



Libya: Displaced Camp Residents Need Immediate Protection

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The Libyan government should urgently provide protection for the four major camps of displaced people from Tawergha in Tripoli after militias attacked one of them on November 15 and 16, 2013. The two militia attacks killed one camp resident and injured three others.

The camp that was attacked, al-Fallah, houses 1,200 displaced people from Tawergha, among approximately 40,000 displaced Tawerghans sheltering around Libya, according to the local Tawergha council in Tripoli. The three other camps for displaced Tawerghans in Tripoli are Janzour Camp, Airport Road Camp and Sidi Sayeh Camp. Tawerghans fled their town in August 2011 under attacks by armed groups from the nearby town of Misrata and have not been allowed to return since.

"Two years on, there seems to be no end to the brutality of armed groups against displaced people from Tawergha," said Sarah Leah Whitson, Middle East and North Africa director. "The Libyan government has a responsibility to protect these people in Tripoli camps and deter further revenge attacks."

Armed groups mainly from Misrata accuse Tawerghans of having fought with or supported the forces of Muammar Gaddafi during the 2011 uprising, and of committing war crimes in Misrata. The armed groups mainly from Misrata have prevented Tawerghans from returning home and have systematically destroyed large parts of their town, an ongoing crime against humanity that remains unaddressed, Human Rights Watch said.

Al-Fallah camp residents told Human Rights Watch that the authorities have left the camp unguarded and without security since the end of 2012. In July, an unknown armed man entered al-Fallah camp in Tripoli and fired indiscriminately, wounding one camp resident.

Human Rights Watch interviewed 14 witnesses to this week's attacks in the al-Fallah camp, including two of the wounded and family members of other victims.

Witnesses told Human Rights Watch that two men armed with Kalashnikovs jumped over the camp fence at around 11:30 p.m. on November 15, 2013. They were followed by another group of four armed men from outside the camp who forced their way through the gate and entered in a black Toyota pickup truck with a yellow stripe on the side, mounted with a 106mm recoilless gun. At least 10 other armed men followed the truck into the camp. The men did not wear any insignia, but claimed they were from Misrata. They shouted obscenities at the residents, calling them "slaves," among other terms.

Seven witnesses told Human Rights Watch that the armed men started to shoot in the air, and that camp residents began to flee. One young Tawerghan man got into a fight with one of the armed men, who shot him in the thigh with a handgun. The armed group then withdrew.

Nine witnesses told Human Rights Watch that the next day, November 16, at around 9:30 a.m., residents heard gunfire outside the camp and three men armed with Kalashnikovs entered the camp on foot. Five Tawerghan men stood guard inside the gate. The witnesses said that after some exchange of words, the three intruders started shooting at the men guarding the gate, killing one man, Abdelmuttalab Abu Baker, 28, and injuring two others.

One of those wounded on November 16 told Human Rights Watch that one of the armed intruders approached him and asked where he was from. When the victim replied that he was from Tawergha, the armed man grabbed him as if to pull him outside the camp. The witness resisted, and the armed man pushed him away and shot him in his right leg. At this point, the witness said, the other two armed men started to fire indiscriminately, seriously injuring one man and killing the other.

Another man who witnessed the shooting told Human Rights Watch that Abu Baker died at the camp clinic before he could be transported to a hospital, due to multiple gunshot injuries to the chest. Residents were only able to evacuate the wounded after the armed men left, he said.

Human Rights Watch tried to speak with a seriously wounded survivor at the Tripoli Medical Center, but the hospital director prevented an interview for unspecified "security reasons."

Witnesses to the attacks on November 16 told Human Rights Watch they believe the attackers were from the same group whose members had entered the camp the night before.

On November 18, Justice Minister Salah al-Marghani informed Human Rights Watch that his office would refer the killing at al-Fallah camp, together with the cases of others killed in clashes in Tripoli on November 15, to the general prosecutor for investigation. On November 15, militias mainly from Misrata fired assault rifles, machine guns, and heavy weapons at overwhelmingly peaceful protesters in Tripoli, killing several. Ensuing clashes between several armed groups and militias left a total of 46 people dead and approximately 500 wounded.

The government should ensure that criminal justice authorities conduct a prompt and thorough investigation into the events at al-Fallah camp, leading to the prosecution of those responsible.

The forced displacement of roughly 40,000 Tawerghans, as well as arbitrary detentions, torture, and killings, are widespread, systematic, and sufficiently organized to be crimes against humanity, Human Rights Watch said. The United Nations Security Council should condemn these crimes.

Militia commanders and senior officials in Misrata could be held criminally responsible by domestic and international courts, including the International Criminal Court (ICC) in The Hague, for ordering crimes against humanity, or for failing to prevent them or to punish the attackers, Human Rights Watch said. The ICC has ongoing jurisdiction over war crimes and crimes against humanity committed in Libya since February 15, 2011, taking into account, among other factors, whether the Libyan authorities are willing and able to prosecute those responsible for these crimes.

In her last report to the Security Council on November 14, the ICC prosecutor said she remains concerned about allegations of crimes committed during the 2011 armed conflict by rebel forces in Tawergha. She said her office has reviewed allegations that following the siege of Misrata "militias from Misrata subjected Tawerghan civilians to killings, looting, property destruction, detention, and forced displacement, and also that Misrata militias are preventing Tawerghan civilians from returning subsequently to their homes."

Human Rights Watch visited Tawergha regularly in 2011 and 2012 and reviewed satellite imagery of the destruction of the city over time. Researchers observed extensive burning and looting of residential and commercial buildings in most parts of the town by arson and targeted demolitions after the fighting there had stopped in mid-2011, in an apparent attempt to prevent Tawerghans from returning home.

Successive Libyan authorities have been unwilling or unable to make Misrata militias let Tawerghans return, there by failing to end what amounts to a crime against humanity. Libya's friends and allies have done too little to bring about a just solution to this deadlocked situation, Human Rights Watch said.

Moreover, a law on special procedures enacted by Libya's transitional authorities in 2012 grants a blanket amnesty to those who committed crimes if their actions were aimed at "promoting or protecting the revolution" against Gaddafi. Human Rights Watch has called on the ICC prosecutor to examine the crimes currently exempted from prosecution in Libya, and, if appropriate, to investigate them.

"Officials have left displaced people from Tawergha to their own devices to fend off heavily armed militias," Whitson said. "The authorities are failing in their basic duties if they can't stop the militias' abuses and protect displaced communities from further revenge crimes."

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