



Libya: Spiraling Militia Attacks May Be War Crimes ^[1]

Protect Civilians; End Looting, Burnings, Arbitrary Arrests

September 8, 2014

(Amman) – Libyan ^[2] militia forces battling for control of Tripoli and surrounding areas have engaged in attacks on civilians and civilian property that in some cases amount to war crimes, Human Rights Watch said today. The militias have seized people and looted, burned, and otherwise destroyed property.

Thousands of residents fled their homes during five weeks of fighting between the Libya Dawn Alliance, led by militias from the coastal city of Misrata, and a coalition of militias from the inland mountain town of Zintan. Human Rights Watch has documented a series of attacks by Libya Dawn forces on civilians and civilian property since they took control of Tripoli, including its civilian airport, on August 24, 2014.

“Commanders on both sides need to rein in their forces and end the cycle of abuses or risk being first in line for possible sanctions and international prosecution,” said Sarah Leah Whitson ^[3], Middle East and North Africa director at Human Rights Watch. “All warring parties, as well as the Libyan government, should respect their obligation to protect civilians at all times and to hold their forces accountable when they commit crimes.”

Both sides appear to have committed violations that could amount to war crimes during five weeks of fighting sparked by Libya Dawn’s initial attack on Tripoli airport on July 13. The fighting, mostly in western areas of Tripoli, included indiscriminate firing by both sides.

Since Libya Dawn got the upper hand in Tripoli, its forces have committed further violations, including against journalists, government officials, and ordinary civilians suspected of supporting or sympathizing with the Zintan-led alliance, which is aligned with the Libya Dignity operation. Libya Dignity is the name of a military campaign in eastern Libya by former Libyan army general Khalifa Hiftar to fight Islamist militias under the Islamic Shura Council including Ansar al-Sharia.

The Libya Dawn actions Human Rights Watch documented include an attack on the private

Alassema TV station on August 23-24 in which fighters forced the station off the air, set the director's home on fire, and seized three employees, who are still missing. The homes and property of other people associated with Alassema TV have also been targeted, as has the home of journalist Hussam al-Wheishi.

According to the Libyan government, Libya Dawn militia forces attacked the home of Prime Minister Abdullah al-Thinni ^[4] on August 25, forcing out his family, looting the house, and setting it ablaze. On August 27, the government said, "criminal gangs" had burned down the home of acting Transportation ^[5] Minister Abdelgader al-Zintani.

In other cases, the militias targeted people from Zintan and supporters of Libya Dignity, as well as people whom the Misrata militias forcibly displaced from the town of Tawergha following the 2011 conflict because of the Tawerghans' alleged support for Muammar Gaddafi.

A September 1, 2014 report by the Crisis Committee of Zintan's municipal council said that the Tripoli homes of at least 80 families from Zintan had been "attacked and looted," and that 80 men from Zintan had been detained, kidnapped, or were missing.

On August 30, armed men from the Libya Shield Forces, a militia belonging to the Libya Dawn coalition, attacked a camp for displaced Tawerghans in Tripoli, killing one man and injuring several people. The militia groups, as well as the Libyan government, should take urgent steps to stop abuses against Tawerghans, some 40,000 of whom have been forcibly displaced, Human Rights Watch said.

Both sides appear to be holding people seized during the fighting, although there has been no word of some since militia forces detained them. Abdelmoez Banoon, a Tripoli-based activist, has been missing since militiamen apparently linked to Libya Dawn seized him in front of his home, on July 25. Suliman Zubi, a member of the former legislature, has been held by members of the Zintani-aligned Barq al-Nasr militia since July 21, his family told Human Rights Watch.

All those detained by warring factions should be treated humanely, and protected from torture or other ill-treatment, in accordance with international human rights and humanitarian law, Human Rights Watch said.

The Tripoli local council reported on August 25 that at least 12,600 families were displaced due to the violence. Officials of Tawergha's Tripoli-based council said on August 29 that a majority

of the 1,000 families in three makeshift camps in Tripoli for people displaced from Tawergha had left the camps amid deteriorating conditions and fear of revenge attacks. A September 4 [report](#) ^[6] by the UN states that 100,000 people had been internally displaced by the recent violence in Libya and a further 150,000, including migrants, had left the country.

All parties to the conflict in Libya are required to abide by the laws of war. Certain serious violations of the laws of war, when committed with criminal intent, are war crimes. Those who commit, order, assist, or have command responsibility for war crimes are subject to prosecution by domestic courts or the International Criminal Court (ICC), which has jurisdiction over war crimes, crimes against humanity, and genocide committed in Libya since February 15, 2011, under United Nations Security Council resolution 1970.

In a July 25, 2014 statement, the ICC prosecutor warned that her office “will not hesitate to investigate and prosecute those who commit crimes under the Court’s jurisdiction in Libya irrespective of their official status or affiliation.” However, the ICC prosecutor has yet to open a new investigation despite ongoing violations in Libya that may amount to crimes against humanity or war crimes.

On August 27, the United Nations Security Council passed resolution 2174 (2014) broadening the existing international sanctions on Libya to include people who engage in or support acts that “threaten the peace, stability or security of Libya, or obstruct or undermine the successful completion of its political transition.” Such acts include “planning, directing, or committing, acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses.”

In its resolution 2174, the Security Council also recalled its 2011 decision to refer the situation in Libya to the ICC and reaffirmed the importance of holding accountable those persons responsible for serious crimes, including those involved in attacks targeting civilians.

“Those responsible for abuses or who turn a blind eye to them risk possible sanctions and international prosecution for war crimes,” Whitson said.

For detailed accounts from victims and background on the legal framework and warring factions, please see below.

Legal Framework

Under the Rome Statute of the ICC, applicable war crimes in a non-international armed conflict, such as the conflict in western Libya, include: targeting individual civilians or the

civilian population; murder and cruel treatment of non-combatants; and pillage and destroying or seizing the property of an adversary except when strictly required by military necessity.

According to the International Committee of the Red Cross, the applicability of international humanitarian law to a conflict situation that involves non-state parties is determined by two key factors: the intensity of the conflict and the level of organization and command control of the non-state party. To be recognized as a party to a non-international conflict, an armed group should have “minimum degree of organization and discipline – enough to enable them to respect international humanitarian law.” The organization should be “capable, on the one hand, of planning and carrying out sustained and concerted military operations, and on the other, of imposing discipline in the name of a de facto authority.”

In the Libya situation, and specifically in the conflict situation in western Libya, parties to the conflict have been engaged in protracted intense fighting since July 13, 2014. The armed conflict in western Libya is still ongoing in the area of Warshafana, on the western outskirts of Tripoli. Warring factions include both state actors – the Libyan government – and militias as non-state actors. The militias involved all appear to be organized and subject to hierarchical discipline.

The Warring Factions

The Zintan alliance consists of several militia groups that had controlled Tripoli airport since the end of the 2011, as well as other locations such as the Islamic Da’wa compound and several military camps, including one in the Swani area in Tripoli. The militias that originate from Zintan – the Airport Security Katiba, the Sawaeq Katiba and Qaaqaa Katiba led by Othman Mlegta, Al-Madani Katiba, and Katibat Barq al-Nasr – have received support among others from the Warshafana tribe, based in Tripoli’s western outskirts.

Together, they are aligned with the Libya Dignity military campaign that former General Khalifa Hiftar began in May in eastern Libya to “eradicate terrorism.” Libya Dignity backs the government under Prime Minister Abdullah al-Thinni, currently based out of eastern Libya. The Dignity alliance in eastern Libya includes Libyan army officers, the Libyan Air Force, commanded by Saqr al-Jarroushi, and the army special forces, known as Saiqa, commanded by Wanis Abu Khamda.

In eastern Libya, Libya Dignity is fighting an Islamist militia alliance, the Islamic Shura Council of Benghazi Revolutionaries, including forces from the Libya Shield Katibas led by Wissam Bin Hmeid, Ansar al-Sharia in Benghazi led by Mohamed al-Zahawi, 17 February Brigade, Katibat Rafallah al-Sahati; Ansar al-Sharia in Derna led by Sofian Bin Gammo,

Islamic Shura Youth Council in Derna, and the Islamic Army in Derna.

Libya Dawn began its military campaign in July in response to what it alleged was a “coup” by General Hiftar against Libya’s official institutions. It began the campaign by attacking positions of the Zintan-led militias in Tripoli that are aligned with Dignity.

Libya Dawn is an alliance of militias from Misrata, Tripoli and other areas, including Islamist militias. They include the Libya Shield Forces for the Western Region, Katibat al-Sweihli, and Katibat Halbous, all Misrata militias, led by a former lawmaker Salah Badi; the Katibat Fursan Janzour and Islamist-leaning factions from Tripoli, including forces under the former Deputy Defense Minister Khalid al-Sharif, and a militia in the Bou Sleem neighborhood led by Abdelghani al-Kikli; a militia in Mitiga military base and Katibat al-Nawasi, led by Abdelra’ouf Karra; members of the Libya Revolutionaries Operations Room, led by Shaaban Hadiyyah; and forces from the towns of Khoms, Massallata, Gharyan, Zawiyah, Sebratha, Nalut, and Jadu. Members of Libya’s former legislature, the General National Congress, backed by Libya Dawn, nominated Omar al-Hassi as prime minister on August 25, 2014, as a rival to the current government and House of Representatives, whom they oppose.

Accounts of Attacks

Alassema TV

Fawziya Balaazi, executive director of the privately owned Alassema TV in Tripoli, told Human Rights Watch that the TV station was attacked twice, on August 23 and 24, by a group of militias under Libya Dawn, who had earlier accused the station of bias to Libya Dignity. Balaazi, who assessed the damage a few hours after the first attack on the station, at around 3 a.m. on August 23, said it had caused extensive damage to the principal control room, which had “melted,” and the technical department containing cameras and other equipment, which were mostly damaged or stolen. The second attack was on the afternoon of August 24.

Balaazi said the Libya Dawn attackers seized three station employees: Hussam Mirae, an IT technician; Saad Zagloub, in charge of montage; and Tareq al-Drissi, a graphics department worker. She said they are still missing.

Balaazi, who spoke to Human Rights Watch after leaving Libya, said she fled the country because of a threat against her life shortly before the second attack. She said she had received a phone call from an unidentified person who threatened to hang her publicly to “teach others who refused to apologize a lesson.” She said she was afraid to return to Libya:

My name is now associated with Alassema and someone posted my phone number and address all over the social media. I had to leave as I was afraid I would be arrested or even killed. I am a woman and I am afraid to be caught by militias. You know what they can do to girls if they catch them.

Jomaa Alost, the owner of Alassema, told Human Rights Watch that militiamen aligned with Libya Dawn had attacked his home and the home of his brother, Hassan Ali Alost, in Tripoli's Gurji area early on August 25. He said that militiamen carrying heavy weapons beat the family's housekeeper, fired shots in the house, broke into a safe, and took personal documents and photographs.

Alost, who is now living abroad with his family, said that unidentified militiamen had broken into and looted two farms belonging to him and his brother during the battle for control of the airport. He also said that Libya Dawn militias had on August 25 raided a company his brother owned because of its connection to Alassema TV, seizing his nephew, Wissam Hassan Alost, and an Alassema employee, Mohamed al-Hadnawi. He said that both are still missing.

Hussam el-Din al-Tayeb, a journalist for Alassema TV from Misrata, told Human Rights Watch that on August 24, during the final stages of the battle for control of Tripoli airport, militiamen looted and set fire to his house on Crown Prince Street. Al-Tayeb, who had left Libya 12 days earlier after receiving death threats from people who accused him of biased reporting against Libya Dawn, said relatives had visited his ruined home once the fighting ended. He told Human Rights Watch that his family had repeatedly urged him to quit his job at Alassema TV because they felt it was exposing them to danger.

Other Attacks

Human Rights Watch has also documented attacks on three houses belonging to the same family on or near Crown Prince Street. The family, who asked not to be named, had left the houses after fighting for control of the airport began on July 13 because of danger from gunfire by rival militias. They could not check on the houses until after Libya Dawn gained control of Tripoli on August 24.

A family member who later gained access to the area reported that the house on Crown Prince Street had suffered extensive damage, with possessions stolen or smashed, and two cars burned. The family member said the family had no known political affiliation or profile. The

two other houses belonging to the family in the same area also suffered extensive damage, the family reported.

Human Rights Watch spoke to 12 Tripoli residents who had left their homes in fear of revenge attacks and are now taking refuge in Egypt, Malta, Tunisia, Turkey, and the United Arab Emirates. They include activists, journalists, and ordinary citizens.

One man, who came originally from Zintan but has lived in Tripoli for many years, told Human Rights Watch that he and his family of 20 people had fled their home in the Gurji area of Tripoli when Libya Dawn gained control of the city because they feared revenge attacks by the militia:

Neighbors who've known my family for years defended us when militias from Libya Dawn came around asking for people from Zintan. They protected our property and wouldn't let anyone harm it. Neighbors also helped to get my cousin out just in time before militias from Libya Dawn came to her house. She fled unscathed, and the militias merely fired some shots at the house and then left.

Attack on the Tawergha Camp

Since the end of the 2011 conflict, Human Rights Watch has documented repeated attacks, mostly by militias [7] from Misrata [8], on people displaced from Tawergha [9] living in makeshift camps in Tripoli and elsewhere. Militias from Misrata have prevented some 40,000 former Tawergha [10] residents from returning to their homes as a form of collective punishment for crimes some Tawerghans allegedly committed against people from Misrata during the 2011 uprising and conflict. Militias from Misrata have also arbitrarily arrested and harassed displaced Tawerghans, with impunity. The widespread and systematic nature of this ongoing forced displacement amounts to a crime against humanity.

The Libyan government and militia forces have failed to stop such attacks, end the forced displacement, allow the displaced to return home, and hold those responsible to account despite repeated international calls for them to protect displaced communities.

A majority of around 1,000 displaced families from Tawergha who were living in three camps in Tripoli – al-Fallah [11], airport road, and Naval Academy camps – have left these camps since the fighting between Libya Dawn and Libya Dignity forces began in July 2014, apparently because they feared attacks by militias from Misrata.

Members of the Tawergha local council told Human Rights Watch that militiamen had seized

22 Tawerghan civilian men between mid-July and August 30 as they fled. The council members said the militias had released seven of the men but most of the others, seized by militias in the Zawiyah area, are held in Jedayyem Prison and elsewhere around Zawiyah. Council members said militiamen shot another civilian man from Tawergha, Omran al-Zlitni, a resident of Abu Salim area of Tripoli, as he fled from approaching militias from Misrata, wounding him in the shoulder. An Abu Salim militia then detained al-Zlitni and transferred him to Misrata.

Members of the Tawergha local council and Tawerghan activists told Human Rights Watch that in the early morning of August 30, armed men affiliated with the Libya Shield Forces for the Western Region, part of the Libya Dawn alliance, attacked al-Fallah camp for displaced Tawerghans in Tripoli. According to the Tawergha representatives, the militia drove into the virtually empty camp with heavy weapons mounted on pick-up trucks and opened fire indiscriminately, wounding three residents.

The Tawerghans said the militia then seized six men, including one of those injured, and took them to their base in Al-Yarmouk military camp in Salaheddin area in Tripoli. Members of the Tawergha community later negotiated the release of five of them but the wounded man, Irheel Abdelsalam, died while in custody.

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[6]

http://www.ohchr.org/Documents/Countries/LY/OverviewViolationsLibya_UNSMIL_OHCHR_Septo4_en.pdf

[7] <http://www.hrw.org/features/libya-tawergha-residents-terrorized-militias>

[8] <http://www.hrw.org/news/2012/04/08/libya-wake-call-misrata-s-leaders>

[9] <http://www.hrw.org/news/2012/03/05/libya-bolster-security-tawergha-camps>

[10] <http://www.hrw.org/news/2013/03/20/libya-stop-revenge-crimes-against-displaced-persons>

[11] <http://www.hrw.org/news/2013/11/19/libya-displaced-camp-residents-need-immediate-protection>

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