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Libya: Stop Revenge Crimes Against Displaced Persons

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The Libyan government should take urgent steps to stop serious and ongoing human rights violations against inhabitants of the town of Tawergha, who are widely viewed as having supported Muammar Gaddafi. The forced displacement of roughly 40,000 people, arbitrary detentions, torture, and killings are widespread, systematic, and sufficiently organized to be crimes against humanity and should be condemned by the United Nations Security Council.

Newly released [satellite imagery analysis \[click for images\]](#) shows the systematic destruction of large swaths 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 governments in Tripoli and local authorities in Misrata have failed to stop the ongoing persecution of an entire community and the destruction of the town," said [Fred Abrahams](#), special advisor at Human Rights Watch. "This leaves a dark stain on the reputation of a new [Libya](#) that claims to respect human rights."

Armed groups from Misrata, about 30 kilometers north, have been responsible for most of the abuses. These groups accuse Tawerghans of having fought with or supported pro-Gaddafi forces during the 2011 conflict, and of committing war crimes in Misrata. The Libyan government and Misrata authorities have been unable to rein in these abusive armed groups.

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 these crimes, or for failing to prevent them or to punish the attackers, Human Rights Watch said.

In her last [report to the UN Security Council](#) in November 2012, the ICC chief prosecutor said her office was continuing to collect information about allegations of "killings, looting, property destruction, and forced displacement by Misrata militias" of Tawerghans to determine whether a

new case should address these allegations.

Libyan authorities should also promptly investigate individual Tawerghans accused of committing serious crimes during the 2011 conflict, including alleged rapes and unlawful killings in Misrata, and if there is evidence of a crime, prosecute them to the full extent of the law, Human Rights Watch said. Punishing a community for alleged crimes by community members amounts to collective punishment.

Foreign governments that intervened militarily in Libya under a UN Security Council resolution to protect civilians forcefully condemned violations by the Gaddafi government but have failed to challenge effectively the ongoing abuses against Tawerghans and others, Human Rights Watch said. The double standard in addressing these crimes depending on who committed them erodes the credibility of governments that said they intervened to protect civilians.

Human Rights Watch called on the UN Security Council to condemn crimes against humanity against Tawerghans and to request the Libyan government to report back in three months on how it is fulfilling its responsibility to protect its population from mass atrocities. The Security Council should also impose sanctions against officials and militia commanders who ordered or failed to prevent these crimes, Human Rights Watch said.



Human Rights Watch interviewed 13 families from Tawergha, who gave detailed information about 17 people from the town who they say were captured and killed. They also showed photographs of bodies of those killed.

Thirteen of these victims were civilians killed after they had fled Tawergha in mid-August 2011, the families said. One was a civilian killed in detention in Misrata and one was a civilian captured and killed during the 2011 fighting, family members said. The remaining two were apparently killed in Sirte, during the fighting as Gaddafi was captured in October 2011 in unclear circumstances.

Tawergha leaders in Tripoli told Human Rights Watch that the number of Tawerghans who were captured and killed by militias after the conflict was much higher. They said the precise numbers are unknown because the community is displaced across Libya and the leaders lack full lists of

those detained and killed.

Human Rights Watch interviewed two relatives of Milad al-Buma, 33, who said a militia from Misrata had detained al-Buma and his cousin Hussein Ihneish, 25, near Tripoli on August 28, 2011, a week after the family had fled Tawergha. The two men were taken to Misrata and never heard from again, the relatives said. In early 2013 the family obtained a photograph of al-Buma's dead body.

In a separate interview, two relatives of Ihneish gave the same details about his abduction and showed a photograph of his dead body that they said they obtained in late 2012. Neither family had received a death certificate or information about the place of burial.

Many Tawerghans currently detained have been held for more than one year without charges, a judicial review, or access to a lawyer. The same is true of most of the roughly 8,000 detainees held by the Libyan government or militias. Human Rights Watch has [previously documented](#) the use of torture against Tawerghan detainees, sometimes causing death.

Human Rights Watch also conducted new satellite imagery analysis based on five images taken between 2011 and 2012, allowing an analysis of destruction in Tawergha after the fighting there had stopped in mid-August 2011. The analysis identified 1,690 damaged or destroyed structures after the cessation of hostilities, more than 90 percent of which appear damaged by fire. The total number of destroyed structures is certainly higher, Human Rights Watch said.

The imagery and Human Rights Watch's repeated [observations in 2011](#) of looted and burned buildings in Tawergha strongly suggest that the widespread and systematic destruction was intended to prevent residents from returning.

"The satellite images corroborate what we saw on the ground: the vast destruction of a town," Abrahams said. "The systematic looting, burning, and demolitions were organized and seem intended to keep people from going home."

A functioning justice system is needed to address crimes by all sides before, during, and after the 2011 conflict, Human Rights Watch said. Laws on transitional justice would help identify and punish people who committed crimes and promote reconciliation between communities and tribes.

The central government has formed a committee to work on the return of all internally displaced persons (IDPs) and Gaddafi supporters who fled abroad, but the details of its work remain unclear. The [United Nations High Commissioner for Refugees](#) says that, as of January 2013, Libya had just under 60,000 internally displaced persons, half of them from Tawergha.

Human Rights Watch called on the national government and Misrata authorities, including militia commanders, to condemn attacks against Tawerghans and other displaced communities and to allow the voluntary return of people who wish to go home. The authorities should charge or release detainees based on the evidence, investigate allegations of torture and abuse of Tawerghan detainees, and investigate the widespread arson and property destruction.

In its March 2012 report, the [UN International Commission of Inquiry on Libya](#) concluded that Misrata militias had committed crimes against humanity of torture and killings of Tawerghans. "The Misrata *thumar* [anti-Gaddafi forces] have killed, arbitrarily arrested and tortured Tawerghans across Libya," the report said. "The destruction of Tawergha has been done to render it uninhabitable."

On March 14, 2013, the UN Security Council passed resolution 2095, which expressed grave concern about "reprisals, arbitrary detentions without access to due process, wrongful imprisonment, mistreatment, torture and extrajudicial executions" in Libya and called on the

government to "accelerate the judicial process, transfer detainees to state authority and prevent and investigate violations and abuses of human rights." The resolution underscored the government's primary responsibility for the protection of Libya's population.

The UN Human Rights Council is currently considering a draft resolution that urges Libya to investigate all violations of human rights and to expedite the return of displaced persons. The adoption of this resolution with the support of the Libyan government, expected on March 21 or 22, would send a positive message that Libya is committed to end these abuses, Human Rights Watch said.

Missing, Detained, and Dead

In January 2013 Human Rights Watch interviewed 13 Tawergha families who gave details about 17 people from the town who they say were captured and killed. Human Rights Watch saw photographs of these men's bodies, shrouded in sheets and with a number, apparently readied for burial. None of the families had been able to obtain a death certificate or find out where their family member was buried.

Thirteen of the men were civilians who were captured by various militias and killed after they had fled Tawergha in mid-August 2011, the families said. One was a civilian who died from beatings in detention in Misrata and one was a civilian who was captured and killed during the fighting when he traveled from Misrata to nearby Tomina to buy gas for his car. Family members said that the other two were last seen in Sirte in October 2011, during heavy fighting in the town, and that they did not know how the person had died.

Human Rights Watch saw a list with names and individual photographs of 93 dead men who Tawergha leaders said had died since the conflict started in February 2011 and had been identified by their families. Whether each of these men was a civilian or combatant and the cause of their deaths remains unclear.

Tawergha leaders claim that up to 1,300 people from their town have died or been detained since February 2011 or are missing. Human Rights Watch could not verify this claim or assess whether those who died were killed unlawfully or died in combat. Some people from Tawergha fought with Gaddafi forces.

In one case, a man from Tawergha who did not want his name revealed for fear of retribution said an armed group from Misrata detained him in Sirte in October 2011, when Muammar Gaddafi was captured and killed there, and held him in Misrata until late 2012. Upon his release, he informed the family of Salah al-Treki, 38, that al-Treki had died in detention in December 2011 from beatings just after he was captured. Human Rights Watch saw a photograph of al-Treki's body.

"In Sirte they cracked his skull and broke bones – he was spitting blood," the released man told Human Rights Watch about al-Treki. "Don't have the body, don't know where it is."

On August 28, 2011, Hussein Ihneish, 25, previously an instructor in a Tripoli military academy, went to inspect a farm near Tripoli with his cousin, Milad al-Buma, 33, two of Ihneish's relatives said. The men were hoping the family could live there, after fleeing Tawergha earlier that month. The two men never returned and the family was unable to find out where they were. In late 2012 and early 2013, the Ihneish and al-Buma families received photographs of the men's dead bodies, but neither family knows where the bodies are buried.

In a third case, two relatives of Ahmad al-Ghariani, 24, said they last saw him on March 6, 2011, when he left his house in Tawergha to get gas for his car in Tomina. The family members said they called his phone and an unknown man answered, saying, "We caught [him], don't call him again."

Some weeks later the al-Ghariani family saw a video on the internet, which showed Ahmed being interrogated together with another man from Tawergha in an unknown location. In the video, both men are lying on the ground, bound and apparently injured. The family received no further news about Ahmad but, in late 2012, relatives received a photograph of his dead body. The location of the body remains unknown.

These reports of beatings and killings are consistent with accounts that people of Tawergha have previously [given to Human Rights Watch](#). Some Tawerghans captured in Sirte in October 2011 with the convoy of Gaddafi were [seen alive on video](#) in the custody of Misratan militias and then seen dead in photographs. In the video, militia members are cursing Tawergha and searching for Tawerghans among the detainees.

The new head of the Misrata local council, Ismail Shaklawoon, told Human Rights Watch in January that 2,700 to 3,000 people were being held in civilian and military-run facilities in Misrata. He said he did not know how many of the detainees were from Tawergha.

About 1,300 Misrata detainees have been released since late 2011 after a review of their cases, Shaklawoon said. He blamed the national government for not doing more to get the judicial system up and running so all detainees could be screened and charged or released.

Justice Minister Salah Marghani told Human Rights Watch in January that the government acknowledged the urgency of screening all detainees and said he had recently ordered 24 more prosecutors to work in Misrata. The government is building a new prison with a capacity of 2,000 outside of Misrata, at a former aviation academy, to accommodate the city's prisoners under government supervision, he said.

Shaklawoon said that abuse in Misrata facilities was the result of individual misconduct and that all complaints are investigated. About four cases had gone to court, including two deaths in custody, he said, but he provided no details.

Satellite Imagery Analysis Shows Systematic Destruction

Human Rights Watch visited Tawergha repeatedly in August, September, and October 2011, and in January 2012, and [observed extensive burning and looting](#) of residential and commercial buildings in most parts of the town. In one case, looting continued in front of Human Rights Watch researchers while a militia from Misrata was standing guard.

During a January 2012 visit, Human Rights Watch saw Misratan militia members systematically burning one neighborhood by dousing homes with gasoline and setting them on fire.

Human Rights Watch has analyzed satellite imagery showing the extent of the damage from arson and targeted demolitions in the town after the fighting there had stopped. This analysis, together with on-the-ground findings, strongly suggests that the purposeful and systematic destruction of the town was intended to prevent returns.

Human Rights Watch analyzed five satellite images taken between July 28, 2011, and August 18, 2012. These images show 1,690 damaged and destroyed structures. More than 92 percent of these structures appear to have been damaged or destroyed by fire.

Not all structural damages are visible from the satellite imagery, so actual damages after the fighting in Tawergha are likely to be significantly higher, Human Rights Watch said.

The images show that two residential housing complexes were burned to the ground, and another five residential complexes were seriously damaged by fire. Virtually all large commercial and industrial or municipal facilities appear to have been destroyed by fire, including a complex of poultry farms on Tawergha's northern edge.

Human Rights Watch compared satellite imagery with videos posted on YouTube that appear to show militias using explosives to demolish a [municipal water tower](#) and [residential buildings](#) in Tawergha after hostilities had ceased. In three instances, Human Rights Watch matched the structures in the videos with the structures in the satellite imagery, thus confirming the use of explosives for controlled demolitions, as well as the locations and time periods for the videos.

During an October 2011 visit to Tawergha, an international documentary team also [filmed armed men from Misrata](#) firing weapons into abandoned residential buildings.

Based on the videos and satellite imagery analysis, Human Rights Watch identified in the satellite imagery at least 81 buildings and two water towers that were probably destroyed with explosives – nearly 5 percent of all detected damages across the town.

The satellite imagery analysis revealed two distinct periods of destruction. The first followed the capture of Tawergha in mid-August 2011 and continued until late October. The images show 240 sites that appear to have been damaged or destroyed during that period. Based on field research at that time, and because the imagery does not fully capture the extensive burning inside homes, Human Rights Watch believes the total number of damaged or destroyed buildings is probably much higher.

This first phase was followed by a relative pause of about a month. The second and main phase of destruction occurred between November 24, 2011, and May 25, 2012, when over 1,370 sites appear to have been damaged or destroyed. This represents over 81 percent of damaged structures detected from the imagery and appears to have been a more systematic effort to destroy structures.

On May 3, 2012, the main military body in Misrata, the Military Council, [responded](#) to Human Rights Watch's earlier [charges of arson and property destruction](#) in Tawergha by saying that the "torching and demolition of some homes in the Tawergha area" were "individual actions committed by people who suffered the worst abuses at the hands of the people of Tawergha."

Human Rights Watch believes the results of the satellite imagery analysis contradict this claim. The scale of the destruction and the time and resources required to damage or destroy over 1,600 industrial, commercial, and residential sites strongly suggests that the destruction was planned and systematic.

On several occasions, Human Rights Watch researchers witnessed looting, arson, and demolitions in Tawergha while Misrata militia members at nearby checkpoints watched. During one visit in October 2011, the checkpoint commander at the entrance of Tawergha denied to Human Rights Watch that looting or arson was taking place while a group of Misrata militia members about 100 meters away fired a rocket-propelled grenade into an unoccupied building. The commander then allowed the fighters to pass his checkpoint with a truck full of looted goods, including school desks.

Background

During the 2011 conflict, Gaddafi forces used Tawergha as a base for attacks on Misrata and the surrounding area from March until August. Many Tawerghans supported Gaddafi, whose government claimed that Libyan opposition fighters would enslave Tawerghans if they took power. Hundreds of Tawerghans joined the army, both Misrata and Tawergha residents told Human Rights Watch.

Between March and May, Gaddafi forces besieged Misrata and repeatedly subjected the city to [indiscriminate mortar and Grad rocket attacks](#) that killed many civilians. In April, Human Rights Watch documented the government's use of [cluster munitions](#) in the city. Misratan fighters successfully defended the city and began to overpower Gaddafi forces in the area, with help from

NATO airstrikes.

As Misratan fighters approached Tawergha around August 10, 2011, almost all residents of the town fled. They were then subjected to [attacks, arrests, and harassment](#), mostly by militias from Misrata.

The displaced Tawerghans are now spread throughout Libya and unable to return. According to Tawergha community leaders, about 18,000 people are in Benghazi, 13,000 in Tripoli, and 7,000 in and around Sebha, in the south. Smaller numbers are in Tarhuna, Khoms, Sirte, Ajdabiya, and a few other places.

In Tripoli, the community is based mostly in four camps: at the Naval Academy in Janzur, near Airport Road, in the al-Fallah neighborhood, and in the Sarraj neighborhood. Basic humanitarian assistance comes mostly from LibAid, a Libyan government agency.

Security has improved over time at the Tripoli camps, with fewer raids by Misrata militias who claim they are searching for wanted men. On February 6, 2012, militias from Misrata [raided the camp in Janzur](#) and shot dead one man, three women, and three children.

Civil and military authorities in Misrata say that Tawerghans committed serious crimes against them during the 2011 conflict, including torture and rape. They blame the national government for failing to arrest and prosecute these Tawerghans.

Authorities in and around Misrata are also preventing thousands of people from returning to the nearby villages of [Tomina and Kararim](#), also accusing them of siding with Gaddafi during the 2011 conflict. These authorities have failed to stop local militias from looting and burning homes in the two towns, Human Rights Watch said.

According to the head of the Tawergha council, Abulrahman Shakshak, interviewed in Tripoli in January, the town's civil register had 42,000 people prior to the conflict. About 37,000 people lived in Tawergha and around 5,000 lived in Misrata, he said. Some others lived in Tomina and Kararim.

The [United Nations High Commissioner for Refugees](#) says that, as of January 2013, Libya had 59,425 internally displaced persons. Of those, 30,000 came from Tawergha, 9,404 came from Sirte, and 9,200 came from the Nafusa Mountains, mostly members of the Masheshiya tribe, who are also perceived as having supported Gaddafi. About 6,100 people are reportedly displaced from Misrata, most believed to be originally from Tawergha. Another 2,400 people are Tuareg who fled Ghadames.

Legal Standards

Certain crimes committed as part of a widespread or systematic attack on a civilian population – as policy of the country or of an organization such as a militia – may constitute crimes against humanity. These crimes can include murder, torture, deportation or forced transfer, arbitrary detention, or persecution of a group on political, racial, ethnic, or other grounds.

The civilian and military leadership in Misrata, as well as the national government, have a legal obligation to prevent forces under their command from committing such crimes. They are obliged to support steps to hold those responsible for the crimes accountable. Failure to do so could result in criminal responsibility.

United Nations Security Council Resolution 1970 gave the International Criminal Court (ICC) ongoing jurisdiction over war crimes and crimes against humanity committed in Libya since February 15, 2011. As such, the ICC could prosecute senior civilian officials, military commanders, or people effectively acting as military commanders for serious crimes committed

by forces or subordinates under their effective command and control.

This can happen if the official or commander *knew or should have known* that his subordinates or forces were committing or were about to commit such crimes and failed to take all necessary and reasonable measures to prevent the crime, or to submit the matter to the competent authorities for criminal investigation and prosecution.

Recommendations to the National and Misrata Authorities

- Publicly condemn revenge attacks against Tawerghans and other displaced communities and their property, and attempts to prevent them from returning home;
- Make a public commitment to the right of return for the people of Tawergha and other displaced communities with appropriate financial, logistical, and security arrangements;
- Investigate credible claims of torture and abuse of detainees in official as well as militia-run facilities and hold abusive officials, including commanders, to account;
- Expedite the judicial screening of all detainees and prosecute or release individuals depending on the available evidence; and
- Investigate evidence of arson and property demolition in Tawergha, including satellite imagery and videos, and hold accountable those who unlawfully destroy property.

Recommendations to the United Nations Security Council

- Condemn crimes against humanity against Tawerghans;
- Ask the Libyan government to brief the Security Council in three months on steps it is taking to fulfill its responsibility to protect the Tawergha community from crimes against humanity; and
- Impose sanctions against officials and militia commanders who ordered or failed to prevent crimes against Tawerghans.

Recommendations to the Human Rights Council

- Condemn the forced displacement, arbitrary detentions, torture, and killings of Tawerghans in the forthcoming resolution on Libya at the 22nd session of the Human Rights Council; and
- Urge the Libyan government to take meaningful steps to halt these crimes against Tawerghans, ensure that such violations are investigated and the perpetrators held to account.

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