the decades. In the 1990s, he began a campaign to re-establish relations with the U.S. and the West, eventually offering up compensation to families of victims of the Lockerbie bombing and agreeing to dismantle his chemical and nuclear weapons programs.

  Western nations welcomed Gadhafi back with few questions asked. They offered to sell him weapons and courted his officials. It didn't hurt that Gadhafi's Libyan Investment Authority had an estimated $70 billion to spend.

  Prince Andrew dined with Gadhafi in November 2008, promoting Britain's oil interests. The British military sent members of its elite Special Air Service to provide training for the dictator's commandos, part of the growing relationship between the two nations.

  In April 2009, U.S. Secretary of State Hillary Clinton warmly greeted one of the colonel's sons during high-level talks in Washington. "We deeply value the relationship between the United States and Libya," she said.

  Less than three months later, Gadhafi himself was shaking hands with U.S. President Barack Obama during a G8 summit in Italy.

- Canada also moved to get in on the action. But it already had a head start since Canadian companies had a long history of involvement in Libya, even when Gadhafi was considered an international pariah. Although former diplomats would try to downplay the extent of the relationship once the war against Libya began, an estimated 70 Canadian firms were active in the country, mainly in gas and oil production.

  In the late 1980s, Canadian firms, with the backing of the Conservative government, pursued Libyan contracts. In 1989, Calgary-based Husky Oil and its partners spent nearly $100 million, entering into exploration and production-sharing agreements.

  In December 2004, then Liberal prime minister Paul Martin headed a delegation to visit Gadhafi and improve trade.

- By early 2011, Suncor Energy of Calgary had almost $1 billion in assets tied up in Libya and the Quebec engineering firm SNC Lavalin had won contracts valued at more than $800 million. SNC, with 2,000 employees in the country, was building a massive pipeline that Gadhafi envisioned would bring water in the south across the desert to cities in the north. It had also been awarded a contract to build a new airport in Benghazi and a $275-million prison in Tripoli.

  Stephen Harper's Conservative government also forged links with the Libyan strongman. The government asked for - and received - the Libyan leader's help in freeing kidnapped Canadian diplomats Robert Fowler and Louis Guay, who had been kidnapped by al-Qaeda's affiliate in northwest Africa in 2008. During a trip to Libya the next year, then-foreign affairs minister Lawrence Cannon thanked the Gadhafi regime for using its extensive intelligence network and connections on the abduction case.

- Cannon had originally intended to give Gadhafi a dressing down over his decision to give a hero's welcome to the Libyan convicted in Lockerbie bombing, but that tough stance quickly evaporated after Libya threatened to shut down oil production by Canadian firms. Instead, Cannon flew to Tripoli to make amends and to remind Gadhafi that Canada was one of his supporters. The Conservatives had stood behind his bid to join the World Trade Organization as well as to get a seat on the International Atomic Energy Agency. In turn, Gadhafi had supported Canada's bid for a UN Security Council seat.

- Equally important for the West was the fact Gadhafi had become a valuable ally in the war on terror.

  Canadian Defence Department reports from 2002, 2003, and 2006 obtained by the Citizen outline the extent Gadhafi supported U.S. efforts against al-Qaeda, noting he was the most vocal Arab leader in denouncing terrorism and supporting American retaliation against Islamic extremists.

  In addition, Libya supplied intelligence to the U.S. on Islamic extremists as well as al-Qaeda affiliates operating in the Philippines, according to the reports.

  As a thank you for Gadhafi's support, the CIA had arranged the 2004 capture in Asia of Abdel Hakim Belhadj, a Libyan terrorist alleged to have ties to al-Qaeda. Belhadj, who would later rise to play a key role in the 2011 rebellion against Gadhafi, was put on one of the CIA's "rendition flights" and turned over to Libya's security agency.

- Gadhafi had his own reasons for cooperating with western intelligence agencies, according to DND's reports. He faced a growing threat from the al-Qaedalinked Libyan Islamic Fighting Group, or LIFG. Its members had fought in Afghanistan in the 1990s but then turned their attention to their native country. They launched attacks on Libyan security forces and tried twice to assassinate Gadhafi.

  Islamists saw the Libyan leader as an infidel for not strictly adhering to the values of Islam. In turn, his regime perceived "radical Islam as its mortal enemy," one of the DND reports pointed out.

  The Libyan leader responded to the LIFG threat with a brutal crackdown; his troops conducting attacks throughout the northeast of the country, known as a hotbed of Islamic extremism.

  Gadhafi had also had other uprisings to deal with in the northeast; in 1980 he crushed a Libyan army mutiny in Tobruk and in 1993 he faced a similar uprising after soldiers based in Misrata rebelled because their particular tribe was not well represented within the leadership ranks.

  Because of that, it came as no surprise to some intelligence analysts that last year's uprising against Gadhafi was centered in the region. Unemployment there was high, and corruption among Libyan officials was rampant.

- The so-called Arab Spring, where demonstrators in nations from Yemen to Egypt took to the streets to demand better living conditions and government, was about to come to Libya.

  On Feb. 15, 2011, citizens in Benghazi organized what they called a Day of Anger march. The demonstration soon turned into a full-scale battle with police.

  At first, security forces used tear gas and water cannons. But as several hundred protesters armed with rocks and Molotov cocktails attacked government buildings, the violence spiralled out of control. Demonstrators chanted, "No God but Allah, Moammar is the enemy of Allah."

  Protests spread to several other towns and cities and security forces responded with gunfire, killing demonstrators.

  Five days later, Gadhafi's son, Saif al-Islam, called for negotiations between the two sides, with Libyan authorities making a belated offer to improve living conditions. Saif warned that the country was on the verge of a civil war and without discussions between the two sides, "rivers of blood" would flow.

- He acknowledged Libyan forces had brutally responded to the protests, opening fire on crowds. But he also pointed out the demonstrators had armed themselves with stolen military equipment and had killed policemen.

  Around the world, politicians warned Gadhafi not to respond with violence. But the colonel urged supporters to seek out and destroy those who opposed his regime, calling the rebels "rats" and "scum."

  Human rights activists warned that Libyan security forces were about to commit genocide and unconfirmed reports would later claim that Gadhafi's air force was being used to strafe and bomb protesters.

- In Canada, Conservative Senator Hugh Segal and Liberal Senator Roméeo Dallaire joined forces to call on the government to build a coalition for "rapid engagement" against Libya.

  In a Feb. 25 opinion piece in the Citizen, the senators raised the spectre of genocides of previous decades and wrote that Canada had a "responsibility to protect" and stop crimes against humanity. "It's about being on the right side of history by saving human lives," they wrote.

  But the situation in Libya was no Rwanda, where hundreds of thousands of unarmed people had been slaughtered. The Libyans fighting against Gadhafi's regime had raided military barracks, and while outgunned, they were armed.

  Gen. Abdul Younis, once Gadhafi's close confidant, defected in late February and opened up army installations to the rebels. Younis' defection brought with him a unit of Libyan special forces troops. Mustafa Abdel Jalil, the country's justice minister, defected shortly after. Two weeks later, some 6,000 soldiers switched sides to support the rebels. They were equipped with tanks and anti-aircraft guns.

  Only months after NATO went to war against Libya would a clearer picture start to emerge of the uprising, and questions were raised about the veracity of claims made by rebel supporters and western politicians that the Gadhafi regime had engaged in genocide.

- "Much Western media coverage has from the outset presented a very one-sided view of the logic of events, portraying the protest movement as entirely peaceful and repeatedly suggesting that the regime's security forces were unaccountably massacring unarmed demonstrators who presented no security challenge," noted a June 2011 report produced by the International Crisis Group.

The report from the group, headed by Canadian Louise Arbour, the former UN high commissioner for human rights, noted that while Gadhafi's forces reacted brutally, "there are grounds for questioning the more sensational reports that the regime was using its air force to slaughter demonstrators, let alone engaging in anything remotely warranting use of the term 'genocide.' "

- By early March a number of cities were controlled by rebel forces, which had also scored some successes by shooting down government aircraft.

  Still, some troops defecting to the rebel side were not sure how far they wanted to take the rebellion. Maj. Ahmed Qetrani, a defector who commanded 2,000 soldiers who had switched their allegiance, told journalists he questioned the value of an all-out war against Gadhafi's forces. "It would create two Libyan armies, it would make (civil war), it would ruin our infrastructure and set our country back 100 years," he said.

Libya: "Out of control" militias commit widespread abuses, a year on from uprising | Amnesty International
http://www.amnesty.org/en/news/libya-out-control-militias-commit-widespread-abuses-year-uprising-2012-02-15

- 15 February 2012

Libya: "Out of control" militias commit widespread abuses, a year on from uprising

- Armed militias operating across Libya commit widespread human rights abuses with impunity, fuelling insecurity and hindering the rebuilding of state institutions, warned Amnesty International in a new report released today, a year on from the start of the February 2011 uprising.

  The report *Militias threaten hopes for new Libya*, documents widespread and serious abuses, including war crimes, by a multitude of militias against suspected al-Gaddafi loyalists, with cases of people being unlawfully detained and tortured – sometimes to death.

  African migrants and refugees have also been targeted, and revenge attacks have been carried out, forcibly displacing entire communities – while the authorities have done nothing to investigate the abuses and hold those responsible to account.
- "Militias in Libya are largely out of control and the blanket impunity they enjoy only encourages further abuses and perpetuates instability and insecurity," said Donatella Rovera, Senior Crisis Response Adviser at Amnesty International.

  "A year ago Libyans risked their lives to demand justice. Today their hopes are being jeopardized by lawless armed militias who trample human rights with impunity. The only way to break with the entrenched practices of decades of abuse under Colonel al-Gaddafi's authoritarian rule is to ensure that nobody is above the law and that investigations are carried out into such abuses".

  In January and early February 2012, Amnesty International delegates visited 11 detention facilities in central and western Libya used by various militias and at 10 of these locations, detainees said they had been tortured or ill-treated en situ, and showed Amnesty International injuries resulting from recent abuse. Several detainees said they had confessed to rape, killings and other crimes they had not committed just to end the torture.
- At least 12 detainees held by militias have died after being tortured since September. Their bodies were covered in bruises, wounds and cuts and some had had nails pulled off.

  Individuals held in and around Tripoli, Gharyan, Misratah, Sirte and Zawiya told Amnesty International they had been suspended in contorted positions; beaten for hours with whips, cables, plastic hoses, metal chains and bars, and wooden sticks; and given electric shocks with live wires and taser-like electro-shock weapons.

  At a detention centre in Misratah an Amnesty International delegate saw armed militia members beating and threatening some detainees whose release had been ordered. An older detainee from Tawargha was cowering, squatting against the wall, and crying as he was being kicked and threatened by a militia member who told Amnesty International that "those from Tawargha will not be released or we'll kill them".

  In an interrogation centre in Misratah and Tripoli Amnesty International found detainees who interrogators had tried to conceal and who had been severely tortured – one so badly that he could hardly move or speak.
- Not a single effective investigation is known to have been carried out into cases of torture, even in cases where detainees died after having been tortured at militia headquarters or in interrogation centres which are formally or informally recognized or linked to the central authorities.

  "Militias with a record of abuse of detainees should simply not be allowed to hold anyone and all detainees should be immediately transferred to authorized detention facilities under the control of the National Transitional Council."

  No investigations have been carried out either into other grave abuses, such as the extrajudicial execution of detainees and other war crimes, including the killing of some 65 people whose bodies were found on 23 October in a hotel in Sirte which served as a base for opposition fighters from Misratah.

  Militia members are seen on video footage obtained by Amnesty International hitting and threatening to kill a group of 29 men in their custody. One is heard saying "take them all and kill them". Their bodies were among those found three days later at the hotel, many with their hands tied behind their back and shot in the head.
- The Libyan authorities have so far taken no action against the militias who have forcibly displaced entire communities – a crime under international law. Militias from Misratah drove out the entire population of Tawargha, some 30,000 people, and looted and burned down their homes in revenge for crimes some Tawargha are accused of having committed during the conflict. Thousands of members of the Mashashya tribe were similarly forced out of their village

by militias from Zintan, in the Nafusa Mountains. These and other communities remains displaced in makeshift camps around the country while no action has been taken to hold the perpetrators accountable or to allow the displaced communities to return home.

"The blanket impunity afforded to militias is sending the message that such abuses are tolerated and is contributing to making such practices accepted practice. Individuals responsible for abuses must be held to account for their actions and removed from positions that would allow them to repeat such abuses." said Donatella Rovera.

"It is imperative that the Libyan authorities firmly demonstrate their commitment to turning the page on decades of systematic violations by reining in the militias, investigating all past and present abuses and prosecuting those responsible - on all sides - in accordance with international law."

Sky News: Libyan militias accused of war crimes
http://www.skynews.com.au/world/article.aspx?id=719083&vId=

- # Libyan militias accused of war crimes

Updated: 14:56, Thursday February 16, 2012

- Armed militias now rule much of Libya, Amnesty International said, accusing them of torturing detainees deemed loyal to the ousted regime of Muammar Gaddafi and driving entire neighbourhoods and towns into exile.

  Amnesty International quoted detainees as saying 'They had been suspended in contorted positions; beaten for hours with whips, cables, plastic hoses, metal chains and bars, and wooden sticks and given electric shocks with live wires and taser-like electroshock weapons.'

  At least 12 detainees had died since September after torture, Amnesty said. 'Their bodies were covered in bruises, wounds and cuts and some had had nails pulled off,' the group said.

  The report is a fresh blow to Libya's new government, the National Transitional Council, which helped lead the anti-Gaddafi uprising that broke out one year ago this week and spiralled into a brutal, eight-month civil war.

- Since the war's end with the capture and killing of Gaddafi last October, the NTC has struggled to extend its control over the vast desert nation. It has largely failed to rein in the hundreds of brigades that fought in the war, many of which now run their own detention centres for those accused of links to Gaddafi's regime.

  Amnesty said it visited 11 detention camps in central and western Libya in January and February, and found evidence of torture and abuse at all but one.

  'Nobody is holding these militias responsible,' Donatella Rovera, senior crisis response adviser at Amnesty International, told The Associated Press by telephone from Jordan on Wednesday, a day after she left Libya.

  The UN's top human rights official, and Amnesty International, have urged Libya's government to take control of all makeshift prisons to prevent further atrocities against detainees.

  'There's torture, extrajudicial executions, rape of both men and women,' UN High Commissioner for Human Rights Navi Pillay said on Jan. 27.

- Some 2400 detainees remain held in centres controlled by the new Libyan government, but the militias are holding uncounted thousands more prisoners, Amnesty said. Most are in and around Tripoli and Misrata, the coastal city that saw some of the war's most brutal fighting, it said.

  The International Committee of the Red Cross reported that from March to December 2011 it had visited over 8500 detainees in some 60 detention centres.

  Amnesty International's delegation witnessed detainees being beaten and threatened with death at a detention centre in Misrata.

  In a Tripoli detention centre, they found severely tortured detainees who interrogators tried to conceal, the group reported. It spoke to detainees held in and around Tripoli, Gharyan, Misrata, Sirte and Zawiya.

- The humanitarian group Doctors Without Borders suspended its work in prisons in Misrata in late January because it said torture was so rampant that some detainees were brought for care only to make them fit for further interrogation and abuse.

  Rovera accused the Tripoli-based national government of 'a lack of political will. They're not willing to recognise the scale of the problem. It is way, way beyond individual cases. It's an irresponsible attitude,' she said.

  The militias were one of the keys to the rebellion that toppled Gaddafi's 42-year rule last year, but they are maintaining their independence from the National Transitional Council.

  Hundreds of Libyan militias commemorated the anniversary of the anti-Gaddafi uprising this week by allying into a new unified military council.

  Thousands of fighters from across western Libya held a mass parade in Tripoli on Tuesday, showing off heavy machine guns and rocket launchers and firing rifles in the air, an outburst that appeared intended as a warning to anyone who might stage attacks during the anniversary.

  Some of the militia reprisals are against dark-skinned Libyans and African contract workers who the Gaddafis had brought in for jobs ranging from construction to security and riot control, leading to attacks on so-called 'mercenaries' during the uprising.

Amnesty: Libyan Militias Commit War Crimes - ABC News

http://abcnews.go.com/US/wireStory/amnesty-int-libyan-militias-commit-war-crimes-15652150?singlePage=true#.TzyCicVSRCc

- Amnesty: Libyan Militias Commit War Crimes
- By PETER JAMES SPIELMANN Associated Press

NEW YORK February 16, 2012 (AP)

- Armed militias now rule much of Libya, Amnesty International said Wednesday, accusing them of torturing detainees deemed loyal to the ousted regime of Moammar Gadhafi and driving entire neighborhoods and towns into exile.

Amnesty International quoted detainees as saying "They had been suspended in contorted positions; beaten for hours with whips, cables, plastic hoses, metal chains and bars, and wooden sticks and given electric shocks with live wires and taser-like electroshock weapons."

At least 12 detainees had died since September after torture, Amnesty said. "Their bodies were covered in bruises, wounds and cuts and some had had nails pulled off," the group said.

The report is a fresh blow to Libya's new government, the National Transitional Council, which helped lead the anti-Gadhafi uprising that broke out one year ago this week and spiraled into a brutal, eight-month civil war.

- Since the war's end with the capture and killing of Gadhafi last October, the NTC has struggled to extend its control over the vast desert nation. It has largely failed to rein in the hundreds of brigades that fought in the war, many of which now run their own detention centers for those accused of links to Gadhafi's regime.

Amnesty said it visited 11 detention camps in central and western Libya in January and February, and found evidence of torture and abuse at all but one.

"Nobody is holding these militias responsible," Donatella Rovera, senior crisis response adviser at Amnesty International, told The Associated Press by telephone from Jordan on Wednesday, a day after she left Libya.

- The U.N.'s top human rights official, and Amnesty International, have urged Libya's government to take control of all makeshift prisons to prevent further atrocities against detainees.

"There's torture, extrajudicial executions, rape of both men and women," U.N. High Commissioner for Human Rights Navi Pillay said on Jan. 27.

Some 2,400 detainees remain held in centers controlled by the new Libyan government, but the militias are holding uncounted thousands more prisoners, Amnesty said. Most are in and around Tripoli and Misrata, the coastal city that saw some of the war's most brutal fighting, it said.

- The International Committee of the Red Cross reported that from March to December 2011 it had visited over 8,500 detainees in some 60 detention centers.

Amnesty International's delegation witnessed detainees being beaten and threatened with death at a detention center in Misrata.

In a Tripoli detention center, they found severely tortured detainees who interrogators tried to conceal, the group reported. It spoke to detainees held in and around Tripoli, Gharyan, Misrata, Sirte and Zawiya.

The humanitarian group Doctors Without Borders suspended its work in prisons in Misrata in late January because it said torture was so rampant that some detainees were brought for care only to make them fit for further interrogation and abuse.

- Rovera accused the Tripoli-based national government of "a lack of political will. They're not willing to recognize the scale of the problem. It is way, way beyond individual cases. It's an irresponsible attitude," she said.

The militias were one of the keys to the rebellion that toppled Gadhafi's 42-year rule last year, but they are maintaining their independence from the National Transitional Council.

Hundreds of Libyan militias commemorated the anniversary of the anti-Gadhafi uprising this week by allying into a new unified military council.

- Thousands of fighters from across western Libya held a mass parade in Tripoli on Tuesday, showing off heavy machine guns and rocket launchers and firing rifles in the air, an outburst that appeared intended as a warning to anyone who might stage attacks during the anniversary.

  Some of the militia reprisals are against dark-skinned Libyans and African contract workers who the Gadhafis had brought in for jobs ranging from construction to security and riot control, leading to attacks on so-called "mercenaries" during the uprising.

  "African migrants and refugees are also being targeted and revenge attacks are being carried out," Amnesty said. "Entire communities have been forcibly displaced and authorities have done nothing to investigate the abuses and hold those responsible to account."

- The violence took on an ethnic twist. "It's hunting down 'the other,'" Rovera told the AP. "They're wreaking havoc in the community."

  Amnesty said that militias from Misrata "drove out the entire population of Tawargha, some 30,000 people, and looted and burned down their homes in revenge for crimes some Tawargha are accused of having committed during the conflict."

  "Thousands of members of the Mashashya tribe were similarly forced out of their village by militias from Zintan, in the Nafusa Mountains. These and other communities remain displaced in makeshift camps around the country," Amnesty said.

- Amnesty called for Western pressure on the Libyan government and militias.

  Rovera said that from the United States to Europe, "There are a lot of countries and governments seeking contracts in Libya, so there's no shortage of contacts" that the West can use.

  Europe, the U.S. and NATO "should tell them things as they are — the time for 'wait and see' has run out," Rovera told the AP.

AFP: New clashes rock Libyan desert town

http://www.google.com/hostednews/afp/article/ALeqM5jKOzbCqfn3FgxXGCgJZ1SekGaGhA?docId=CNG.d2dffb7bb5556b9a072d2459a2931d3f.6e1

- New clashes rock Libyan desert town

  (AFP) – 2 hours ago

- TRIPOLI — Tribal clashes in Libya's remote southeastern desert left at least six people dead on Wednesday, tribal sources said, bringing to around 30 the toll since fighting began three days ago.

  "Six people died today, including two from wounds sustained overnight," said an elder of the Toubu tribe, speaking of fighting in the town of Kufra.

  Meanwhile, a previously unknown group calling itself the National Rally of Toubus (NRT) said that Kufra was a disaster zone and that the Toubu tribe was the target of genocide.

  Fierce clashes on Sunday and Monday left eight Toubu and nine members of the Zwai dead.

  Both groups were using light arms when the fighting erupted on Sunday, but the violence intensified, with the two sides firing rocket-propelled grenades and anti-aircraft guns on Monday, sources said.

- The Toubu, who are dark-skinned, were discriminated against even under the regime of slain dictator Moamer Kadhafi.

  In a statement received by AFP, the NRT said that "Kufra is a disaster area and what is happening in the town is genocide and the extermination of the Toubu."

  On Tuesday, Turki Tobawi, from the Toubu tribe, told AFP that his people were surrounded by members of the Zwai tribe.

  "We are under siege from all sides. The Zwai tribe is shelling us with heavy weapons," he said.

  He charged that Libya's ruling National Transitional Council was backing the Zwai by sending weapons and fighters to their help, which was also confirmed by a source from the Zwai clan.

- The NRT statement also pointed the finger at the NTC and the interim government, saying they had "not taken urgent measures to preserve the blood of the Libyan people."

  Mohammed al-Harizi, spokesman for the NTC, could not confirm Wednesday's toll, but said a council of wise men and tribal elders from the region had been formed to try to find a peaceful resolution to the conflict.

  The latest clashes apparently erupted after a young man from the Zwai tribe was killed in Kufra by three dark-skinned men believed to be Toubu, a Zwai source said.

The Toubu tribe is also present in Niger and Chad.

Kufra, with a population of about 40,000 people, is located in a triangle sharing borders with Egypt, Chad and Sudan.

Displaced black Libyans tell of beatings, expulsion at gunpoint | Reuters

http://www.reuters.com/article/2011/10/17/us-libya-displaced-idUSTRE79G2CY20111017

- Displaced black Libyans tell of beatings, expulsion at gunpoint
- By Brian Rohan

BENGHAZI, Libya | Mon Oct 17, 2011

- (Reuters) - After weeks on the run, thousands of black Libyans driven from their homes during the revolt against Muammar Gaddafi have resurfaced across the country, finding refuge in a squalid camp they hope is only temporary.
- Once residents of Gaddafi's stronghold of Tawergha, the families now wander a dusty compound ringed with garbage and staffed by a handful of volunteers from the city of Benghazi struggling to prevent the spread of disease as numbers swell.

  The group's eastward flight began last summer, when anti-Gaddafi forces overran Tawergha and vengeance-seeking crowds ransacked it, leaving a ghost town behind.

  "They chased us with guns and knives," said Ibrahim Med Khaled, a 24-year-old taxi driver recently arrived at the former construction site after spending weeks dodging hostile crowds across the country's west before being captured by armed men.

  "They brought me to a house and beat me with electrical cable to make me confess I worked for Gaddafi, even though I told them I never carried a gun," he said, lifting his shirt to reveal shoulders criss-crossed with fresh wounds from flogging.
- Throughout the uprising against Gaddafi's 42-year rule, his opponents have accused him of hiring fighters from neighboring African countries which led to reports of mistreatment of blacks, including Libyans.

  The camp has grown since opening from 400 to nearly 3,000 people in just two weeks, despite disrepair and lack of sufficient sanitation and electricity evidenced by raw sewage pooling behind some of the housing blocks.

  Aid workers say overcrowding is forcing hundreds to set up makeshift settlements near by.
- Some of the men at the camp, guarded by troops loyal to the interim government which ousted Gaddafi, still wear camouflage trousers they may have donned last summer in support of Gaddafi.

  One little girl could be seen eating spilled food off the ground.
- GHOST OF GADDAFI

  "We have a big heath problem here," said Randa Muftah Salem-Oun, a 23-year-old medical student now head doctor at the site, where her day begins at dawn and ends after midnight.

  "We need many supplies, wound dressings and medicine," she said, adding that many at the camp suffered from gastroenteritis - a telltale sign of contaminated food or water - and that hepatitis was also discovered among the sick.

  However dire the conditions may be, the camp's residents say they are torn between desire to return, and fear of reprisals from heavily armed locals still bitter from one of the bloodiest episodes in Libya's civil war.
- Many accuse men from Tawergha of committing atrocities in the siege of the city of Misrata, and tales of raping sprees by sub-Saharan African mercenaries - fueled in one version by Viagra doled out by Gaddafi - abound in Libya, leaving dark-skinned people suspect to some of their countrymen.

  Another former Tawergha resident, a 38-year-old mother of four named Rabha Mouftah, said there was no doubt as to the intentions of the mob that stormed into her town last summer.

  "They came to kill black people," she said in a room with no lighting she now shares with her family off an alley strewn with debris. "We were scared to go outside, so we hid in different houses for seven weeks, then came here."

  The Tawergha displaced add yet another delicate task to the growing workload of Libya's interim rulers, the National Transitional Council, (NTC) as they try to reunify the country and impose the rule of law amid renewed opposition from Gaddafi loyalists, who launched attacks in the capital Tripoli last week for the first time since it fell in August.

  It also highlights a potential future division in the post-Gaddafi era as leaders strive to integrate a legion of factions, such as the Tuarag, a black tribe of nomads some of whom still support the ousted leader.

  Some groups have reported arbitrary arrests across the country on suspicion of collusion with the former leader, believed to be somewhere in Libya's vast southern desert.

  While the NTC favors the return of Tawargha's residents, it admits this will take time. But resolving the issue remains a test of its leadership to come. Much of the city lays in ruins and people in neighboring Misrata say tensions are still too high to allow a return that could spark more violence.

  "In the end it's another ghost of Gaddafi -- he paid many of the tribes to fight for him, so now people see black people and immediately assume they support him, even if they don't," said Imad Eddin, an anesthesiologist volunteering at the camp.

Video proof that Libya's freedom fighters have turned into brutal torturers | Mail Online

Caught on video: The horrifying proof that Libya's freedom fighters have turned into brutal torturers

- Film shows three men tying up blood-spattered man before whipping him with cables and touching him on his skin with electric wires
- Man, suspected by rebels of having supported Gaddafi, told: 'Blood will come from your eyes and nose until you admit what you have done'
- Video handed to Mail on Sunday in Tripoli refugee camp

By Barbara Jones

Last updated at 12:37 AM on 12th February 2012

- A terrified Libyan man is beaten and tortured with electric shocks by youths who appear to be former revolutionary fighters.

  The images, taken from a video handed to The Mail on Sunday in a Tripoli refugee camp, will be seen as fresh evidence that those who deposed Colonel Gaddafi with the help of the West are adopting methods as brutal as the dead tyrant's.

- The film shows three men tying up the blood-spattered man before whipping him repeatedly with cables, touching him on his skin with electric wires and taunting him as he pleads for mercy.

The man being whipped with cables on the video was Saleh Barhoun Gersh, who had run a general store in Towerga - which was loyal to Gaddafi during the conflict until the town was ransacked by fighters from nearby Misrata.

- When the rebels arrived, Mr Gersh was so frightened he wore women's clothes to disguise himself

The

- film shows three men tying up the blood-spattered man before whipping him repeatedly with cables, touching him on his skin with electric wires and taunting him as he pleads for mercy

The men, one of whom is wearing combat trousers and is armed with a knife, tell the man that 'blood will come from your eyes and nose until you admit what you have done'

- The men, one of whom is wearing combat trousers and is armed with a knife, tell the man that ‘blood will come from your eyes and nose until you admit what you have done’.

  The new video images follow growing protests about abuse and torture in parts of the country.

  Doctors from the aid agency Medecins Sans Frontieres (MSF) have pulled out after refusing to deal with the results of such brutality in their clinics.

- According to sources, the youths in the video were former rebels who refused to surrender their weapons at the end of the civil war in October – and are intent on revenge on those they suspect of having supported Gaddafi.

  They are said to have driven in armed trucks into the al-Fellah ‘internally displaced persons’ (IDP) camp in a suburb of Tripoli, firing at crowds and searching homes until they found men on their list of ‘suspects’.

Fury: Women in the refugee camp, in a suburb of Tripoli, scream at the militia

- Their victim, seen on the video, was Saleh Barhoun Gersh, who had run a general store in Towerga – which was loyal to Gaddafi during the conflict until the town was ransacked by fighters from nearby Misrata city.

  Before Gaddafi was killed, the rebels had been under siege from his forces for weeks in Misrata – a port 150 miles east of Tripoli.

Commander Mohamed al-Deaka said of the men carrying out the abuse: 'Yes, it happens here, but it's everywhere in Libya. We have to use force to make prisoners give answers. Our city was destroyed in the fighting. Now we want to know who carried out the destruction, who raped our women and stole our property'

When some of the Misrata rebels arrived at the camp, Mr Gersh was so frightened he wore women's clothes to disguise himself.

In the film he cries out as he is whipped and is told: 'You are from Towerga, you dog. You say you did nothing in Misrata, so why are you in disguise? We found weapons in every house in Towerga. Your hand is bleeding and we hope it is paralysed.'

The men chant as they reach for live electric wires: 'Everyone we catch is innocent, they say.

- 'Well, blood will come from your eyes and nose until you admit what you have done. We've caught 60 of you so far and none of you did anything.'

It is not clear when the footage was taken or what happened to Mr Gersh.

Camp manager Mohamed al-Mabruk, who handed over the footage, said: 'The fighters from Misrata have kept their weapons and vowed to capture everyone who supported Gaddafi.

'They come on regular raids to our three camps in Tripoli and take anyone they want. They beat them and torture them to get them to confess to rape and murder.'

Locals said Towerga residents were known supporters of Gaddafi and are among 8,500 people believed to be held in secret camps all over the country.

Mr al-Mabruk is helpless to stop the raids. He said: 'You can do nothing against the Misrata militias.

- 'We are all terrified of them. The government, the police and the army cannot stop them.'

Attacks are often filmed by the fighters for amusement to post on YouTube.

The abuse of Mr Gersh was captured on a mobile phone left behind in the chaos of a raid. Libya's interim government has admitted it is largely powerless to prevent this collapse of law and order. It comes at a time when doubts are being raised about Nato's support for the uprising.

Britain spent about £300million on bombing raids to help secure the victory that ousted the Gaddafi regime four months ago.

- But local militias are hell-bent on revenge against their former enemies. They also frequently clash with rival militias.

Rebel fighters in Towerga, south of Misrata, which has been systematically looted and destroyed since Gaddafi's downfall

- Thousands of fighters have commandeered schools, halls and sports centres as detention facilities for 'suspects' they capture from their homes or the street.

  The Misrata brigades are considered the most hostile, with thousands of untrained youths carrying out the aggressive interrogation. In other footage collected by the camp manager, more than 30 armed trucks are shown on an early morning raid into the camp.

  Women scream that they are being attacked in their beds and that some family members are sick. 'Is this the new revolution. Is this the justice we all fought for?' they shout.

  Last month, 14 badly injured detainees were sent to Medecins Sans Frontieres doctors, three of them needing hospitalisation.

- Claudia Evers, Misrata co-ordinator for MSF, said: 'The militia refused to let us take them to hospital. We've reported two deaths. No action has been taken and our doctors refuse to continue.'

  Amnesty International has documented thousands of cases of abuse and torture, and handed photographs to The Mail on Sunday. Senior crisis response adviser Donatella Rovera has protested to the National Transitional Council (NTC) without success.

  'I have seen people who have been beaten with iron bars and rubber pipes, some hardly able to walk,' she said.

  'Men are hung by handcuffs from a door frame and attacked with electric wires. Tasers are applied to their ears and genitals, and finger and toenails are torn out.'

- She has evidence of 12 deaths. No investigations have been carried out by the authorities. 'There is not a single case where anyone has been brought to justice,' she said. 'There is a total lack of accountability.'

End of a tyrant... but not the end of the bloodshed: A grab from a video taken from the mobile phone of a National Transitional Council fighter showing the demise of Gaddafi last October

- At al-Huda prison centre in Misrata, Sheikh Fathy Daraz heads an Islamic charity for inmates' welfare.

  But he is at the mercy of the militia, who regularly take men away for questioning.

  'We see their bruises and their broken limbs when they return but we can do nothing,' he said. 'There is no effective police force or national army yet.'

  Nearby at the city's al-Head sports centre, the tennis courts and gym were deserted. A group of 25 brigades have taken over.

- Commander Mohamed al-Deaka is a former construction engineer. He was defensive about abuse by his men. 'Yes it happens here, but it's everywhere in Libya,' he said.

  'We have to use force to make prisoners give answers. Our city was destroyed in the fighting. Now we want to know who carried out the destruction, who raped our women and stole our property.'

- Khaled Ben Ali, head of LibAid, an umbrella organisation for humanitarian agencies, said that NTC ministers told him they were powerless: 'The Prime Minister told me he had issued written orders for the surrender of weapons and the militias tore them up.

  'They fought for freedom and now they think they are free to do what they like. What they like is revenge. There is no effective judicial system. Maybe we need the UN Security Council to find new ways of protecting our civilians.'

  A government source said: 'This is the result of our legacy from Gaddafi – brutalised people enacting revenge. But it must stop.'

AFP: Three Tawarga refugees killed near Tripoli

http://www.google.com/hostednews/afp/article/ALeqM5ht7ID3mWVGzjidP3yBOAf4h2gZ4g?docId=CNG.b5b8f7c33102d1fbecffff1776bd8b60.261

- Three Tawarga refugees killed near Tripoli

  (AFP)

- TRIPOLI — An armed group killed at least three refugees from the town of Tawarga on Monday near the Libyan capital as they tried to enter the city to hold a sit-in protest, a witness and other sources said.

  The witness told AFP that a crowd of Tawargans, mostly black-skinned Libyans now living in refugee camps, came under attack near a camp outside Tripoli where the Tawargans have been staying for several months.

  A government source confirmed the death toll but said the "deaths were due to a family quarrel among the Tawargans and not the result of a clash between two different groups."

- The Tawargans stand accused by fighters from Misrata, the third largest city in Libya, of having taken part in the siege of their city and rape of their women during the bloodiest months of last year's anti-Kadhafi uprising.

  The displaced Tawargans are now staying in refugee camps across Libya, in and around cities such as Tripoli, Benghazi, Hun and Sabha.

  They accuse the people of Misrata of stopping them from returning to their homes in Tawarga, a town near the port city. They fled when Misrata fighters broke the siege of their city last year.

  The witness said the Tawargans were headed to Tripoli's Martyrs Square to hold a demonstration when they were attacked.

Libya's hostages of war | Reuters

http://www.reuters.com/article/2012/02/01/us-libya-displaced-idUSTRE81017X20120201

- Libya's "hostages of war"
- By Oliver Holmes

TRIPOLI | Wed Feb 1, 2012

- (Reuters) - 'Fitna' is widely used in Arabic but difficult to translate directly into English. Roughly defined, it means the intentional stirring of chaos between people.
- Fitna is why Muammar Gaddafi occupied the town of Tawergha, held its residents hostage and used it as a base to besiege and shell the coastal city of Misrata in last year's civil war, refugee Kareem al-Barra said.

  "He wanted to turn Libyans on each other, to divide and rule," said Barra, one of thousands of displaced black Libyans who have suffered revenge attacks from victorious anti-Gaddafi forces since the war ended.

  Barra and his family were forced from their homes and driven out of Tawergha in August, and now live in a refugee camp on the outskirts of Benghazi.
- "We consider ourselves war hostages," he told Reuters.

  Gaddafi's strategy last year stirred suspicion and hatred between the ethnically Arab people of Misrata and the black Libyans in Tawergha, refugees say. It worked so well that even after the dictator's death, it interferes with Libya's new rulers focus on rebuilding and reconciliation.

  Although no-one here will admit it, a number of Tawergha's residents did serve voluntarily in the Gaddafi forces. Barra says his people are being persecuted for that supposed collaboration and being mistaken for the sub-Saharan African mercenaries who fought for Gaddafi in the war.
- "Everyone wants to return but we are too scared. The rebels from Misrata think we fought with Gaddafi, but we were trapped inside Tawergha," Barra said, sitting in a corrugated iron building at the centre of Gargounis camp, one of five camps in Benghazi that house more than 19,000 Tawergha residents.

  "Now (fighters from Misrata) are still destroying Tawergha and attacking black Libyans on sight."

  The more than 28,000 displaced people from Tawergha and its surrounding villages add to the difficulties of Libya's interim rulers tasked with creating a democratic state from scratch.

  In addition to addressing the refugee issue, the National Transitional Council (NTC) must quell regular clashes between rival militias, bring down youth unemployment and secure its borders against arms traffickers, al Qaeda insurgents and migrants trying to reach Europe illegally.

  Elections are promised for June, but many here say they will have to be pushed back.
- GADDAFI BRIGADES IN TAWERGHA

  Barra paints a dark picture of life in Tawergha when Gaddafi's forces set up a base there at the start of the war in February 2011.

  The electrical engineer-turned-refugee says 12,000 Gaddafi-loyal soldiers arrived in the quiet coastal town over the course of two nights.

  "They were all black like us, some of them African mercenaries and some from Saba city, in Libya's Sahara desert," Barra explained, gesturing vividly with his hands.

  "They seized fuel and set up checkpoints, making it impossible to escape," he added. A few tried one night but were caught, given on-the-spot trials and found guilty of treason: "Seven entire families were killed. Nobody could get out and if people were sick or injured, they would die in the street."
- Other men from Tawergha, sitting idle in the refugee camps in Benghazi, said Gaddafi promised the town's elders that he would turn the city into a "paradise" after the war.

  "Really he was scared about the rebels reaching Sirte," said a volunteer from a local religious charity working at the camp, referring to Gaddafi's hometown where he was killed in October.

  Tawergha, known for its fertile soil and salt mines, lay between Misrata and Sirte.

  After five months, the Misrata rebels pushed the brigades out of Tawergha, but raised hell as they did, Barra said.

  "Then the Misrata problem started," he said, his eyes focused on the memory. "There were revenge attacks in retaliation for the siege of Misrata. People were killed in front of their families. The entire city fled between August and

October."

Once inhabited by almost 30,000 people, Tawergha is now a ghost town. Horses, camels and goats roam the streets, feeding on rubbish and shrubs.

- Above the doorways and windows of each of the concrete buildings -- some five or six storeys high -- black soot from fires paints the wall. Houses are splattered with bullet holes and many buildings have collapsed. The detritus of spent rockets-propelled grenades line the streets.

  Human Rights Watch's emergencies director Peter Bouckaert, who has worked on and off in Libya since the war started, said Misrata rebels have looted and destroyed homes in Tawergha as well as the neighboring farming villages of Kararim and Tomina.

  "Every time we visit the area, we have witnessed rebels looting and burning homes," he told Reuters.

  "The civilian and military leadership should remember that the International Criminal Court has full jurisdiction over war crimes being committed in Libya, and forcibly displacing a civilian population and destroying their homes are war crimes."

- REVENGE ATTACKS

  At a second refugee camp in Benghazi, Tawergha resident Ahmed Ali Farhat has been documenting abuses against his countrymen as the "fitna" continues.

  "People fled from Tawergha to all over Libya, but they are still being harassed, especially by roaming Misrata rebels who pursue them," the elderly man told Reuters as he walked through the camp, the grounds of a empty cement factory.

  "Two days ago some rebels from Misrata roughed up some Tawergha here in Benghazi," he said. A line of black men stood waiting in front of a USAID truck handing out clothes nearby.

  "Another group of eight Tawergha people were caught in Sirte. One was stamped to death," he said. He plans to file a report on the incident to the interim government.

  As rain started to beat down, Farhat looked at his townsmen, miles from home and cowering under makeshift huts. He was pessimistic Libya would address the atrocities committed before and after the war, or that he would ever be able to return home.

  "There is no security as the Libyan government is still not in control of the country," Farhat said. "They have not looked seriously at our case."

Libya: looking the other way | Editorial | Comment is free | The Guardian
http://www.guardian.co.uk/commentisfree/2012/jan/26/libya-torture-national-transitional-council-editorial?CMP=twt_gu

- # Libya: looking the other way

  The lack of oversight by Libya's National Transitional Council has created an environment conducive to torture

  - Editorial
  - guardian.co.uk, Thursday 26 January 2012

- What is going on in Libya is not new. Libyans suspected, sometimes merely because of the colour of their skin, of being Gaddafi loyalists were being tortured and summarily executed throughout the rebellion. A week before Gaddafi himself was caught, sodomised with a knife and killed, Amnesty International issued a report saying that abuses in detention were staining the new Libya. For anyone who cared to look, a whole town, Tawargha, emptied of its inhabitants – black Libyans particularly at risk from reprisals because their area was used as a base for forces besieging Misrata.

  The stain has never been washed away. When Ian Martin, the UN's special envoy to Libya, told the security council that the harsh reality is that Libyans continue to live with the legacy of the old regime – weak or absent state institutions, no political parties or civil society institutions – he was referring in particular to the behaviour of militiamen beyond the control of the National Transitional Council (NTC). Navi Pillay, the UN human rights chief, put it more bluntly: the lack of oversight by the central authority created an environment conducive to torture and ill-treatment.

- Arrests, detention and torture are, according to the residents of Bani Walid, at the core of a local uprising. On Monday, fighters from the Warfallah tribe, the most populous in Libya, attacked the barracks of the NTC force in the town, killing four and freeing Gaddafi administration officials who had been arrested as war crimes suspects. The Warfallah Elders Council said it had appointed a new local council and claimed the defence minister in Tripoli, Osama al-Juwali, had recognised it. But outside the town, fighters from units from Tripoli, Misrata, Benghazi, Tobruk and Bani Walid itself gathered once again to prepare for a full-blown assault, if the town did not hand over the war crimes suspects freed in the uprising. Needless to say, the national army, an anaemic creature, stayed away from this particular fight.
- This is not Iraq in 2003, where basic services collapsed along with the old regime. But nor is it Tunisia or Egypt, where democratically elected institutions are already in their first days of existence. The NTC is not just irrelevant in places like Bani Walid, but considered the enemy. Not merely because Bani Walid was one of the last towns to surrender to the rebellion last year, and used as a base by Saif al-Islam, but because autonomous militias continue to run their patch wherever they happen to be. The NTC is due to announce a plan which will see elections take place for a new assembly. That feels like a mirage in the desert right now. This is a situation for which France, Britain, the US, and others who intervened last year, bear a responsibility. If we made Libya our conflict, the post-conflict is ours, too.

The Illegal War on Libya: Mission Accomplished, Gaddafi Killed

http://www.twf.org/News/Y2011/0830-MissionA.html

- August 30, 2011
  Antiwar.com

Mission Accomplished in Libya?

by Ron Paul

- Even as a major hurricane hit America's eastern seaboard, the administration was determined to expand the war in Libya while threatening the regime in Syria. Is there any limit to government's appetite to create more problems for our nation and economy?

  Americans may be tempted to celebrate the apparent victory of U.S.- and NATO-backed rebels in Libya, since it seems the Gadhafi regime is overthrown. But I believe any enthusiasm for our Libyan misadventure is premature.

  The Obama administration attacked Libya without a constitutional declaration of war, without congressional authorization, without meaningful consultation with Congress -- and without a dollar being authorized from the House or Senate. It was a war started by a president who turned to the United Nations for its authority and ignored the authority of the U.S. Congress.

- Are we better off as a nation by ignoring and debasing our Constitution? Are we better off having spent more than a billion dollars attacking a country thousands of miles away that had not threatened us? Are we more financially sound having expanded the empire to include yet another protectorate and probable long-term military occupation? Are we more admired throughout the world for getting involved in yet another war?

  Still, many will claim that getting rid of Libyan ruler Gadhafi was worth it. They will say that the ends justify the means. As the civilian toll from NATO bombs adds up in a war started under the guise of protecting a civilian population, even the initial argument for intervention is ridiculous. We should not forget that there were no massacres taking place in Libya before the NATO attack. The attack was dubbed a preventive humanitarian intervention. But as soon as NATO planes started bombing, civilians started dying.

- Gadhafi may well have been a tyrant, but as such he was no worse than many others whom we support and count as allies. Disturbingly, we see a pattern of relatively secular leaders in the Arab world being targeted for regime-change with the resulting power vacuum being filled by much more radical elements. Iraq, post-Saddam, is certainly far closer to Iran than it was before the U.S. invasion. Will Libya be any different?

  We already see grisly reprisals from the U.S.-backed rebels against their political opponents. There are disturbing scenes of looting and lawlessness on the part of the rebels. We know that some rebel factions appear to be allied with Islamic extremists, and others seem to have ties to the CIA. They also appear to have a penchant for killing each other as well as supporters of the previous regime. The tribal structure of Libyan society all but ensures that an ongoing civil war is on the agenda rather than the Swiss-style democracy that some intervention advocates suggest is around the corner.

- What is next after such a victory? With the big Western scramble to grab Libya's oil reserves amid domestic political chaos and violence, does anyone doubt that NATO ground troops are not being prepared for yet another occupation?

  Neoconservatives continue to dominate our foreign policy, regardless of the administration in power. They do not care that we are bankrupt, as they are too blinded by their desire for empire and their affection for the entangling alliances we have been rightly counseled to avoid. They have set their sights next on Syria, where the U.S. moves steadily toward intervention in another domestic conflict that has nothing to do with the U.S. Already the U.S. president has called for regime-change in Syria, while adding new sanctions against the Syrian regime. Are U.S. bombers far behind?

If the Libyan war was about saving lives, it was a catastrophic failure | Seumas Milne | Comment is free | The Guardian
http://www.guardian.co.uk/commentisfree/2011/oct/26/libya-war-saving-lives-catastrophic-failure

- # If the Libyan war was about saving lives, it was a catastrophic failure

  Nato claimed it would protect civilians in Libya, but delivered far more killing. It's a warning to the Arab world and Africa

- As the most hopeful offshoot of the "Arab spring" so far flowered this week in successful elections in Tunisia, its ugliest underside has been laid bare in Libya. That's not only, or even mainly, about the YouTube lynching of Gaddafi, courtesy of a Nato attack on his convoy.

  The grisly killing of the Libyan despot after his captors had sodomised him with a knife, was certainly a war crime. But many inside and outside Libya doubtless also felt it was an understandable act of revenge after years of regime violence. Perhaps that was Hillary Clinton's reaction, when she joked about it on camera, until global revulsion pushed the US to call for an investigation.

- As the reality of what western media have hailed as Libya's "liberation" becomes clearer, however, the butchering of Gaddafi has been revealed as only a reflection of a much bigger picture. On Tuesday, Human Rights Watch reported the discovery of 53 bodies, military and civilian, in Gaddafi's last stronghold of Sirte, apparently executed – with their hands tied – by former rebel militia.

Its investigator in Libya, Peter Bouckaert, told me yesterday that more bodies are continuing to be discovered in Sirte, where evidence suggests about 500 people, civilians and fighters, have been killed in the last 10 days alone by shooting, shelling and Nato bombing.

- That has followed a two month-long siege and indiscriminate bombardment of a city of 100,000 which has been reduced to a Grozny-like state of destruction by newly triumphant rebel troops with Nato air and special-forces support.
- And these massacre sites are only the latest of many such discoveries. Amnesty International has now produced compendious evidence of mass abduction and detention, beating and routine torture, killings and atrocities by the rebel militias Britain, France and the US have backed for the last eight months – supposedly to stop exactly those kind of crimes being committed by the Gaddafi regime.
- Throughout that time African migrants and black Libyans have been subject to a relentless racist campaign of mass detention, lynchings and atrocities on the usually unfounded basis that they have been loyalist mercenaries. Such attacks continue, says Bouckaert, who witnessed militias from Misrata this week burning homes in Tawerga so that the town's predominantly black population – accused of backing Gaddafi – will be unable to return.
- All the while, Nato leaders and cheerleading media have turned a blind eye to such horrors as they boast of a triumph of freedom and murmur about the need for restraint. But it is now absolutely clear that, if the purpose of western intervention in Libya's civil war was to "protect civilians" and save lives, it has been a catastrophic failure.
- David Cameron and Nicolas Sarkozy won the authorisation to use "all necessary means" from the UN security council in March on the basis that Gaddafi's forces were about to commit a Srebrenica-style massacre in Benghazi. Naturally we can never know what would have happened without Nato's intervention. But there is in fact no evidence – including from other rebel-held towns Gaddafi re-captured – to suggest he had either the capability or even the intention to carry out such an atrocity against an armed city of 700,000.
- What is now known, however, is that while the death toll in Libya when Nato intervened was perhaps around 1,000-2,000 (judging by UN estimates), eight months later it is probably more than ten times that figure. Estimates of the numbers of dead over the last eight months – as Nato leaders vetoed ceasefires and negotiations – range from 10,000 up to 50,000. The National Transitional Council puts the losses at 30,000 dead and 50,000 wounded.
- Of those, uncounted thousands will be civilians, including those killed by Nato bombing and Nato-backed forces on the ground. These figures dwarf the death tolls in this year's other most bloody Arab uprisings, in Syria and Yemen. Nato has not protected civilians in Libya – it has multiplied the number of their deaths, while losing not a single soldier of its own.
- For the western powers, of course, the Libyan war has allowed them to regain ground lost in Tunisia and Egypt, put themselves at the heart of the upheaval sweeping the most strategically sensitive region in the world, and secure valuable new commercial advantages in an oil-rich state whose previous leadership was at best unreliable. No wonder the new British defence secretary is telling businessmen to "pack their bags" for Libya, and the US ambassador in Tripoli insists American companies are needed on a "big scale".
- But for Libyans, it has meant a loss of ownership of their own future and the effective imposition of a western-picked administration of Gaddafi defectors and US and British intelligence assets. Probably the greatest challenge to that takeover will now come from Islamist military leaders on the ground, such as the Tripoli commander Abdel Hakim Belhaj – kidnapped by MI6 to be tortured in Libya in 2004 – who have already made clear they will not be taking orders from the NTC.
- No wonder the council's leaders are now asking Nato to stay on, and Nato officials have let it be known they will "take action" if Libyan factions end up fighting among themselves.
- The Libyan precedent is a threat to hopes of genuine change and independence across the Arab world – and beyond. In Syria, where months of bloody repression risk tipping into fullscale civil war, elements of the opposition have started to call for a "no-fly zone" to protect civilians. And in Africa, where Barack Obama has just sent troops to Uganda and France is giving military support to Kenyan intervention in Somalia, the opportunities for dressing up a new scramble for resources as humanitarian intervention are limitless.
- The once savagely repressed progressive Islamist party An-Nahda won the Tunisian elections this week on a platform of pluralist democracy, social justice and national independence. Tunisia has faced nothing like the backlash the uprisings in other Arab countries have received, but that spirit is the driving force of the movement for change across a region long manipulated and dominated by foreign powers.
- What the Libyan tragedy has brutally hammered home is that foreign intervention doesn't only strangle national freedom and self-determination – it doesn't protect lives either.

BBC News - 'Cleansed' Libyan town spills its terrible secrets
http://www.bbc.co.uk/news/magazine-16051349

- 12 December 2011

'Cleansed' Libyan town spills its terrible secrets

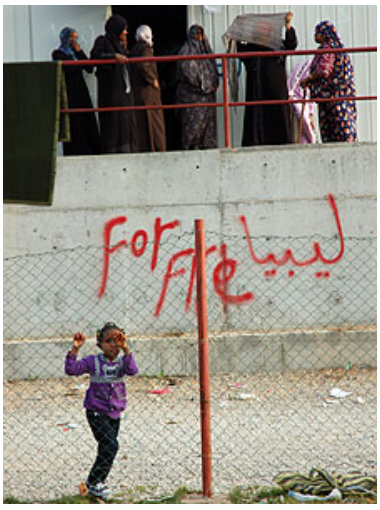
By Tarik Kafala BBC News, Libya

- The 30,000 people living in a town in northern Libya have been driven out of their homes, in what appears to have been an act of revenge for their role in the three-month siege of the city of Misrata. So what really happened in the town of Tawergha, are the accusations of brutality against the town's residents fair and what does it say about hopes for national unity?

- "No, they can never come back… They have done us too much harm, terrible things. We cannot forgive them."

Najia Waks, a young woman from Libya's third largest city, Misrata, is talking about the people of Tawergha, a town about 50km (30 miles) to the south.

For three months between early March and the middle of May, the forces of Muammar Gaddafi laid siege to Misrata. These forces were partly based in Tawergha, and the people of the town are accused of being complicit in the attempt to put down the uprising in the city. They are also accused of crimes including murder, rape and sexual torture.



Tawerghans are scattered across Libya in camps

The fighters of Misrata eventually prevailed, breaking out of their battered city, and Misratan brigades made up part of the force that overran the capital Tripoli in August. They also captured and killed Gaddafi and one of his sons in late October, and put the corpses on display in their city.

- In the middle of August, between the end of the siege and the killing of Gaddafi, Misratan forces drove out everyone living in Tawergha, a town of 30,000 people. Human rights groups have described this as an act of revenge and collective punishment possibly amounting to a crime against humanity.

Tawerghans are mostly descendants of black slaves. They are generally poor, were patronised by the Gaddafi regime and were broadly supporters of his regime. Some signed up to fight for him as the regime fought for its survival.

What happened in Misrata and Tawergha revealed one of the fault lines in Libya. It illustrates how difficult national reconciliation is going to be in some areas. It can also be seen as an example of the victors in the war that overthrew Gaddafi imposing summary and brutal justice on some of the communities that sided with the former regime and were vanquished.

- Ghost town

As you enter Tawergha from the main road, the name is erased from the road sign. It is now eerily silent but for the incongruously beautiful bird song. There were a few cats skulking about, and one skeletal, limping dog.

Building after building is burnt and ransacked. The possessions of the people who lived here are scattered about, suggesting desperate flight. In places, the green flags of the former regime still flutter from some of the houses.

Buildings show the scars of heavy bombardment, some are burnt out shells, some are just abandoned. The town is empty of humans, apart from a small number of Misratan militiamen preventing the return of the town's residents.

Those that escaped the town are now scattered across the country. As many as 15,000 people are in Hun, in central Libya. Some are in Sabha and Benghazi, and more than 1,000 are in a refugee camp in Tripoli.

- This camp, run by the LibAid humanitarian organisation, was a building site abandoned early in the uprising by the foreign construction workers who lived and worked there. It teems with women and children. There are men about, but they are very few and keep out of sight. The women are ready to talk but they want to cover their faces.

Umm Bubakr can't trace one of her sons. "They bombed and shot at us and we had to run away. I ran away with my kids. I've lost a boy and I don't know whether he is alive or dead. And now we are here, with no future. We are scared, we need a solution to our problem and we want to go home."

She says there are nightly raids by Misrata militiamen on the camp, to take away young men. They are not seen or heard of again.

Umm Saber says militiamen claim her nephew has confessed to raping a woman from Misrata, but she swears that he does not know the meaning of the word.

"There is no evidence that rapes occurred. They drove us out because they want our land and homes," she adds.

- Outside in the yard, as we leave the camp, the children gather to sing a protest song about their captivity in the new, free Libya.

People in Misrata explain what happened in Tawergha, the cleansing of a whole town, in terms of the rapes and sexual torture.

They are in no mood for reconciliation or forgiveness. In this conservative society, rape is an unforgivable crime. The victims do not come forward and so there is no way to know the extent of the crimes.

But the authorities in Misrata say that Tawerghans have confessed to rapes and that they have footage taken from mobile phones as evidence.

We were not allowed to see this, but the BBC was allowed to speak to a 40-year-old man who was held by pro-Gaddafi fighters from Tawergha as a suspected rebel fighter. His teeth were knocked out by a rifle butt.

He says that he saw a series of sexual assaults - including more than 20 men suffering torture to their genitals, a man being sodomised with a stick, and Tawerghan women who worked with the Gaddafi military urinating on prisoners who had been forced to lie on the ground.

- Assuming evidence of rapes and other crimes eventually emerges, it seems that Tawerghans are being collectively blamed for the crimes of a few people.

And because the people of Tawergha were largely supportive of Gaddafi, Misrata's triumphant militias seem to be holding them responsible for the far greater crimes of the former regime in its last months.

In Misrata, workmen are converting the former state security building into a prison, floor by floor. Conditions here appear to be good, though it is overcrowded.

The prison is clean and organised. Medecins Sans Frontiers (MSF), a humanitarian organisation, runs a small hospital, a pharmacy and a counselling service in the prison.

About 60 men from Tawergha are held here. A prison warden invites volunteers to speak to us. He insists they can speak freely and there will be no repercussions.

- **Torture claims**

Continue reading the main story

"Start Quote

No, they can never come back... They have done us too much harm, terrible things - we cannot forgive them"

End Quote Najia Waks

Riyadh steps forward. He insists he was not involved in rape, though he believes such things did happen. He says no-one has yet investigated his case or charged him with anything. The jail is not a bad place to be, he says, because

outside it he would be in great danger. Riyadh hopes he will get his day in court and clear his name.

He urges his uncle to come forward to talk to us. Osama is a lot less voluble, but he shows what he says are scars from a beating with a heavy electrical cable he received from militiamen in Misrata after he was stopped at a checkpoint.

"I am innocent and want to be judged, but it is taking a long time. The people who committed crimes should be punished, not me," Osama says. "I'm obliged to stay a refugee. That's the situation. We will not be able to go home now, these people will not allow it."

- This is pretty much Najia Waks' view of the situation. Najia had to move out of her home when it was destroyed by a rocket during the siege of Misrata. She lost four relatives in the war.

We meet her in a school on the outskirts of Misrata where she is taking part in a sewing workshop. Psychologists from MSF are also here, helping women and girls deal with the trauma of the siege they suffered.

Najia has no direct experience of the rapes and torture allegedly carried out by people from Tawergha, but she is in no doubt that they happened.

One of the teachers working at the school tells me that she cannot say herself if the rapes happened or not. "Everybody talks about this, but no-one really talks about it. It is too shaming," she explains.

Some of the women have lost husbands, sons or brothers in the fighting. They are being offered training so that they can support themselves.

- Children's drawings on the wall mock Gaddafi and his family. The young girls dance and sing songs celebrating victory, bravery and martyrdom - above all else, martyrdom. Pictures of dead relatives hang around their necks.

There is no question that the people of Misrata suffered terribly in the siege - the damage from bombardment is everywhere.

Mohammad Bashir al-Shanbah, the man who has founded the Martyrs' Museum on one of the main streets in the city, says that more than 1,200 people from Misrata died in the fighting. Hundreds of people are still missing, unaccounted for.

- His museum is a kind of gallery. Pictures of all those who have died cover some of the walls. There are pictures of people killed in purges carried out in the city by the Gaddafi regime in the city as far back as the 1980s. In front of the museum, you can wander among piles of the various shells, bullets, heavy guns and grenades that were used against the city. The golden fist that once stood in Gaddafi's compound in Tripoli is here too, a trophy that families come to be photographed beside.

Anyone who died in the cause of overthrowing Gaddafi is a martyr in today's Libya - the discourse of martyrdom is almost suffocating. Every speech opens with prayers for the martyrs, the TV stations are saturated with songs thanking the martyrs for their sacrifice. The central square in Tripoli has been renamed Martyrs' Square. The people of Misrata have adopted this language wholeheartedly.

War-torn city: Misrata suffered three months of intense siege

In the politics of the new Libya, Misrata is striking a hard bargain. Its militiamen continue to hold onto territory and weapons taken in the fighting. Their military successes and their suffering in the war leave them feeling entitled to a share of power.

- Officials in Tripoli have said that there will be an investigation if any acts by fighters from Misrata have broken the law. But it does not appear that anyone is being held to account for the events in Tawergha.

With the townspeople being stopped from returning to their homes, it can be argued that the abuse is continuing and being compounded.

A striking aspect of Libya in this immediate post-Gaddafi period is that the regional or provincial centres - Misrata, Benghazi and Zintan for example - are dictating to the political centre, Tripoli, the capital and the seat of government.

Many cities and communities suffered terribly in the war. Tawergha and Gaddafi's home town of Sirte, which was devastated by heavy shelling, are just two examples.

But they have no voice in the new Libya, as they were on the losing side.

Collective punishment against pro-Gaddafi towns |
http://feb17.info/media/video-collective-punishment-against-pro-gaddafi-towns/?utm_source=twitterfeed&utm_medium=twitter
BBC's Caroline Hawley was first prevented from entering Tawergha, and BBC cameras had to erase their footage, under orders from Misratan militia. They could only return with an escort, so this report is clearly limited.

- # Video: Collective punishment against pro-Gaddafi towns

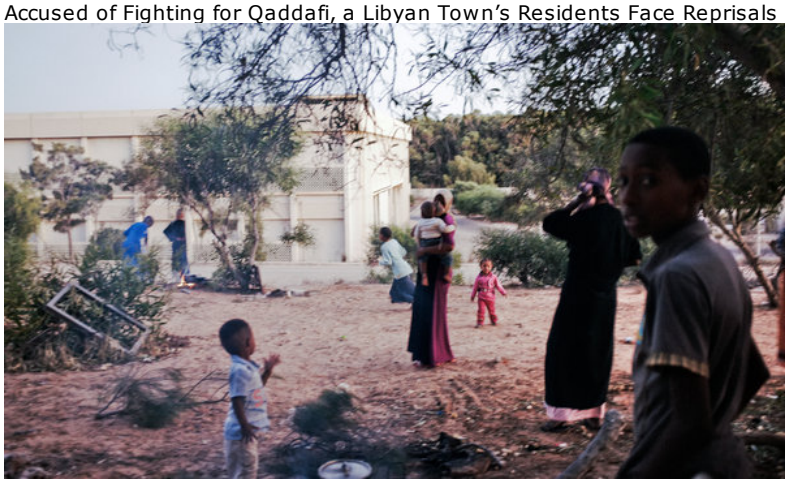
Posted on December 18, 2011

- Almost two months after Muammar al-Gaddafi was captured and killed by militiamen from Misrata, the new Libyan government is trying to promote national reconciliation.

Many of the former dictator’s fighters have been jailed, and there have been collective punishments against communities that supported him – as happened in the town of Tawargha, south of Misrata.

Caroline Hawley reports from Tawargha.

Accused of Fighting for Qaddafi, Tawerga Residents Face Reprisals - NYTimes.com
http://www.nytimes.com/2011/09/24/world/africa/accused-of-fighting-for-qaddafi-tawerga-residents-face-reprisals.html?pagewanted=all

- Accused of Fighting for Qaddafi, a Libyan Town’s Residents Face Reprisals
- 
Moises Saman for The New York Times

Displaced people from the western Libyan town of Tawerga took shelter recently at an abandoned naval academy in Tripoli. More Photos »

By KAREEM FAHIM

Published: September 23, 2011

- SURT, Libya — On the edge of this city where Libya's war goes on, several men from the town of Tawerga sat on the patio of a mosque, having fled their homes and traded one war zone for another. Rockets fell nearby, but that was just one of their problems. Men with guns, their former neighbors from the city of Misurata, stood above them, accusing them of grave betrayals.
- Tawerga was used to stage Col. Muammar el-Qaddafi's bloody assault on Misurata, when more than 1,000 people were killed. The Misurata fighters who resisted the siege have become legends in Libya, a status that has made them comfortable asserting their authority in the new order. They say the men of Tawerga did far more than host an army. They fought alongside the Qaddafi forces, the fighters and Misurata residents say, committing atrocities including rape.
- More than a month ago, as Qaddafi forces retreated from their town, virtually all of Tawerga's estimated 30,000 residents, fearing their neighbors' wrath, fled the city, leaving their clothes, their passports and their family albums behind. Since then, some Misuratans have made a mission of revenge, burning or looting the emptied shops and homes. As the Tawergans have sought safety in other cities, including Surt and Tripoli, they say Misurata's fighters are stalking them and rounding up their men.
- At the Surt mosque this week, a Misuratan fighter pointed his finger at a man from Tawerga whose children played nearby. "It wasn't two of you. It wasn't three of you. It wasn't four. It was thousands," he screamed. "All of you are with Qaddafi!"
- The feud is rolling across western Libya, one of the conflict's many reckonings that are posing an early challenge to the country's new leaders. Race has made this fight especially toxic: Tawergans say Misurata has ignored betrayals by its other neighbors, singling out Tawerga because most of the residents are black. Graffiti on their emptied homes deepens their conviction: "Misurata's slaves" appears on many walls. Fighters from Misurata say race had nothing to do with it. The Tawergans' crimes were unforgivable, they said, and as far as they were concerned, the town had ceased to exist. On Thursday, a spokesman for the transitional government said Misurata had officially softened its stance and would allow residents of Tawerga without blood on their hands to return home.

- The Tawergans are looking for safety elsewhere and finding little. Two weeks ago, 85 Tawergan men were rounded up in Tripoli by fighters from Misurata, and have not been heard from since, their relatives say. In recent days, the mayor of a southern oasis town told more than 1,000 Tawergans to leave by sunset, according to several people who said they had been forced out.

  Many Tawergans acknowledge that men from their town collaborated with the Qaddafi army, but said that the response has amounted to collective punishment. "Thirty-five thousand people didn't rape their women," said Hussein Salah, who found shelter at a camp in Tripoli. Former rebel fighters from Benghazi and Zintan are protecting them from the Misurata fighters, they said.

- The camp, a former naval academy, has no running water. On Wednesday evening, women scavenged wood from bushes and cooked meals on outdoor fires. A group of men left the crowded rooms to their families and slept on cardboard near a concrete wall. They said that since Aug. 11, when they left Tawerga, they had moved their families from town to town and camp to camp.
- Two weeks ago, at another camp in Tripoli's Abu Salim neighborhood, the fighters from Misurata found them, several witnesses said. Eight of the distinctive black pickup trucks favored by the Misurata brigades came to the camp and arrested 85 men, putting some of them in the trunks of their own cars that the fighters drove off. Abdullah Abdulsalem said he was away from the camp when the men came and arrested his brother, Mohammed Abdulsalem, 25. Hussein Salah's wife, Umm Ishnaf, said she watched the Misurata fighters arrest three of her sons, Haytham, Bassam and Essam Salah. Like the other relatives, she had no idea where they were taken.
- Some men said that their troubles with Misurata were new. Tawergans had worked and settled in the larger, wealthier city to the north for years, without problems. Others said there was a long history of tension and recriminations. Misuratans were angry about Colonel Qaddafi's attempts to curry favor with Tawerga, visiting frequently, building new homes and drawing up plans to redesign the city.
- Tawergans resented their treatment as workers in Misurata, saying they were relegated to menial jobs and subjected to racial slurs. "The problem is that we are black," Mr. Salah said. "They hid this in their hearts. After Feb. 17th, it came out," he said, referring to the beginning of the Libyan uprising.
- In another part of the naval academy, Salah Aqeel Zaid, 51, a teacher, said he had just arrived from the oasis town of Hun after a 12-hour journey. He said a local official had told more than 1,000 residents of Tawerga who were staying there that they had to leave by sunset.

- Asked about the Tawergans' support for Colonel Qaddafi's troops, he was unapologetic. "Even if we did, what's the problem? We're free," he said.

  Evidence of the Qaddafi forces' time in Tawerga is scattered all over the abandoned city. They left behind their fatigues, spent ammunition cases and large containers that they used as bomb shelters dug in mounds of dirt.

- Sheep wandered down streets emptied of everything but a few burned cars. Closets were full of clothes, and dishes were still caked with food. Green flags still waved among many houses, a sign of support either offered or coerced. In a school hallway, someone wrote, "Oh Tawerga, city of agents and goats." On the wall of an apartment occupied by young fighters from Misurata, someone else had scrawled, "Don't buy slaves without a stick."

- One day last week, four buildings burned. A group of fighters from Misurata who escorted reporters through the streets of Tawerga blamed the fires on land mines that the Qaddafi fighters left behind, or the hot weather. One of the fighters started to say more, but his colleagues told him to be quiet.

  On a commercial strip in Tawerga, Salem Hussein Kanemo, an official from Misurata, supervised the loading of several trucks with flour and furniture to be taken to Misurata. The flour belonged to Qaddafi troops, he said, and the furniture had been stolen from Misurata. He said there were discussions under way about buying the houses from the former owners in Tawerga. "They can't live next to us," he said.

LIBYA: The Making of a Ghost Town - IPS ipsnews.net

http://ipsnews.net/news.asp?idnews=105963

- LIBYA
  The Making of a Ghost Town
  By Karlos Zurutuza
- **TAWARGHA, Libya, Nov 25, 2011 (IPS) - Embarka Omar crumbles when she sees the pictures of the Libyan city where she was born and lived until two months ago. "We will be back in Tawargha one day," the 25-year-old repeats to herself. The images say otherwise.**

  Tawargha had been Muammar Gaddafi's headquarters during the terrible two-month siege of the rebel enclave of nearby Misrata,187 km southeast of capital Tripoli. Once a vibrant city of 30,000 inhabitants, the vast majority of them black, Tawargha has turned into a huge "supermarket" where families from nearby Misrata load their vehicles with the spoils of looting, and militias torch the houses, probably to prevent Omar Embarka and others like her from returning some day. Today, Tawargha - "green island" in the Amazigh language - is just a ghost town in the middle of the Libyan desert.
- Tawarghans who survived the war gather today at refugee camps like the one in Fallah, a district south of Tripoli. Embarka belongs to one of the hundred families who have found refuge in the former barracks which housed the workers of a Turkish construction company. The broken voices echoing off the corrugated iron walls help reconstruct one of the missing pieces in the Libyan war's puzzle.

  "When the war started in February, many Tawarghans living in Misrata came back home," recalls Embarka. "Gaddafi had turned our city into a stronghold from which they led the assault against Misrata and, overnight, there were almost as many soldiers as civilians," she says.
- Embarka, who was a medical student, volunteered at the hospital in Tawargha to help in the surgical department. "In early summer, supplies began to fail; food, medicines ... we didn't even have anaesthesia for the amputations. We suffered heavy shelling almost all the time and our last five doctors, all of them from North Korea, left in July," says this young woman, who still volunteers at the camp's humble medical centre.

  Bashir Youssef will never forget the lack of medical care. He might have been a father in July had he been able to take his pregnant wife to the hospital in Hisha - 80 km south of Tawargha.

  "Gaddafi's soldiers had blocked the way out of Tawargha and they did not let us go. They said it was for our own safety," remembers this former taxi driver, today without a vehicle or a city to drive it around in.

  The situation in Tawargha was becoming increasingly unbearable for everybody.
- The final assault over Tawargha started "officially" on Aug. 10, when NATO aircraft "hit three Command and Control Nodes and two Military Storage Facilities In the vicinity of Tawargha," according to the military coalition's press release. However, witnesses from this refugee camp and the one in Tarik Matar, five kilometres south of Tripoli, say that the NATO attacks started much earlier, and that even the city centre was pounded.

  On Aug. 12, Tawargha shifted from chaos to a nightmare that everybody was struggling to leave behind.

  "People tried to stop our car, begging us to let them inside. We were eight in the car and we couldn't take anybody else with us," recalls Ahmed Farthini, a former resident of Tawargha now living in Fallah refugee camp.

  Many of his neighbours fled on foot. Mohammed Jibril walked across the desert for two days until he reached Hisha. The 28-year-old says he'll never forget that journey.
- "I think that there were more than 300. Many fell down due to exhaustion and dehydration, but I could not do anything for them. It was a matter of sheer survival," says Jibril. He wonders whether the families of those who died in the desert ever got back the bodies.

  Hisha, a little town halfway between Misrata and Sirte, became a safe haven for many refugees until it was also attacked. The attacks would continue towards the east, all the way down to Gaddafi's hometown of Sirte.

  "We were lucky enough to have relatives in Sirte so we could all stay with them," says Ahmad Wail. "But many of the refugees were told that their wives and children would be hosted at the local school only if they (the men) jumped into a truck bound for Brega, 250 km southwest of Benghazi, the rebel capital, and fight over there."
- But Brega would also fall soon afterwards. Some Tawarghans would then leave for Sirte, where many would die during the massive obliteration of the town. The luckiest ones ended up in rebel-controlled Tripoli.

  "When we arrived in Tripoli," recalls Embarka, "we were 60 living in a flat for a whole month. The men wouldn't go out unless it was strictly necessary and we women never left the apartment. Many chose to stay on the beach because Tripoli is a very dangerous city for us." Embarka refers to the terrible harassment that the black population suffered in Tripoli over the last months.

  On Sep. 4, Human Rights Watch warned that "the widespread arbitrary arrests and frequent abuse have created a grave sense of fear among the city's African population". Amnesty International also published several reports in this regard, many of which point to worrying cases like that of a patient from Tawargha who was taken from Tripoli's Central Hospital to be "interrogated in Misrata."
- For the time being, the National Transitional Council of Libya – also known by its French acronym CNT – has repeatedly stated that "any abuse coming from whatever side should be thoroughly investigated." However, recent statements by Mahmud Jibril, former prime minister of the Council, have caused even deeper concern among the refugees.

  Jibril reportedly told a public meeting at Misrata town hall: "Regarding Tawargha, my own viewpoint is that nobody has the right to interfere in this matter except the people of Misrata."

  At the Tarik Matar refugee camp, Mohammed Mabrouk plays a video taken last on Nov. 1, in which a group of militias are dragging seven young men outside the camp.

  Abdullah Tarhuni, a commander from Musa Binuser - one of the six militias allegedly involved in the incident - refuses to comment on the issue, but answers without hesitation when asked about a hypothetical return of the refugees to Tawargha: "Tawargha no longer exists. In the future it will be called 'New Misrata'." (END)

UN Security Council: Press for Cooperation with ICC | Human Rights Watch

http://www.hrw.org/news/2011/11/01/un-security-council-press-cooperation-icc

- **UN Security Council: Press for Cooperation with ICC**

Prosecutor to Brief Council on Libya

November 1, 2011

- (New York) –Members of the United Nations Security Council should press for the arrest and surrender to the International Criminal Court (ICC) of Saif al-Islam Gaddafi and Abdullah Sanussi by Libya or any state to which the two men might have fled, Human Rights Watch said today. On November 2, 2011, the ICC prosecutor will brief the Security Council on his Libya investigation.

Saif al-Islam Gaddafi and Sanussi, who remain at large, are subject to ICC arrest warrants for crimes against humanity in an investigation authorized by UN Security Council Resolution 1970. Because the ICC has no police force of its own, it depends on national authorities to make arrests on its behalf. The unanimous Security Council resolution requires the Libyan authorities to cooperate fully with the court. States parties to the ICC also have a legal obligation to cooperate, including the arrest and surrender of suspects to the court. The Security Council resolution also urges all states and international and regional organizations to cooperate fully with the court and prosecutor.

- "The Security Council made the court's investigation of atrocities in Libya possible," said Richard Dicker, international justice director at Human Rights Watch. "Now it needs to reaffirm its commitment to accountability and ensure that the suspects are brought to the dock to face fair trial in The Hague."

The briefing to the council is expected to provide an overview of the investigative activities of the prosecutor's office to date. The ICC prosecutor has indicated that the focus of his current investigation in Libya relates to the 15-day period following the start of anti-government protests on February 15. He has suggested that he may open a second investigation later, relating to the subsequent armed conflict.

- On March 3, 2011, the ICC opened an investigation into serious crimes committed in Libya since February 15. The UN Security Council had referred the situation there to the ICC on February 26. Under the Rome Statute, the ICC's founding treaty, the Security Council can refer a situation in any country to the ICC prosecutor if it determines the situation to be a threat to the maintenance of international peace and security.

On June 27, the ICC judges authorized three arrest warrants, for Muammar Gaddafi, his son Saif al-Islam Gaddafi, and Sanussi, Libya's former intelligence chief. The three were wanted on charges of crimes against humanity for their roles in attacks on civilians, including peaceful demonstrators, in Tripoli, Benghazi, Misrata, and other locations in Libya. Muammar Gaddafi was killed on October 20, apparently after being taken into custody by anti-Gaddafi forces in his hometown, Sirte. Libya's National Transitional Council (NTC) has said it will create a commission of inquiry to examine the circumstances of Gaddafi's death.

Saif al-Islam Gaddafi's location is unknown. Unconfirmed media reports say he may be hiding near the Libyan border with Niger or Algeria. Sanussi is reported by unverified press accounts to have taken refuge in Mali.

- The ICC prosecutor said on October 28 that his office was in contact with Saif al-Islam Gaddafi via intermediaries regarding his possible surrender to the court. The prosecutor also said he had information that mercenaries were trying to smuggle Saif al-Islam Gaddafi to another African state to avoid prosecution.

In September, Niger said it would respect its commitments to the ICC, citing its obligations as a signatory to the court's statute. Authorities in Mali have similarly indicated that they would abide by their obligations as a state party to the ICC. The UN Security Council should urge both governments to stand by these declarations and surrender the ICC suspects to the court if they are apprehended in those countries, Human Rights Watch said.

Some NTC representatives have indicated their interest in prosecuting Saif al-Islam Gaddafi and Sanussi domestically in Libya. If either one is taken into NTC custody, members of the UN Security Council should urge the Libyan authorities to hand them over promptly to the ICC for fair trial, Human Rights Watch said. This is consistent with Security Council Resolution 1970, which requires full cooperation with the court.

- "The NTC is legally bound to cooperate with the ICC, and promised to do so in a letter to the court back in April," Dicker said. "Unilateral action to prevent handing over the accused would be a serious misstep and a violation of Libya's obligations."

Surrendering the suspects to the ICC would not prevent the new Libyan authorities from preparing their own cases against the two men and others concerning events since February 15 or before. Should the Libyan authorities wish to try the suspects domestically for crimes alleged in the ICC's arrest warrants, they can challenge the court's jurisdiction over the cases with a legal submission. To prevail, the Libyan authorities would have to show that they are genuinely able and willing to prosecute the cases in fair and credible proceedings. Demonstrating an ability to prosecute the two

ICC suspectsfairly would likely require swift and substantial reform of the judicial system, Human Rights Watch said.

For the ICC to find that the cases are inadmissible before the court, and that they must be returned to Libya for prosecution, the Libyan proceedings would have to encompass both the people and the conduct that are the subject of the cases before the ICC. Ultimately, it is up to the ICC judges to determine whether existing national proceedings would trump the court's ability to hear these cases. Because the ICC is a judicial institution, its proceedings must run their independent course.

- Human Rights Watch urged the ICC prosecutor to continue to investigate serious crimes that may have been committed by all parties in Libya, including war crimes committed during the armed conflict. Security Council Resolution 1970 gives the ICC ongoing jurisdiction over war crimes and crimes against humanity committed on the territory of Libya since February 15.

In September and October, Human Rights Watch documented human rights abuses by NTC forces, including mistreatment in detention in Tripoli and Misrata, attacks against the residents of Tawergha, and the apparent executions of 53 suspected Gaddafi supporters by anti-Gaddafi fighters.

- Violence of any kind, and in particular murder, inflicted during a non-international armed conflict on combatants who have laid down their arms or are in detention, is a war crime under the Rome Statute of the ICC. Under the court's treaty, criminal liability applies both to those who physically commit the crimes and to senior officials, including those who give the orders and those in a position of command who should have been aware of the abuses but failed to prevent them or to report or prosecute those responsible.

"Full justice in Libya should include investigating possible crimes committed by all parties," Dicker said. "While the conflict in Libya may be ending, the prosecutor's work is just beginning. We look to him to carry out his mandate impartially so that those responsible for grave abuses will face justice."

Libya: Protect Vulnerable Minorities & Assist Civilians Harmed | Refugees International
http://refugeesinternational.org/policy/field-report/libya-protect-vulnerable-minorities-assist-civilians

- **Libya: Protect Vulnerable Minorities & Assist Civilians Harmed**

Tue, 11/08/2011

- A joint report with

CIVIC
CAMPAIGN FOR INNOCENT VICTIMS IN CONFLICT

RI Advocate Matt Pennington and CIVIC Director of Field Operations Kristele Younes conducted a joint mission to Libya in September and October of 2011 to assess key civilian protection gaps and challenges.

- Policy recommendations

  - The Libyan authorities should work with UNSMIL, IOM, the U.S., and other donors to provide protection for displaced sub-Saharan Africans, including through the adoption of migrant-friendly policies and compliance with human rights obligations.
  - The Libyan authorities should work with UNSMIL, the U.S., and other donors to protect displaced dark-skinned Libyans, foster reconciliation, and provide long-term solutions for them.
  - The Libyan authorities should request long-term technical and financial assistance from NATO, the U.S., and UNSMIL to develop an effective security sector capable of protecting civilians.
  - NATO must fully and transparently investigate – and, when appropriate, make amends for – civilian harm incurred as a result of its military operations in Libya. Similarly, the Libyan authorities should ensure *all* civilian conflict-losses are accounted for and amends offered to help civilians recover.

- With the death of Muammar Gaddafi, a long-standing dictatorship has come to an end. The majority of Libyans are celebrating a new future; but certain groups – including suspected loyalist civilians, sub-Saharan Africans, and ethnic minorities – remain displaced and vulnerable to violent attacks. The National Transitional Council (NTC), the current *de facto* government of Libya, lacks command and control over all armed groups, including those responsible for revenge attacks. As such, the NTC cannot yet establish or maintain the rule of law. The plight of these vulnerable civilians foreshadows challenges to reconciliation, integration, and equal treatment of all in the new Libya. Further, civilians suffering losses during hostilities have not been properly recognized or assisted.

- **ARMED GROUPS CHAOTIC AND DECENTRALIZED**

While the NTC's discourse is one of reconciliation, its ability to exercise control over all armed groups is limited at best. Libya's military structure is chaotic and decentralized, with hundreds of increasingly autonomous armed brigades linked to different power centers in the east and west. Establishing a professional and accountable Libyan army will be a

challenge. According to a senior Western diplomat in Tripoli, the generals who defected from Gaddafi's army during the conflict are now seen as part of the old guard, lacking in charisma and credentials; the revolutionary-led brigades and militias, meanwhile, are perceived as effective and representative of the new nation. As such, many of the largely untrained and undisciplined brigades have more public support and weapons than the national military forces. The fact that Qatar provided weapons, funds, and training directly to militias during the conflict despite NTC objections further highlights the disconnect between national and localized fighting forces. This fragmentation among armed groups puts civilians at constant risk of harm.

- The development of effective security institutions that prioritize civilian protection will require considerable planning and long-term commitments by both Libya's leaders and international stakeholders. The most urgent task is for the Libyan authorities to devise a plan to rein in existing forces, and commit to comprehensive security sector reform. The primary goal should be creating an army and police force that answer to civilian power and are capable of interacting responsibly with civilians. The best way to go about this is for the NTC to work with its international partners. NATO has offered its assistance and expertise to the NTC, but Libya's current leaders have not yet responded to this offer of help. Without a formal request, NATO cannot intervene, in accordance with the principle of state sovereignty. Similarly, the U.S. and other donors could provide technical expertise to help develop responsible Libyan security institutions.

- **CIVILIANS UNDER ATTACK**

Civilians across Libya were harmed in the eight-month long conflict, most recently in Sirte – the hometown of Gaddafi and the last loyalist stronghold. The civilian population of Sirte had been warned that rebel forces were approaching, but because leaving the city was expensive (one liter of fuel could cost the equivalent of 200 USD) and dangerous, some stayed behind. As the rebel-led siege began, civilians were indiscriminately shot at, and many residents without access to communications believed regime propaganda that rebels would kill them if they dared leave. Many rebels and their supporters believed that all civilians remaining in Sirte were loyalists linked to Gaddafi and "were getting what they deserved."

Civilians with whom RI and CIVIC spoke feared retaliation upon fleeing the "loyalist area," or if they were known to have sympathies for Gaddafi's regime. One man from Sirte stated that he "absolutely" thought the city was being destroyed in part as retaliation for being Gaddafi's hometown and a stronghold of his supporters. Throughout the country, there have been reports of loyalist civilians being denied access to hospitals in liberated towns. In Tripoli, some "Gaddafi areas" have been looted, their residents victims of collective punishment.

- RI and CIVIC visited the town of Tiji in the Nafusa Mountains, which has been repeatedly described as loyalist by neighboring Berber communities, although according to its local council "simply hadn't put up the new flag fast enough." Shortly after RI and CIVIC's visit, militias from neighboring Nalut attacked Tiji and its surrounding villages, destroying 200 homes, the town's hospital and schools, and displacing more than 11,000 of the town's 18,000 residents. Berber militiamen claim they cleared the town because it supported Gaddafi during the conflict, but the underlying reason is more significant. They allege that Tiji belongs to them, and was taken by Gaddafi years ago and given to the loyal Arabs who now live there. Land disputes were common prior to the conflict, but are now being revived by armed Libyans looking to exploit widespread hatred for those perceived as Gaddafi loyalists.

The NTC must continue to publicly denounce such behavior and prioritize efforts to rein in armed groups. Once this is accomplished, the NTC must devote all necessary resources to foster national reconciliation, including through established systems of dispute resolution. As for NATO, the alliance should have publicly criticized military abuses committed in the name of the rebellion or the new regime.

- **SUB-SAHARAN AFRICANS AT RISK**

Prior to the conflict, sub-Saharan Africans, most of whom were migrant workers, made up more than 20 percent of Libya's estimated population of 6.5 million. In large part due to early allegations that Gaddafi had imported black mercenaries to wage war on Libyans, sub-Saharan Africans and black Libyans have been widely targeted for discrimination and retribution. However, there is no credible evidence to suggest that the majority of sub-Saharans and black Libyans who have been accused, robbed, beaten, detained, or extra-judicially killed in the last eight months fought for Gaddafi.

Hundreds of thousands of sub-Saharan migrants have fled Libya since the conflict began. Those who remain face threats to their physical safety; many have been robbed of all their money and possessions, including identity cards and passports, and thus risk arrest at checkpoints. According to the ICRC, 1,500 of the estimated 7,000 prisoners being held in official and *ad hoc* detention sites in Libya are foreign nationals, and most are from sub-Saharan Africa.

- Of particular concern are the thousands of sub-Saharan African IDPs gathered in makeshift camps throughout the country. Many have been displaced for months. RI and CIVIC interviewed several sub-Saharan IDPs living in squalid, unsafe conditions at a site near Tripoli at Sidi Bilal port. There, some 450 sub-Saharans remain effectively abandoned and unprotected, unable to successfully reintegrate into the local community because they lack proper documentation and face discrimination. Many want to return to their home countries, but lack the necessary travel documents. At the port, the women are targets of sexual abuse, and the men are routinely harassed and accused of being pro-Gaddafi mercenaries. Within days of the RI and CIVIC visit, two men were shot and severely injured by armed Libyans. Despite the deteriorating security conditions, local Libyan leaders have been unwilling to provide alternative sites for the group. After weeks of unsuccessful attempts by the UN Refugee Agency (UNHCR), the International Organization of Migration (IOM), and the Libyan Humanitarian Relief Agency (LibAid) to move them, IOM has finally begun transferring migrants with repatriation requests and travel documents to a nearby 'transit' site. This is a welcome development for those able to obtain documents, but the situation for the remaining 450 migrants must be addressed immediately.
- The response to these protection concerns by international humanitarian agencies has been mixed. UNHCR and IOM are working to locate vulnerable sub-Saharans, identify their immediate needs, provide aid, and repatriate those who want to return home. IOM, with support from UNHCR, has effectively brought more than 215,000 migrants home by

land, sea, and air, including tens of thousands of sub-Saharans who were stranded inside Libya during the conflict. But according to interviewees, since late August, IOM has been reluctant or unable to address key logistical and operational challenges regarding the temporary relocation and repatriation of sub-Saharans with urgent protection concerns. NGOs and donors all attributed IOM's sluggish and ineffective response to the agency's disregard for the threats facing displaced sub-Saharans. Though IOM has no legal protection mandate, its activities in Libya clearly contribute to the protection of vulnerable and displaced migrants. As such, the new Head of Mission should work with relevant Libyan authorities and UNHCR to address the most urgent caseloads of sub-Saharans by swiftly transporting them to safer sites and repatriating those requesting return home.

- A number of interviewees also criticized the UN Support Mission in Libya (UNSMIL) for failing to provide the requisite leadership and engagement on critical humanitarian and protection issues related to sub-Saharans. NGOs and donors complained that while UNSMIL does face significant challenges, including a weak and fractured political landscape and the absence of proper Libyan counterparts, the mission had not yet demonstrated its commitment – or capacity – to effectively engage relevant Libyan authorities or NGOs to improve the protection of these vulnerable groups. To better establish itself as a strong and credible voice on civilian protection in Libya, UNSMIL should bring together all relevant agencies to identify protection gaps and challenges for sub-Saharans, prioritize the deployment of collective resources, and develop concrete strategies to prevent and respond to urgent protection concerns.

For its part, the NTC has made emphatic statements and commitments to protecting civilians and upholding human rights in Libya. It has also tasked the state-funded aid agency LibAid with mapping and coordinating humanitarian aid for foreign nationals and finding alternative sites for those at risk. However, LibAid's efforts are hampered by its limited staff capacity, expertise, and influence with powerful stakeholders in the west of the country.

- The NTC should deploy a civilian policing force to protect vulnerable sub-Saharans at all the existing IDP sites in Libya. The NTC should also hold accountable those armed groups accused of committing human rights violations against sub-Saharan civilians. Until a functioning justice system is in place, Libya's leaders will need to work with existing military councils and rebel commanders to remove abusive rebel brigades from the system and disarm them. Finally, the NTC should quickly adopt a provisional policy that provides migrants with temporary identity documents. Given the critical role that migrants, including sub-Saharans, will play in rebuilding Libya, the adoption of pro-migrant policies will be essential to the country's economic recovery. The NTC should carry out these policies in parallel with a public messaging campaign to ensure the Libyan public understands the rights of migrants – and sub-Saharan Africans in particular – as well as accountability procedures for mistreatment.

- **DARK-SKINNED LIBYANS UNPROTECTED**

Dark-skinned Libyans are also widely viewed as Gaddafi sympathizers, and they face intimidation and abuse as a result. Rebel brigades and militias from Misrata have carried out widespread attacks and large-scale roundups of unarmed black Libyans from Tawergha. Humanitarian agencies have also documented harassment, looting, and arbitrary arrest and detention of other dark-skinned Libyans, including the Tebu and Tuareg minorities.

Located 30 kilometers south of Misrata, Tawergha was once a bustling town of 35,000 black Libyans. It is now completely abandoned. On August 12, NTC fighters led by Misrata brigades overtook Gaddafi forces there. In the days following, Misrata brigades ransacked the town and forced the remaining population to flee. Since then, Misrata rebels and militias have carried out reprisal attacks against Tawerghans and are preventing the population from returning. Tawerghans, known for their strong loyalties to Gaddafi, claim they are being collectively punished for the acts of a few soldiers from their town. The Misratans maintain that the Tawerghans committed, or harbored those who committed, atrocities during the long and bloody three-month siege of Misrata, including indiscriminate shelling of civilians and systematic acts of rape.

- The Tawerghans fled to areas considered more 'sympathetic' to their plight, mostly to the desert in Jufra district. Tawerghans in a makeshift IDP camp in Benghazi said they were pursued for weeks by vengeful Misrata brigades. One man in his 40s said that he and his family, along with dozens of other Tawerghan families, were attacked by Misrata rebels – first in Hisha (70 km south of Tawergha) and then again further south in Jufra. There, a Misrata brigade called Katiba al Mout ("Death Brigade") beat men, women, and children, and dragged several of them off to detention. Some Tawerghan youths were shot and killed in front of them. As the rebels attacked, they called the Tawerghans "dogs" and explained that they were being punished for "what was done to Misrata." Eventually, a Benghazi brigade intervened to protect them and transport them to the east. "They [the Benghazi soldiers]…gave us a very good image of the revolutionaries!" the man added.

In response to rising protection concerns and Misrata's refusal to allow Tawerghans to return, LibAid recently began transporting Tawerghans to Benghazi. To date, more than 9,000 Tawerghan IDPs have arrived in Benghazi. Most are staying at three makeshift camps, and others are being accommodated by family or friends. Their numbers are expected to reach 15,000 or more in the coming weeks, yet thousands of Tawerghans remain unaccounted for, and many are believed to be keeping a low profile in remote desert areas. In coordination with international humanitarian agencies, the NTC and LibAid should quickly locate the remaining displaced Tawerghans, and provide for their voluntary transport to a safe, temporary site. The NTC should deploy a civilian policing force to provide protection at each of the temporary IDP sites.

- The NTC and LibAid must make clear that they are committed to providing long-term assistance, including housing, for the Tawerghans and other minority populations permanently displaced by reprisal acts (though no one should be forced to live in such housing). The NTC should also establish an independent panel – including representatives from minority communities – to identify and recommend effective reconciliation mechanisms for emerging ethnic, tribal, and political conflicts, as well as long-term solutions for those unable to return home.

- **CIVILIAN LOSSES AND CONFLICT HARM**

There is no reliable data on civilians harmed during the conflict in Libya. None of the warring parties kept these vital statistics, including rebel forces, Gaddafi armies, and NATO and its allies. Without such data, identifying and assisting civilians who suffered injuries, property loss, or the death of loved ones is challenging at best.

Libyan authorities are making good-faith efforts to respond to civilian harm by providing much-needed financial compensation to affected families. In April, Ali Tarhouni, Acting Minister of Finance and Oil, established a fund to provide assistance to the families of those killed, detained, or wounded during the conflict. Staffed by volunteers, it currently operates in most of the major cities in Libya. As of late September, the fund had registered 5,249 victims and provided monthly assistance to approximately 4,000 using Libya's unfrozen assets. The new interim government is expected to create a new ministry tasked with addressing the needs of "martyrs, missing persons, and wounded." It is essential that all civilians harmed in the conflict receive equal treatment and compensation for their suffering, regardless of which party harmed them and irrespective of perceived or known political affiliation.

- NATO, on the other hand, has failed to track, investigate, or make amends to civilians unintentionally harmed by its military actions. RI and CIVIC interviewed civilians who claimed to have lost members of their family, including children, as well as their homes in NATO strikes. For one civilian, it meant the death of his sister and her entire family; for another, the bombing of his home cast suspicion in the community that his family supported Gaddafi. With security improving in Libya and the presence of NATO-allied diplomatic missions in Tripoli, NATO could feasibly investigate claims of civilian harm and ensure they are properly addressed through explanations of what happened and some form of tangible regret (e.g., compensation, in-kind goods). In Afghanistan, many NATO allies offer apologies and compensation payments to civilians harmed by their combat operations, often following investigations into alleged cases of casualties or property damage. Similar efforts to recognize and assist civilians should be made in Libya. Failure to do so contradicts the alliance's protection-of-civilians mandate and further endangers civilians who may have injuries, lost a family home or loved one who was a breadwinner, or may now be viewed as loyalists in an environment of suspicion and revenge.

Matt Pennington and Kristele Younes assessed the civilian protection gaps and challenges in Libya in September and October 2011.

The Murder Brigades of Misrata | Human Rights Watch

http://www.hrw.org/news/2011/10/28/murder-brigades-misrata

- **The Murder Brigades of Misrata**

Gadhafi's demise was just a part of a vast revenge killing spree

by
Daniel Williams

Published in:
Salon.com

October 28, 2011

- (Misrata, Libya) - If anyone is surprised by the apparent killing of Moammar Gadhafi while in the custody of militia members from the town of Misrata, they shouldn't be.

More than 100 militia brigades from Misrata have been operating outside of any official military and civilian command since Tripoli fell in August. Members of these militias have engaged in torture, pursued suspected enemies far and wide, detained them and shot them in detention, Human Rights Watch has found. Members of these brigades have stated that the entire displaced population of one town, Tawergha, which they believe largely supported Gadhafi avidly, cannot return home.

- As the war in Libya comes to an end, the pressing need for accountability and reconciliation is clear. The actions of the Misrata brigades are a gauge of how difficult that will be, and Misrata is not alone in its call for vengeance. In the far west, anti-Gadhafi militias from the Nafusa Mountains have looted and burned homes and schools of tribes that supported the deposed dictator. Anti-Gadhafi militias from Zuwara have looted property as they demanded compensation for damage they suffered during the war.
- The apparent execution of 53 pro-Gadhafi supporters in a hotel in Sirte apparently under control of Misrata fighters is a bad omen. It is up to the National Transitional Council to rein in all the militias and quickly establish a functioning justice system. The NTC should take control of the many makeshift detention facilities, expedite the return of displaced

Libyans, and ensure the investigation, trial and punishment of wrongdoers acting in the name of vengeance. That includes Gadhafi's killers if the evidence showed crimes were committed. The NTC, and its foreign backers, have comprehensively failed to start setting up a justice system — even in Benghazi, where they have been in charge since the spring.

- Clearly the NTC is up against the passions of a nasty war. Misrata withstood a two-month siege at the hands of Gadhafi's forces with near-daily indiscriminate attacks that killed about 1,000 of its citizens. The town's main boulevard, Tripoli Street, is in ruins. Facades of public buildings and private homes collapsed from tank fire and are charred inside and out. The pockmarks of bullet holes disfigure construction everywhere.

The fierce fight for Misrata has left a penetrating bitter aftertaste. Misratans say they detest anyone who backed Gadhafi. They are not welcome in Misrata, even if the city and its environs was their home for generations.

- The Misrata militia is focusing its greatest wrath on Tawergha, a town of about 30,000 people just south of the city. Both Misratans and Tawerghas say residents there were enthusiastic Gadhafi supporters. Hundreds of erstwhile civilians in that town took up arms to fight for him. Misratans say Tawergha volunteers committed rapes and pillaged with gusto, though Misrata officials decline to produce evidence of the alleged rapes, saying family shame inhibits witnesses and victims from coming forward.

In any event, Misratan militia members are venting their anger on all Tawerghas, who are largely descendants of African slaves. Most fled their town as Misratan fighters advanced there between Aug. 10 and Aug. 12.

- Witnesses and victims we interviewed provided credible accounts of Misratan militias shooting and wounding unarmed Tawerghas and torturing detainees, in a few cases to death. In Hun, about 250 miles south of Misrata, militias from Benghazi have taken it upon themselves to protect about 4,000 refugees. They say Misratans are hunting down Tawerghas.

One hospitalized Tawergha told Human Rights Watch how he was shot in the side and leg and abandoned to die near Hun: "They left us at the edge of the road, put a blanket over us and then started swearing, 'You are dogs, hope you die.'"

- Misrata militias, with the momentary compliance of local officials, insist that no Tawerghas should return to the area. Ibrahim Yusuf bin Ghashir, a representative of the NTC, said: "We think it would be better to relocate them somewhere else." The allegations of rape, he added, "cannot be forgiven and it would be better to resettle them far away."

This unforgiving campaign is not limited to Tawerghas. Many Misratans say that any tribe or group that supported Gadhafi — thousands of people — should not return to the city. The graffiti on tumble-down town walls express Misratans' view: "(Expletive) No returnees."

- Human Rights Watch has interviewed refugees from Misrata who tried to return and were forbidden to enter the city without a permit from the local council. A Misrata militia member told the media that all pro-Gadhafi travelers are barred from the city.

As painful as the losses have been for Misrata and the rest of Libya, everyone who fought Gadhafi should remember what they were fighting for: an end to torture, to arbitrary detention, to pitting one tribe against another; for respect and equality among neighbors. Otherwise, the agony that preceded victory will breed vengeance, rancor and a divided new Libya — one that in disturbing ways may resemble the old.

Daniel Williams is a Senior Researcher at Human Rights Watch

Nato launches renewed strikes in bid to help Libyan rebels' final assault - Telegraph
http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8756220/Nato-launches-renewed-strikes-in-bid-to-help-Libyan-rebels-final-assault.html

- # Nato launches renewed strikes in bid to help Libyan rebels' final assault

A renewed Nato intervention in Libya's civil war on Sunday night allowed rebel forces to drive their way towards Col Muammar Gaddafi's last two northern redoubts after days of fierce resistance.

- By Richard Spencer, Tripoli, Ruth Sherlock near Bani Walid and Rob Crilly in Benghazi

11:43PM BST 11 Sep 2011

- Nato said it had struck a pro-Gaddafi tank, two armoured vehicles and a multiple rocket launcher in the town of Bani Walid – an attack called in as rebels were forced to call off an attack on Saturday evening.

  As night fell on Sunday, rebels were in control of parts of the town and had seized the university.

  Around Sirte, Col Gaddafi's birthplace and showpiece city where regime forces were also holding out, Nato destroyed a set of surface to air missile canisters, two tanks and two armed vehicles.

  Rebels claimed Gaddafi forces there had taken 300 residents to a village on the approach to the city as human shields and were using them to prevent a further advance.

  Fathi Baja, head of political affairs for the National Transitional Council, told reporters that the residents, including a number of known opponents of Gaddafi, had been taken to Qasr bu Hadi, about 10 miles to the east of the city.

- The two towns have defied rebel predictions of a swift victory that would consolidate the hold of the National Transitional Council over the populated northern seaboard of the country. Gaddafi troops and loyalist residents have fought back strongly, sniping and sending volleys of missiles at rebel forces as they try to move in.

  In doing so they have covered the retreat of the Gaddafi clan and, it is believed, the leader himself to the south of the country where they are believed to be using reserves of cash and gold to be buying support in the hope of a fightback or at least a well-guarded escape.

  Deadlines for the loyalists to surrender peacefully in return for guarantees of good treatment have come and gone in Bani Walid and Sirte.

  But following the Nato attacks, rebels were able to force their way into Bani Walid last night, saying they were less than a mile from the centre and in control of the north of the town. A resident named Khalifa al-Talisi said: "There is still resistance from the central market. All other parts of Bani Walid have been liberated."

  Gaddafi forces were still fighting on, scudding mortars towards rebel lines as night fell and at one stage forcing another retreat.

- The town is home to the Warfalla tribe, which was once loyal to Gaddafi but split in later years, and its most pro-Gaddafi elements fear retaliation if they surrender.

  In Sirte surrender negotiations also failed because residents insisted the rebels could only enter if they came without weapons and demanded an amnesty for anyone guilty of crimes committed under the former regime.

- Many there fear a wave of revenge on a city that is closely associated with the Colonel and his inner circle. Evidence has emerged in the last week of similar destruction wreaked on Taworga, an intensely pro-Gaddafi town used as a base for the long siege of Misurata.

  The Sunday Telegraph discovered the town had been forcibly emptied of residents by the victorious rebels and then comprehensively looted.

- On Saturday, the head of the transitional government, Mustafa Abdul Jalil, after finally arriving in Tripoli to take up his post as de facto president of the new Libya, tried to convince residents of both towns that they had nothing to fear.

  "We try to extend our hands to show peace to our brothers there to let our troops enter these cities peacefully without fighting," he said.

  However, he authorised an end to the latest ceasefire on the Sirte front, with rebels also progressing several miles closer to the city.

[African Migrants and "mercenaries" bear the brunt of Libyan rebel atrocities « « MyWeku.com MyWeku.com](http://www.myweku.com/2011/08/african-migrants-and-mercenaries-bear-the-brunt-of-libyan-rebel-atrocities/#.THd-inLQlYk.twitter)
http://www.myweku.com/2011/08/african-migrants-and-mercenaries-bear-the-brunt-of-libyan-rebel-atrocities/#.THd-inLQlYk.twitter

- African Migrants and "mercenaries" bear the brunt of Libyan rebel atrocities
- As the world's press focuses on the hunt for Gaddafi and the battle for Tripoli and parts of Libya, news is beginning to

filter through about the fate of indegenous black Libyans and Libya's huge African guest workers. Whilst the West, promises democracy and freedom and justice, the regional, racial and tribal tensions in Libya are being largely ignored.

The Zimbabwe Mail in a post entitled Libyan rebel ethnic cleansing and lynching of black people reports on how *"Some of the hatred of Tawergha (an indegenous black African Libyan ethnic group) has racist overtones that were mostly latent before the current conflict. On the road between Misrata and Tawergha, rebel slogans like "the brigade for purging slaves, black skin" have supplanted pro-Gadhafi scrawl."*

Kim Sengupta in a report filed for the Independent Newspaper, Vengeance in Tripoli: rebels settle scores , writes: "It is also the case that the regime has repeatedly unleashed appalling violence on its own people. But the mounting number of deaths of men from sub-Saharan Africa at the hands of the rebels – lynchings in many cases – raises disturbing questions about the opposition administration, the Transitional National Council (TNC) taking over as Libya's government, and about Western backing for it. The atrocities have apparently not been confined to Tripoli: Amnesty International has reported similar violence in the coastal town of Zawiyah, much of it against men from sub-Saharan Africa who, it has been claimed, were migrant workers."

- In another report, Thirty Gaddafi fighters found dead at Tripoli Kirsty Cambell – International Medical Corps told Reuters that "Yesterday a truck arrived at the hospital with 17 dead bodies," "These guys were rounded up 10 days ago. They were found in Bab al-Aziziya when the guys (rebel fighters) went in. These guys were shot in an execution there,"The wounds were not battlefield injuries, she said.

Jason Ditzs on antiwar.com in his post UN Warns Rebels Amid Signs of Tripoli Executions (Rebels Mass Arresting Blacks as Assumed "Mercenaries") writes: "Yet the growing concern about the behavior of the rebels hardly begins or ends with this single incident. Amnesty International is also reporting that the rebel faction has been conducting mass arrests of black people across the nation, terming all of them "foreign mercenaries" but with growing evidence that a large number were simply migrant workers."