



## Libya: Protect Vulnerable Minorities & Assist Civilians Harmed

- 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 NATO's, the U.S.'s, and UNSMIL's long-term commitment, and technical and financial assistance 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 charisma and credentials, whereas the revolutionary-led brigades and militias 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 national military forces. 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 of armed forces 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 a police force that answers to civilian powers and is capable of interacting with civilians. The best way to go about this process 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 solicited NATO's help. Without this 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 stronghold of Loyalists. The civilian population of Sirte had warning that rebel forces were approaching, yet as leaving the city was expensive (one liter of fuel could run 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 when fleeing from a “loyalist area” or if they were known to have sympathies for Gaddafi’s regime. One man from Sirte told us 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 are 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, Tiji’s hospital and its schools, and displacing more than 11,000 of the town’s 18,000 residents. The Berber militiamen claim they cleared the town for its support to 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. Pre-existing land disputes were common prior to the conflict, but are now being used 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 the estimated 6.5 million population in Libya. 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 transported 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 re-

luctant or unable to address key logistical and operational challenges regarding the temporary relocation and repatriation of sub-Saharanans 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-Saharanans. 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-Saharanans 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-Saharanans. NGOs and donors complained that despite the significant challenges to the mission, including a weak and fractured political landscape and the absence of proper Libyan counterparts, UNSMIL had not yet demonstrated its commitment – or capacity – to effectively engage with 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-Saharanans, 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 protect civilians and uphold 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.

The NTC should deploy a civilian policing force to protect vulnerable sub-Saharanans at all the existing IDP sites in Libya. The NTC should also hold accountable the 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-Saharanans, 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 migrants', and particularly sub-Saharan Africans' rights, as well as accountability procedures for mistreatment.

## **DARK-SKINNED LIBYANS UNPROTECTED**

Dark-skinned Libyans are also widely viewed as Gaddafi sympathizers, and 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. Misratans maintain that the Tawerghans committed, or harbored those who committed, atrocities during the long and bloody three-month siege on Misrata, including indiscriminate shelling on civilians and systematic rape of their women.

Tawerghans fled to areas considered more 'sympathetic' to their plight, mostly to the desert in Jufra district. Tawerghans at a makeshift IDP camp in Benghazi said that 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 (70km 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 of the Tawerghan youth 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!"

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, some 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 this vital data, including rebel forces, Gaddafi armies, and NATO and its allies. Without such data, identifying and assisting civilians suffering injuries, property loss or the death of their 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, the 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 through 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 supports 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 loved one who was a breadwinner or a family home, or may now be viewed as a loyalist in an environment of suspicion and revenge.

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