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HOLDING LIBYA TOGETHER: SECURITY CHALLENGES AFTER QADHAFI

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HOLDING LIBYA TOGETHER: SECURITY CHALLENGES AFTER QADHAFI

EXECUTIVE SUMMARY AND RECOMMENDATIONS

As the recent upsurge of violence dramatically illustrates, the militias that were decisive in ousting Qadhafi's regime are becoming a significant problem now that it is gone. Their number is a mystery: 100 according to some; three times that others say. Over 125,000 Libyans are said to be armed. The groups do not see themselves as serving a central authority; they have separate procedures to register members and weapons, arrest and detain suspects; they repeatedly have clashed. Rebuilding Libya requires addressing their fate, yet haste would be as perilous as apathy. The uprising was highly decentralised; although they recognise it, the local military and civilian councils are sceptical of the National Transitional Council (NTC), the largely self-appointed body leading the transition. They feel they need weapons to defend their interests and address their security fears.

A top-down disarmament and demobilisation effort by an executive lacking legitimacy would backfire. For now the NTC should work with local authorities and militias – and encourage them to work with each other – to agree on operational standards and pave the way for restructured police, military and civilian institutions. Qadhafi centralised power without building a central state. His successors must do the reverse.

A dual legacy burdens Libya's new authorities. The first was bequeathed by Qadhafi in the form of a regime centred on himself and his family; that played neighbourhoods and groups against one another; failed to develop genuine national institutions; and deliberately kept the national army weak to prevent the emergence of would-be challengers. The second legacy stems from the way in which he was toppled: through the piecemeal and variegated liberation of different parts of the country. A large number of local forces and militias volunteered to take part in this fight. After Qadhafi's fall, all could legitimately claim to have sacrificed blood and treasure for the cause, and all could consider themselves national liberators.

To much of the world, the NTC was the face of the uprising. It was formed early, spoke with authority and swiftly achieved broad international recognition. On the ground,

the picture was different. The NTC was headquartered in the eastern city of Benghazi, a traditional base of anti-regime activity that provided army defectors a relatively secure area of operations, particularly after NATO's involvement. The eastern rebellion was built around a strong kernel of experienced opposition and commanders who found friendly territory in which to defect at relatively low cost and personal risk. But it could only encourage western cities and towns to rise up, not adequately support them. At key times, army components that defected, stuck on the eastern frontlines, by and large became passive observers of what occurred in the rest of the country. In the eyes of many, the rebel army looked increasingly like an eastern, not a truly national force. As for the NTC, focused on obtaining vital international support, it never fully led the uprising, nor could it establish a substantial physical presence in much of the rest of the country.

In the west, rebels formed militias and military brigades that were essentially autonomous, self-armed and self-trained, benefiting in most instances from limited NTC and foreign government support. Some had a military background, but most were civilians – accountants, lawyers, students or labourers. When and where they prevailed, they assumed security and civilian responsibility under the authority of local military councils. As a result, most of the militias are geographically rooted, identified with specific neighbourhoods, towns and cities – such as Zintan and Misrata – rather than joined by ideology, tribal membership or ethnicity; they seldom possess a clear political agenda beyond securing their area.

The situation in Tripoli was different and uniquely dangerous. There, victory over Qadhafi forces reflected the combined efforts of local residents and various militias from across the country. The outcome was a series of parallel, at times uncoordinated chains of command. The presence of multiple militias has led to armed clashes as they overlap and compete for power.

The NTC's desire to bring the militias under central control is wholly understandable; to build a stable Libya, it also is necessary. But obstacles are great. By now, they

have developed vested interests they will be loath to relinquish. They also have become increasingly entrenched. Militias mimic the organisation of a regular military and enjoy parallel chains of command; they have separate weapons and vehicle registration procedures; supply identification cards; conduct investigations; issue warrants; arrest and detain suspects; and conduct security operations, sometimes at substantial cost to communities subject to discrimination and collective punishment.

They also have advantages that the NTC and the National Army lack, notably superior local knowledge and connections, relatively strong leaderships and revolutionary legitimacy. In contrast, the NTC has had to struggle with internal divisions, a credibility deficit and questions surrounding its effectiveness. It has had to deal with ministries still in the process of reorganisation and whose employees – most of them former regime holdovers – have yet to cast off the ingrained habit of referring any decision to the ministerial level.

But the heart of the matter is political. The security landscape's fragmentation – and militias' unwillingness to give up arms – reflects distrust and uncertainty regarding who has the legitimacy to lead during the transition. While the NTC and reconstituted National Army can point out they were among the first to rebel or defect and were crucial in obtaining international support, others see things differently. Some considered them too eastern-dominated and blamed them for playing a marginal role in liberating the west. Civilians who took up arms and who had been powerless or persecuted under Qadhafi resent ex-senior officials who defected from the army and members of the regime's elite who shifted allegiances and now purport to rule. Although they are represented on the council, many Islamists consider the NTC overly secular and out of touch with ordinary Libyans. Above all else, militias – notably those in Tripoli, Zintan and Misrata – have their own narrative to justify their legitimacy: that they spearheaded the revolution in the west, did the most to free the capital or suffered most from Qadhafi's repression.

Formation of a new cabinet was supposed to curb militia-on-militia violence as well as defiance of the National Army; it has done nothing of the kind. Instead, violence in the capital if anything has escalated, with armed clashes occurring almost nightly. Regional suspicion of the central authority remains high as does disagreement over which of the many new revolutionary groups and personalities ought to be entrusted with power.

The problem posed by militias is intimately related to deeper, longer-term structural issues: Qadhafi's neglect of the army along with other institutions; regional friction and societal divisions (between regions, between Islamist-leaning and secularist-leaning camps, as well as between representatives of the old and new orders); the uprising's

geographically uneven and uncoordinated development; the surplus of weapons and deficit in trust; the absence of a strong, fully representative and effective executive authority; and widespread feeling among many armed fighters that the existing national army lacks both relevance and legitimacy.

Until a more legitimate governing body is formed – which likely means until elections are held – and until more credible national institutions are developed, notably in the areas of defence, policing and vital service delivery, Libyans are likely to be suspicious of the political process, while insisting on both retaining their weapons and preserving the current structure of irregular armed brigades. To try to force a different outcome would be to play with fire, and with poor odds.

But that does not mean nothing can be done. Some of the most worrying features of the security patchwork should be addressed cooperatively between the NTC and local military as well as civilian councils. At the top of the list should be developing and enforcing clear standards to prevent abuses of detainees or discrimination against entire communities, the uncontrolled possession, display or use especially of heavy weapons and inter-militia clashes. The NTC also should begin working on longer-term steps to demobilise the militias and reintegrate their fighters in coordination with local actors. This will require restructuring the police and military, but also providing economic opportunities for former fighters – vocational training, jobs as well as basic social services – which in turn will require meeting minimum expectations of good government. Even as it takes a relatively hands-off approach, the international community has much to offer in this respect – and Libyans appear eager for such help.

Ultimately, successfully dealing with the proliferation of militias will entail a delicate balancing act: central authorities must take action, but not at the expense of local counterparts; disarmament and demobilisation should proceed deliberately, but neither too quickly nor too abruptly; and international players should weigh the need not to overly interfere in Libya's affairs against the obligation not to become overly complacent about its promising but still fragile future.

RECOMMENDATIONS

To the Transitional National Council (NTC):

1. Strengthen the legitimacy of central authorities by ensuring greater transparency in decision-making and in identifying and selecting Council representatives and members of the executive.
2. Ensure all decisions relating to disarmament, demobilisation and reintegration (DDR) are taken in close

consultation with local military councils and militias, by appointing a credible personality to liaise and co-ordinate with such local bodies.

3. Enhance opportunity for involvement by community and religious leaders in sponsoring and supporting DDR initiatives.
4. Back local DDR initiatives financially in cooperation with local councils, including weapons registration, improvement of detention facilities and support for young fighters.

To the Revolutionary Brigades, Local Military Councils and Local Civilian Councils:

5. Seek to reintegrate armed rebels, notably the youngest among them, inter alia by identifying and registering those who wish to pursue careers in the police and military; offering alternative civilian employment; and sponsoring civic improvement initiatives with city funds.
6. Disclose all sources of funding.
7. Agree on and enforce codes of conduct and mechanisms for dispute resolution, especially where several militias operate in the same area.

To the NTC, Revolutionary Brigades, Local Military Councils and Local Civilian Councils:

8. Agree on and enforce a common set of rules and behaviour for all armed fighters; implement a single procedure for weapons registrations; and ban the display of heavy weapons in town centres and the bearing of arms at checkpoints and key installations.
9. Transfer as quickly as possible responsibility for detainees to central authority and, in the meantime, ensure respect for rule of law and international standards in arrest and detention procedures; release persons whose detention is not consistent with such practices; and bring to justice, speedily and in accordance with international law, those accused of criminal acts.
10. Agree on a process for NTC inspection of arms depots, detention centres, border posts, checkpoints and other militia-controlled facilities.
11. Implement initial steps toward DDR by:
 - a) focusing at first on heavy weapons;
 - b) through a joint effort by the government and local councils, providing support for young fighters in particular;
 - c) establishing an NTC-funded mandatory training program covering rules of engagement and discipline for militia members who wish to pursue careers in the military or policing; and

- d) providing vocational training for militia fighters as well as necessary financial incentives.

12. Establish and implement criteria for appointment to senior posts within the defence ministry and army on an inclusive basis.
13. Create at both the central and local levels a non-partisan, inclusive committee to review and refer candidates for recruitment into the police and national army.
14. Institute an appeals procedure for rejected candidates.

To the UN Support Mission in Libya and other International Stakeholders, including Arab countries, the European Union and the U.S.:

15. Offer the NTC assistance in, inter alia:
 - a) undertaking quick assessments of security, DDR, and related needs;
 - b) police training, including possibly establishment of a gendarmerie function;
 - c) security force professionalisation, including specifically on human rights and civilian oversight; and
 - d) border control.

Tripoli/Brussels, 14 December 2011

HOLDING LIBYA TOGETHER: SECURITY CHALLENGES AFTER QADHAFI

I. INTRODUCTION: THE ROAD TO POST-QADHAFI LIBYA

Libya's political challenges largely stem from the nature and trajectory of the uprising that ended Muammar Qadhafi's 42-year rule. A wide variety of actors played a part; today, virtually all seek a role in the nascent order. Though early formation and broad international recognition helped establish the National Transitional Council (NTC) as the political focal point for the rebellion and an address for its global supporters, it never fully led the uprising militarily, nor did it establish a substantial physical or governmental presence in much of the country. Libya was liberated in piecemeal fashion, mostly by local rebellions and ad hoc military groupings that used both military means and negotiations to achieve their goals. As a result, a large number of local forces and militias grew up that could legitimately proclaim themselves national liberators. In the words of a Zintani brigade commander that found echo among counterparts elsewhere: "The NTC performed well in terms of building international recognition for us and in terms of acquiring funds. But it was never a government for us here in Libya".¹

Inspired by the Arab Spring and attempting to follow its script, most major cities and towns from east to west, including its five largest, rose up – initially and mostly peacefully – in virtual unison in mid-February 2011. Benghazi and Bayda in the east fell quickly to the rebels, aided by key defections of military and civilian personnel. In the west, however, the regime managed to crush the Tripoli and Zawiya rebellions, with significant loss of life. It also attempted to crush the Misrata rebellion, but met stiff resistance; despite a heavy death toll, the city never fell back into government control.

That Benghazi became both the epicentre of the revolt and the rebels' stronghold is no coincidence. The city has a history of political activism, as epitomised in the February 2006 anti-Danish cartoon protests, which veered

into anti-regime demonstrations and were then crushed by the army and security services. The 2011 events were led by a group of lawyers and activists who had organised to represent the families of victims of the 1996 Abu Slim prison massacre, during which 1,200 detainees were killed by regime forces. Importantly, Benghazi provided army defectors with a relatively secure and protected area, from which to regroup and organise politically, particularly after NATO's 19 March imposition of a no-fly zone. As the eastern rebellion was built around a strong kernel of experienced opposition and gained momentum, military commanders found friendly territory in which to defect at relatively lower cost and personal risk.

Later, as rebellion continued across the nation in late February and early March, defections – sometimes involving entire battalions – mounted. Again, however, these occurred predominantly in the east, where the rebelling forces were able to drive out loyalist brigades – notably the 32 ("Khamis") Brigade led by one of Qadhafi's sons, which the former leader had dispatched to reinforce loyal troops and quell the rebellion. In light of this, many army officers who defected and formed the rebel National Army take the view that "We protected and supported our revolution from the very beginning. We are Libya's National Army".²

Important defections also occurred in Tripoli, Zintan and elsewhere, yet they were not the principal factors behind the uprisings in those cities, nor did they determine their character. A graduate student from Bani Walid, who had close ties to the Qadhafi family, said, "There would have been more defections in the west, but military leaders feared for their families' safety".³ As a result, the defector-led rebel

¹ Crisis Group interview, Zintani commander, Tripoli, September 2011.

² Crisis Group interview, rebel National Army commander, Tripoli, September 2011. As Qadhafi's forces retained the name "National Army" at least until the fall of Tripoli, those elements of the army that defected generally are referred to in this report as the "rebel National Army" or the "new National Army". Those who stayed loyal are referred to as "Qadhafi's forces", "regime forces" or loyalists (*muwaliyeen*). This nomenclature, albeit imperfect, is designed to avoid confusion, since Qadhafi supplemented those military forces that remained loyal (essentially the 32nd Brigade) with many non-National Army personnel.

³ Crisis Group interview, Libyan student from Bani Walid, Washington DC, June 2011. Libya's ambassador to the U.S., Ali Aujali,

army soon found itself defending eastern parts of the country against Qadhafi loyalists based principally in Sirte and Tripoli. The 19 March NATO intervention that the UN Security Council had authorised two days prior,⁴ saved civilians but also rebel forces from probable annihilation, but the rebels' newly reconstituted "National Army" was unable to make significant headway against regime forces. A standstill of sorts emerged, with regime and opposition forces facing each other along the coast in the cities and towns east of Sirte and west of Benghazi.

Aside from the regime's superior firepower, the rebels suffered from political infighting between its leaders, notably between Abdelfatah Younis, who had been appointed commander-in-chief of the rebel military, and Khalifa Hefter – a Libyan general during the 1970s Libya-Chad war who spent much of the time since then in exile – who assumed that position after Younis's assassination on 24 July. They also were weakened by the emergence of several civilian militias that openly criticised both the NTC⁵ for its absence from Libya and purported unrepresentativeness and the rebel-led National Army for its perceived absence from the battlefield. Even some civilian-led rebel militias in the east harboured similar feelings towards the two bodies.⁶

The disconnect between the rebel National Army and the NTC on the one hand, and the civilian-led militias on the other, was greatest in the west. The army encouraged cities and towns to rise up, but it could not adequately support them. As the uprisings in the west expanded, each town's militia retained its identity and sense of ownership based on its purported role and sacri-

fices. In March 2011, the most significant rebellions in the west took place in the cities of Zintan, Misrata and Zawiya, followed swiftly by Nalut, located in the Nafusa mountains south west of Tripoli. Qadhafi forces rapidly and ruthlessly crushed the revolt in Zawiya, helped by the city's proximity and accessibility to Tripoli. In contrast, Zintan and Misrata, both of which were on the frontline of the conflict between rebel and loyalist armies, put up strong resistance, becoming important bases for weapons distribution as well as for organising and consolidating the war effort.

Of all the battles, Misrata's, which lasted from 23 February to 15 May,⁷ arguably was the bloodiest and most traumatic. Misratans faced some of the most violent attacks emanating from loyalist armoured columns arriving from Tripoli and Sirte. Qadhafi's forces based themselves in the neighbouring town of Tuwergha, whose inhabitants⁸ – according to Misratans⁹ – ardently joined the battle against the rebellious town and engaged in atrocities including theft, murder and rape. Misratans first resisted the regime onslaught then went on the offensive, establishing new frontlines in Dafnia and then Zlitan to the west as well as Tuwergha to the south, a city which they ransacked and whose inhabitants they forced to flee.¹⁰

Misrata's rebellion gave rise to a distinctive identity and military character that persisted in the aftermath of Qadhafi's ouster. Misratans feel that their uprising was indigenous, led neither by forces in the east nor by the NTC, a fact from which they derive great pride.¹¹ Some complain that they received scant practical support from Benghazi; some, including senior Misratan militia leaders, even allege that weapons were not delivered free of charge. A Misratan commander of a prominent brigade said, echoing an oft-repeated albeit unsubstantiated charge, "The NTC even sold us weapons at

who defected early on, confirmed that this was a key reason for the relatively slow pace of defections in the west. Crisis Group interview, Washington, July 2011.

⁴ UN Security Council Resolution 1973 specifically "Authorizes Member States that have notified the Secretary-General, acting nationally or through regional organisations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011), to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory".

⁵ Ismail Sallabi, the ground commander of the 17 February brigade (and younger brother of Ali Sallabi, one of Libya's most prominent clerics), early on called for the resignation of the NTC leadership and referred to them as "secularists who have their own private agenda". Reuters, 4 September 2011.

⁶ In a comment made separately, Ismail Sallabi said that "revolutionaries who died at the front ... liberated Libya, not the members of the NTC who were ministers under Qadhafi, some of whom have only spent a few hours in Libya in months." See "Islamic but not Islamist militant heads Libya fighters", Agence France-Presse, 4 September 2011.

⁷ These dates are measured from the time regime forces were ejected from the city to the day rebel military leaders declared the battle over. See "Libyan rebels claim Misrata", Associated Press, 15 May 2011; "Clampdown in Libyan Capital as Protests Close In", Associated Press, 23 February 2011.

⁸ Residents of Tuwergha, a town 32km south of Misrata, form a community of roughly 30,000 Libyans, many of whom are of African origin; some are descendants of freed slaves. The city is said to have received preferential treatment during Qadhafi's regime.

⁹ Crisis Group interviews, Misratan civilian and militia leaders, Misrata, October, 2011. It is difficult for Western observers and human rights organisations to verify these claims due to Misratans' reticence. Crisis Group interview, human rights worker, Misrata, October 2011.

¹⁰ The Misratans' pursuit of Tuwergha residents in Tripoli, in refugee camps and elsewhere continues. Tuwerghans still live in fear of arbitrary detention and arrest.

¹¹ Crisis Group interviews, brigade leaders, members of local and military councils and ordinary civilians, Misrata, September-October 2011.

the height of the siege”.¹² From the earliest days, the rebellion was organised and led from the bottom up, by civilians who gained experience in battle rather than by individuals with a prior military background.¹³ A Misratan brigade leader said, “The reason we have so many brigades today is that in the beginning each street would organise its own group, street by street”.¹⁴

As a result, no formal central command structure developed¹⁵ and Misratan commanders reached decisions by consensus. As a brigade member heading for Sirte in October said, “The commanders come together after sunset and discuss and decide what to do. Then we get our orders”.¹⁶ Insofar as Misratan fighters were mostly civilian volunteers, some of whom came to and departed from the battlefield at will, this at times produced unpredictable results. A unit leader explained: “There’s no commander above us except God. We choose when we go to fight”.¹⁷ Brigades came together in loose alliances, either explicitly – as in the case of the Revolutionary Brigades’ Group (Tajamu’ Sirayaat ath-Thuwwar) – or implicitly. Ultimately, Misratans’ persistence, bravery and ruthlessness – on display when they dealt with Tuwerghans or Misratans they suspected of collaborating with Qadhafi’s forces¹⁸ – prevented the regime from retaking the city.

Although Misrata’s rebellion secured the country’s economic heartland and prevented a regime counter-offensive from dividing the nation between east and west, Tripoli remained the most crucial prize. Its residents had been preparing for months for their second uprising, after their first attempt to rise up in February had failed. Many youths, well-connected families and business-people escaped to Tunisia, where they – along with expatriate Tripolitarians – organised support networks in places such as Tunis, Sfax and Djerba. Some groups,

primarily comprising diaspora Libyans, came together to form the 17 February Coalition, which supplied and equipped rebel Tripolitarians and, in due course, helped coordinate the 20 August uprising. Among them was Abdul Rahim al-Keeb, the future prime minister and one of six representatives named by the coalition for representation in the NTC.

In order to pressure regime forces, Tripolitarians needed a credible military presence in the west. By February, local uprisings in Jebel Nafusa had freed up territory in which Tripolitanian rebels could begin their own military campaign and support the rebels of the western mountains. This was the case in particular of Nalut, a town situated atop a steep cliff and thus easily defensible, even from heavy armour attacks.¹⁹ The town played a significant role in helping smuggle people and supplies from Tunisia and in seizing two border posts. A “Tripoli brigade” made up of Tripolitarians volunteering to fight for their city, established an important foothold in Nalut. The brigade originally was quite small, numbering in the low hundreds and headed predominantly by expatriates led by the Irish-Libyan Mehdi al-Harati; by mid-August, it numbered roughly 1,200 fighters²⁰ and had joined in the western mountains campaign. It also carried out basic military training with the support of several foreign governments.²¹

In Zintan, the uprising was led by militarily experienced army defectors.²² For a long period, it remained on the front-line of rebel-held territory. An adjacent airstrip was used to bring in cash and weapons from Benghazi and Tunis, turning Zintan into an important depository of such goods and giving it a say in how they would be distributed to the western front.²³

After Nalut and Zintan, the campaign for the western mountains proceeded piecemeal, accelerating throughout early

¹² Crisis Group interview, Misrata, September 2011.

¹³ Very few of the Misratan brigade and unit leaders interviewed by Crisis Group had military careers prior to February 2011; not one knew of a Misratan commander who had been in the army prior to the revolution. Crisis Group interviews, Tripoli and Misrata, September-October 2011.

¹⁴ Crisis Group interview, Tripoli, September 2011.

¹⁵ Some Misratans, such as Salim Joha, a former military officer who played an important part in the expulsion of Qadhafi’s troops from the city, gained authority through consensus and peer recognition. Crisis Group interviews, Misrata, November 2011.

¹⁶ Crisis Group interview, Misrata, October 2011.

¹⁷ Crisis Group interview, Misrata, October 2011.

¹⁸ “There were some loyalists within our ranks. For example, we had a plan to demolish a key bridge leading into Misrata but we were betrayed by a Misratan. The rebels then killed him”. Crisis Group interview, Misratan resident, Misrata, October 2011.

¹⁹ See “Freedom now rings from one mountaintop radio station in western Libya”, *Christian Science Monitor*, 28 April 2011.

²⁰ Crisis Group interview, Tripoli brigade fighter, Tripoli, September 2011.

²¹ According to the *Wall Street Journal*, the Tripoli brigades received three weeks training from Qatari special forces. See Margaret Coker, “Length of Libya’s standoff hinges on leader’s militia”, *Wall Street Journal*, 24 August 2011. The Tripoli brigades were first trained in Benghazi, but relocated to the Nafusa mountains to participate in the campaign for Tripoli from the west.

²² Crisis Group interviews, commander of Mohammad al-Madani brigade, leader of western Mountain Command and senior Misratan rebel fighter, Tripoli, September 2011.

²³ Although Zintani fighters do not confirm this, others (chiefly Tripolitarians) claim that they sought to centralise weapons supplies through the city. A Tripoli brigade fighter said, “When we took over a new area, Zintan would go straight to the weapons dumps”. Crisis Group interview, Tripoli, September 2011. Another volunteer fighter commented: “We had to buy our weapons and ammunition from Zintan before we could even get to the front”. Crisis Group interview, Tunisia, August 2011.

August. Rebels encouraged towns to rise up; they sought the help of groups of young defectors from the communities themselves; negotiations would ensue with local elders. At times, as a result of painstaking talks, conflict was avoided; at others, negotiations would fail, and fighting would follow. Given lacklustre pro-regime resistance and the regime's failure to live up to its promises to provide tribal leaders with greater support, most western towns and villages fell relatively quickly. Rebels established a western mountain Military Command in order to unite and coordinate activity in various towns and villages as well as the military committees that had arisen within them. Better and more heavily equipped brigades from other regions provided additional support. With the mid-August capture of Gharyan and Zawiya, two critical towns governing major supply routes into Tripoli, the anti-Qadhafi forces were in a position to encircle the capital.

By 20 August, the scene was set for rebels from Misrata, the Zintani-led western mountain command and the Tripoli brigade to converge on the capital. The rebel National Army leadership, too, led by Khalifa Heftar and his chief of staff Sleyman Mahmoud al-Obeidi (a former commander of the eastern Tobruk region under Qadhafi), was poised to enter from Zintan,²⁴ and other eastern civilian militias also were ready to come from both Misrata and the western mountains. Yet, even though the capital was surrounded, many rebel organisers and fighters anticipated weeks of difficult house-to-house combat.²⁵

It never came to that. Instead, as a result of a coordinated uprising in the city, roughly 80 per cent of it was in rebel hands within less than 24 hours and without much gunfire. The uprising quickly led to the fall of the city's northern coastal swathe, as morale among Qadhafi's forces swiftly collapsed. The rapid and dramatic nature of events essentially reflected groundwork by city residents who rose up on 20 August once given the agreed signal, which rang out across the city from mosque megaphones at evening prayers.²⁶

Following the initial setback in February, dissident Tripolitarians had developed their own networks or quasi-cells of trusted family members, friends and contacts over a period of six months.²⁷ Networks cut across neighbourhoods, so that residents in one district generally were aware of what their counterparts elsewhere were thinking and doing. These self-selected revolutionaries were the first to move, and street after street quickly closed itself off and battled the few regime forces that came their way.²⁸ Other help came from regime defectors within the capital. Indeed, not all who defected during the six-month conflict fled; many stayed in their posts in the security services and regime apparatus, becoming critical intelligence sources for NATO and the rebels.²⁹ Although there were ties between Tripolitanian-based

head, Brigadier General Abdulsalam al-Hasi, "We didn't choose it; the circumstances and the operations led us to this date". See Samia Nakhoul, "The secret plan to take Tripoli", Reuters, 6 September 2011. City residents offer differing accounts; many mentioned NTC leader Abdul Jalil's 20 August speech as giving the signal to rise up. Crisis Group interviews, Tripoli, August-September 2011. Sheikh al-Sadiq al-Gharyani, a well-known cleric, also gave a speech on that day which was taken as a sign by some residents. Crisis Group interviews, Tripoli, September 2011. Residents interviewed in various neighbourhoods stated that the final, unequivocal cue was the broadcasting of *takbeer* (cries of "Allahu Akbar") emanating from mosques at and around sunset. Crisis Group interviews, Tripoli rebel organisers and residents, Tripoli, August-September 2011. (The deputy head of the Tripoli Local Council, Hisham al-Kreshkli, later claimed to be the one who recorded that *takbeer*. Crisis Group interview, Hisham al-Kreshkli, September 2011). An imam said, "We wouldn't have broadcast the *takbeer* unless we were sure the people would rise up. Otherwise, Qadhafi's forces would have killed us!" Crisis Group interview, mosque leader, Tajura, September 2011.

²⁷ Crisis Group observations, Djerba, 20 August, Tripoli, 22-25 August; Crisis Group interviews, uprising coordinators from Tajura, Suq al-Jumaa, Sharia as-Slim, Janzour, Hayy al-Andalus and Qirqaresh neighbourhoods, Tripoli, August/September 2011.

²⁸ Crisis Group interviews and observations, Tripoli, August 2011. Tripoli residents claimed that they encountered few regime vehicles; many troops were corralled into chokepoints, where they were attacked by rebels on 21 August. Crisis Group interviews, Tajura, Suq al-Jumaa, and Hayy al-Andalus residents, Tripoli, August 2011.

²⁹ Among them was Albarrani Shkal, the commander-in-chief of Qadhafi's military compound at Bab al-Aziziya. Shkal passed information on weapons stores and command centres to the rebels. But there were many others who had jobs in the police, interior ministry, security services and military. Crisis Group interviews, interior ministry official, defected internal security officer, Tripoli, September 2011. According to Brigadier General Abdulsalam Alhasi, commander of the rebels' main operations centre in Benghazi, those secretly helping the rebels were "police, security, military, even some people from the cabinet; many, many people. They gave us information and gave instructions to the people working with them, somehow to support the revolution". See Samia Nakhoul, "Special report: The secret plan to take Tripoli", Reuters, 6 September 2011.

²⁴ Crisis Group interview, Suleyman Mahmoud al-Obeidi, Tripoli, September 2011.

²⁵ Members of the Tripolitanian 17 February Coalition who had advance knowledge of the date of the uprising and who kept in close contact both with Tripoli brigade forces and with neighbourhood networks of protest organisers were extremely apprehensive up until the last minute. One said, "I think it will be long and bloody". Crisis Group interview, Djerba, 20 August 2011.

²⁶ It is unclear how the decision to rise up on 20 August was made. The NTC's operations centre in Benghazi, which coordinated intelligence-gathering and infiltrated a few dozen teams into Tripoli, did not select the date; according to its

groups and outside rebels,³⁰ city residents claim that, in the end, outside efforts accounted for relatively little. In particular, they say that they had few weapons, and they were obtained essentially from Qadhafi's own forces.³¹

The pace of events surprised not only outside observers and policymakers,³² but also rebels who had been involved in planning the uprising, whether from within or outside the capital.³³ The way in which the city fell had important policy implications. In particular, no single rebel group could take credit for the victory. Many had prepared detailed plans, but the precipitous result reflected the combined and often uncoordinated efforts of a range of actors who typically did not know one another.³⁴ Tripolitans for the most part profess being

unaware of any overarching effort; instead, they say they gathered information on the planned date for the uprising from trusted friends, relatives and television.³⁵ The result also was that on the morning of 21 August, Zintanis, Misratans and members of the Tripoli brigade all entered the city in disorganised fashion, guided and supported by local neighbourhood residents who had already corralled Qadhafi's demoralised forces into chokepoints with which the rebels' heavy weaponry could easily deal.³⁶

The final battles of the eight-month conflict centred on Qadhafi's last strongholds of Bani Walid, south west of Misrata, and Sirte, between Misrata and Benghazi. In both cases, victory entailed persistent but ultimately failed negotiations, long sieges, heavy gunfire, and fairly indiscriminate destruction of surrounding buildings. Indeed, these battles were unlike what had preceded them. Without sufficient numbers of local residents facilitating their entry, rebel forces used enormous amounts of heavy weaponry – including anti-aircraft guns, recoilless rifles, rocket-propelled grenades, Grad rockets and tanks – against buildings in civilian residential areas.³⁷ Local residents eyed rebels with suspicion, fearing they would engage in retaliation – and fearing, as well, actions by determined pro-Qadhafi forces in their midst.³⁸

³⁰ Residents of the eastern suburb of Tajura, for example, enjoyed a close relationship with Misrata; some in the eastern neighbourhood of Suq al-Jumaa coordinated closely with the 17 February Coalition, based in the Tunisian city of Djerba. Crisis Group interviews, residents, Tajura and Suq al-Jumaa, August 2011; members of 17 February Coalition, Djerba, August 2011. Likewise, residents of the western suburb of Janzour as well as those from the south of the capital were in contact with Zintan's western Military Command. Crisis Group interviews, western Military Command leader, Janzour, Tripoli; and Janzour resident, Tripoli, 2011. In turn, several of those networks communicated with the Benghazi operations centre and thus with NATO itself. Crisis Group interview, Western diplomat, Tripoli, September 2011. Finally, brigade leaders in Misrata and Jebel Nafusa had smuggled weapons into the capital over preceding months. Crisis Group interviews, Misratan smugglers and Tajuran residents, Tripoli, August 2011.

³¹ A Tajura resident said, "If there were people bringing in weapons, we never saw them. We got ours from Qadhafi troops". Crisis Group interview, Tripoli, August 2011. Another added: "We had, I think, five to ten Kalashnikovs for every 100 people. We also used the dynamite that we used for fishing as well as Molotov cocktails". Crisis Group interview, Tripoli, August 2011.

³² Crisis Group interviews and email communications, Western officials and NGO observers, Tripoli, Brussels, Paris, New York and Washington, August 2011.

³³ "We were surprised, to be honest, that it fell so quickly. We were expecting it to be much tougher". Crisis Group interview, 17 February Coalition member, Tripoli, August 2011. A Misratan fighter said, "When we arrived in Tajura on the morning of 21 August, Qadhafi's forces were grouped outside the main hospital. The rest of Tajura was clear. We were greeted with milk and dates". Crisis Group interview, Tripoli, September 2011.

³⁴ Since that time, many rebel groups have claimed to have been behind, or to have played a central part in a so-called master plan to liberate the city, even as Tripolitans themselves profess ignorance of such a strategy. For example, Abdul Hakim Belhaj alleged that the Tripoli Military Council – which comprised all Tripoli brigades – had formulated a plan sanctioned by NTC head Mustafa Abdul Jalil; as it

were, some Tripoli residents report seeing a letter issued by the Tripoli Military Council on the morning of 20 August to at least four neighbourhoods explicitly stating that the uprising was intended to begin at sunset that day. Crisis Group interviews, Tripoli residents, Tripoli, September 2011. On the other hand, Zintani officers and rebel National Army leaders present in Zintan on 20 August claim that Belhaj's and the Tripoli brigades' early move into the capital on 21 August actually pre-empted their plan to liberate the city. Crisis Group interview, Zintani head of the western Mountain Command, Tripoli, September 2011. Likewise, the NTC's operations centre in Benghazi, led by Brigadier General Abdulsalam al-Hasi, helped coordinate intelligence-gathering in the city and had infiltrated a few dozen teams into Tripoli; on that basis, the Council maintains it was instrumental in engineering Tripoli's capture. See Samia Nakhoul, "The secret plan to take Tripoli", *op. cit.*

³⁵ Rebel media outlets had signaled that 20 August would be the day. A Sharia as-Slim resident said, "It was no secret – we learned about the date from al-Ahrar' television station". A Tajuran resident added, "Even the Qadhafi militia knew there was going to be an uprising!" Crisis Group interviews, Tripoli, August 2011.

³⁶ Not all of Tripoli fell so easily. The battle for Qadhafi's Bab al-Aziziya compound took two days and the southern district of Abu Slim took three. Rebels unleashed anti-aircraft guns, recoilless rifles and rocket-propelled-grenades against retreating fighters in Abu Slim's Hayy Nasr and Umm Durman districts, reducing Hayy Nasr's carpet market to a smoking ruin.

³⁷ Crisis Group observations and interviews, Misrata 2011.

³⁸ Bani Walid was defended by some of Qadhafi's finest forces, including elements of the Khamis brigade (commanded by one of his sons) and the Revolutionary Legion, part of Qadhafi's secret police. A widespread albeit unconfirmed belief among Bani Walid residents was that those among them who were sent to nego-

In Bani Walid, negotiations with town dwellers repeatedly broke down; rekindled, longstanding tribal animosities appear to have played a part.³⁹ Rebels waited in vain for Bani Walid residents to rise up against regime security forces. In the end, the town's capture on 17 October was the result of another month of bloody battle and a combination of sustained NATO attacks, exchanges of ground missile fire, sustained defence by loyalist snipers and, ultimately, the attrition of loyalist forces that were running out of ammunition.⁴⁰

The battle for Sirte unfolded in a similar manner. Lasting from mid-September until 20 October, it witnessed unsuccessful and uncoordinated attacks by Misratan and eastern brigades. The confrontation took a significant human toll, as determined loyalist forces (which, as it turned out, were defending Qadhafi himself) put up strong resistance in a difficult urban environment, resulting in several hundred deaths on each side.⁴¹ In the end, Qadhafi's flight, intercepted by NATO bombers and then by Misratan brigades, cemented the city's fate. Sirte's fall triggered the NTC's promised Declaration of Liberation. For the rebels, the former leader's death on 20 October represented an unmistakable end to the threat they believed he still posed. For others, the fact that he had been so ignominiously beaten and killed by Misratan fighters and that his body subsequently was sent there, was an ominous sign, symbolising the country's unruly and potentially dangerous security fragmentation.

tiated with their Warfallan tribal brethren among the rebels on 5 September, were shot dead by Qadhafi security forces upon return on 6 September. Crisis Group interviews and email correspondence, Bani Walid natives, Tripoli and Washington, September-October 2011.

³⁹ The rebels chose to first send in brigades comprised of fighters who hailed from the same tribe as Bani Walid residents, the Warfalla, but non-Warfallan rebels ended up accusing them of sympathising with pro-regime Warfallans. Meanwhile, fighters from Misrata, which had a long-standing blood feud with the Bani Walid dating back to the killing of Ramadan Suwehli, a Misratan resistance fighter against the Italian occupation, refrained from entering the town to avoid provoking revenge attacks. The Qadhafi regime was expending significant efforts to stoke the coals of these historic rivalries, largely forgotten by young Libyans. Crisis Group interviews, observers, journalists, Tripoli brigade and Misratan fighters, Tripoli and Misrata, September-October 2011.

⁴⁰ The justification for these NATO attacks and for the use of special forces from Britain, France, Jordan, Qatar and UAE under UNSCR 1970 and UNSCR 1973 has been the subject of much criticism. See, eg, George Grant, "Special Forces in Libya: A Breach of UNSCR 1973?", *The Commentator* (the-commentator.com), 25 August 2011.

⁴¹ Crisis Group interviews, observations and email correspondence, Misratan brigade commanders, journalists and Western military officials, Misrata and Washington, October-November 2011.

II. THE ORIGINS OF SECURITY FRAGMENTATION

The proliferation of militias, which has its roots in the means by which Qadhafi was overthrown, is today related to several other features of the political landscape: the absence of a fully legitimate, representative and effective government on the one hand, and significant societal divisions (between regions and between Islamist-leaning and secularist-leaning camps, as well as between representatives of the old and new orders) on the other. Without a more inclusive interim governing body and more capable national institutions, notably in the areas of defence, policing and vital service delivery, Libyans are likely to be suspicious of the political process while insisting on both retaining their weapons and preserving the current structure of irregular armed brigades.

A. WHO SPEAKS FOR LIBYA?

On 23 October, three days after Qadhafi's killing and the fall of Sirte – the leader's hometown and the loyalists' last stronghold – the NTC proclaimed that Libya had been fully liberated. This set in motion a political clock that is scheduled to see elections for a national assembly held within eight months of the declaration of liberation, or approximately by 23 June 2012. The new interim authorities face several challenges, many of which they will at best only begin to address by that date: establishing legitimate interim governing institutions;⁴² rebuilding the economy; integrat-

⁴² The transitional process – starting from the declaration of liberation and lasting until elections for a national assembly and a subsequent constitutional referendum – is spelled out in an interim constitutional covenant originally drawn up by the NTC on 3 August after much debate and wrangling. Its principles appear to be broadly accepted by the political class even though the document never was ratified by any authority other than the Council and despite continued questioning of its executive authority. The document makes clear that the NTC will remain the "highest authority in the Libyan state" (Article 17) whose legitimacy is "obtained from the 17 February revolution" for the duration of the transitional period. The state itself is defined as an "independent democratic state" with Tripoli as its capital and Sharia (Islamic law) as "the main source of its legislation" (Article 1). The NTC is accorded the right to "appoint an executive office – or an interim government – composed of a president and enough number of members for managing the different sectors in the country" (Article 24). Article 30 says that "After the declaration of liberation, the national transitional council shall change its location to Tripoli; it shall form an interim national government in a maximum of 30 days, and in a period of no more than 90 days after liberation the Council will ... approve an election law for the elections to the National Council, appoint the members of the high electoral commission" and "announce a date for the elections to the National Council". These elections are envisaged to take

ing the plethora of well-armed militias in some kind of unified police and military force; collecting the large amount of weapons; securing borders; holding perpetrators of human rights abuses accountable without triggering a politicised witch-hunt or collective reprisals; all the while keeping a vast and heterogeneous country united.

The events that followed the fall of Tripoli removed some of the rebels' early shine and set the tone for the power dynamics the country is likely to experience in the coming period. The NTC⁴³ led by a quasi-prime minister, Mahmoud Jibril struggled to prove it could transition from providing political leadership to the armed rebellion and serving as an interlocutor for the international community to acting as an effective government. As an unelected body, comprising a patchwork of defectors, lawyers and other professionals primarily from the east, it lacked the mandate to govern – a function for which it had not truly been designed. As an NTC official said, "The transitional council is not a government. It never claimed to be one. It is a council and will only exist to represent Libya until the declaration of liberation".⁴⁴ Rebels from other regions welcomed the international legitimacy and support it acquired for the uprising as a whole.⁴⁵ Yet, as areas were

liberated, each determined its own local leaders, and virtually all resisted NTC attempts to control the process.

Libya's long tradition of local government reinforced this resistance to and suspicion of central authority.⁴⁶ As they escaped regime control, whether with or without outside support, towns and regions nominated local councils (*majalis mahalliyya*) to take charge of their affairs.⁴⁷ In Tripoli's case, the local council came into being *before* the city fell, and its initial mandate – the immediate restoration of essential governance functions – came into direct competition with similar efforts by others on behalf of the NTC.⁴⁸ In the words of a Tripolitanian with first-hand knowledge of the local council's formation, "We don't want to let Benghazi come and take charge".⁴⁹

These divisions were neither avoidable nor surprising, yet were aggravated by the time it took the rebels to gain control of the west, principally Tripoli, its suburbs and environs, Bani Walid and finally Sirte. After the capital's swift fall, rebels took two months to overcome most of the remaining loyalist resistance. As a result, areas that already were under their authority were left in a quasi-political limbo – free of regime control and more or less able to resume and rebuild normal life, yet without any agreed government other than their self-selected local councils.

The NTC was mired in efforts to appoint a new executive body after it sacked its existing one on 8 August, following the July assassination of army commander General Abdel-

place "within 240 days after the proclamation of liberation", whereupon the NTC will "dissolve" and "the oldest member of the National Council will become ... President" until the first meeting of the new National Council, when "a president and vice president will be elected by direct secret suffrage by majority". Some tasks of the interim government are set out, including establishing an audit office "over all the revenues and expenditures and all the fixed and removable assets belonging to the state" and appointing "diplomatic representatives"; beyond this, the "general policy of the state" (Article 26) is not specified. "The executive office – or the interim government – shall introduce bills that are to be referred to the National Council for revision or taking appropriate action". Interim constitutional document viewed by Crisis Group, September 2011.

⁴³ The NTC came into being on 27 February 2011; it declared itself the sole legitimate representative of Libya on 5 March 2011. Membership was granted in a relatively opaque, ad hoc fashion, via negotiations conducted by its chairman. See Crisis Group Middle East/North Africa Report N°107, *Popular Protest in North Africa and the Middle East (V): Making Sense of Libya*, 6 June 2011.

⁴⁴ Crisis Group interview, NTC official, Tripoli, September 2011.

⁴⁵ Militia leaders from Zintan and rebel organisers from Tripoli, though highly critical of the NTC, nonetheless paid tribute to the work the NTC did on the international scene. The (Zintani) head of the western Military Command said, "We are very grateful for the work Jibril did in gaining recognition for the rebel cause". Crisis Group interview, Tripoli, September 2011.

⁴⁶ On the preference for and history of local government, see Dirk Vandewalle, *A History of Modern Libya* (Cambridge, 2006).

⁴⁷ Crisis Group interviews, Misratan, Tripolitanian, and Zintani politicians, Misrata and Tripoli, September 2011.

⁴⁸ This was the case notably of the Stabilisation Committee, which came out of the Tripoli Task Force set up by Dr Aref Nayyed with Jibril's support. Nayyed's plan to establish the Task Force was welcomed by members of the international community, since it provided them with a known, official interlocutor at a time when Tripoli rebels were still operating underground. However, it lacked traction with Tripolitarians and therefore the ability to implement decisions. As a Tripolitanian politician put it, "To get anything done in Tripoli, you have to ask Tripolitarians!" Crisis Group interview, Tripoli, September 2011.

⁴⁹ Cities' representatives to the NTC normally were decided by local councils in consultation with elders, militia leaders and other prominent personalities, although the exact nature of the process in each case is unclear. Crisis Group interviews, Zintani, Misratan and Tripolitanian council members, Tripoli and Misrata, September 2011. During August and September, five of Tripoli's designated eleven NTC representatives remained unappointed due to disagreements between a major rebel coalition grouping, the 17 February Coalition, and other Tripolitarians over the manner of their selection. Crisis Group interviews, Tripoli Local Council members, 17 February Coalition members and other prominent Tripolitanian families, Djerba and Tripoli, August-September 2011.

fatah Younis. Those endeavours repeatedly failed, in no small part due to opaque NTC decision-making and widespread suspicion of the person in charge of the selection process, Mahmoud Jibril, the NTC's de facto prime minister and foreign minister.⁵⁰ Lists of proposed representatives put forward by Jibril's office were rejected by council representatives who felt their districts were underrepresented.

Jibril himself was never elected, and many rebels, particularly in the west, had little say in his appointment. As a former regime official in charge of the semi-independent National Economic Development Board, which was tied to reform efforts undertaken by Saif al-Islam, one of Qadhafi's sons, his early defection was appreciated. Still, he lacked the revolutionary legitimacy rebel commanders were gaining daily on the frontlines. As Jibril began to present himself as an expert and technocrat, his political background began to count against him. His apparent secular outlook rankled Islamists, while his prominent position under Saif al-Islam irked those who aspired to a more thorough upending of the so-called old order.⁵¹ A member of the 17 February Coalition remarked, "He said he was one of the 'experts' who worked for Qadhafi. Our view was that their only expertise was in saying 'yes' to Qadhafi. They were experts in stealing Libyan money and hiding

what Qadhafi was doing. They were in their position because of their loyalty to him".⁵²

1. Regional divisions

Among fault lines that have divided rebel groups from both the NTC and each other, regional loyalty played a critical part. As a rebel organiser said: "We didn't know each other when this began. We didn't know who was working for whom. When you don't trust anybody, you stick with the people you know and the families you know".⁵³ The NTC grew primarily out of the rebellion in the east, and its original executive body was heavily dominated by the Benghazi oppositional political establishment; while prominent regime defectors – including Jibril – gave it a more national hue, suspicions of an eastern bias were never fully put to rest.⁵⁴ Soon, other cities claimed their share of revolutionary legitimacy and thus of power. Misratans, for example, maintain that their March uprising was organised and led independently of the Benghazi rebel leadership⁵⁵ and that they suffered the heaviest toll in resisting regime attacks; by the same token, Zintanis argue that they led the fight for the western mountains and for Tripoli.⁵⁶

Such issues spilled over into regional perceptions of the NTC and its ministers. Misratans, for example, resented the NTC information minister, Mahmoud Shammam, for the purported lack of coverage of Misrata during its battle. In September, Jibril was perceived as proposing an NTC executive based far too strongly around personalities from the Warfalla tribe and allied groups, excluding other politically important regional groupings.⁵⁷ Western-based rebel forces that rose up and either defended or wrested control of their cities and towns by and large felt underrepresented, despite

⁵⁰ Crisis Group interview, 17 February Coalition member, Tripoli, November 2011. Further criticism of Jibril focused on his style, tone and long trips overseas in his capacity as both de facto prime and interim foreign minister. According to the son of a prominent Misratan politician, "When we were in Qatar, Jibril's group refused even to sit down and talk with us. His tone is so angry. It makes you feel like asking him – why are you so angry about the Libyan people raising their voices? Why are you upset about our considering alternatives?" Crisis Group interview, Tripoli, September 2011. After the entire government was sacked on 8 August due to its poor handling of the Abdelfatah Younis assassination, the NTC curtailed Jibril's extensive travel. Critics also decried his maladroitness, if not heavy-handed, methods and specifically criticised his selection of former regime figures – notably that of Albarrani Shkal, the commander-in-chief of Qadhafi's military compound at Bab al-Aziziya, who covertly worked with the rebels, to be responsible for security in Tripoli. Crisis Group interviews, Tripoli, Washington, July–September 2011. As mistrust of Jibril grew, he was compelled to announce that he would step down once the country was fully liberated. A former Western diplomat said, "Jibril's seemingly authoritarian, non-inclusive and opaque ways, which may have been more professorial than malevolent, nonetheless smacked of the former regime he once served". Crisis Group email correspondence, October 2011.

⁵¹ According to a diplomat, "Jibril would always try to limit the implications of the revolution". He would say: "This is not a revolution! This is an *uprising*". Crisis Group interview, Western diplomat, Tripoli, September 2011.

⁵² Crisis Group interview, Tripoli, November 2011.

⁵³ Crisis Group interview, Tripoli Local Council member and uprising coordinator, August 2011. Likewise, a Tripoli resident explained, "We in the cities aren't Bedouin. For us, tribe is *'illa*, it's your family. It's all you have to look out for you, in a country where we had no state or government to look out for us. If you are in danger, or out of a job, your *'illa* is there for you". Crisis Group interview, Tripoli resident, August 2011.

⁵⁴ Crisis Group interview, Western diplomat, Tripoli, October 2011.

⁵⁵ Crisis Group interviews, Misratan civilians and brigade leaders, Misrata, October 2011. The leader of the al-Harbus brigade said, "The Benghazians did not help us. In fact, they didn't give us weapons. They sold them". Crisis Group interview, Misrata, September 2011.

⁵⁶ In September, a member of a prominent Misratan family said, "Mustafa Abdul Jalil tells us that what we have now is enough. But he is taking sides – he is supporting Jibril too much. In particular, Misrata and Zintan want to review the formation of the NTC itself". Crisis Group interview, Tripoli, September 2011.

⁵⁷ Crisis Group interview, Misratan NTC representative, Misrata, November 2011.

the NTC leadership's efforts to reserve seats on their behalf.⁵⁸ Longstanding regional tensions between Benghazi and Tripoli also surfaced.⁵⁹ Ultimately, the Council's legitimacy was undermined by its ad hoc and opaque selection process. Some rebels felt the Council's mandate ought to have ended when Tripoli fell rather than remain until the entire country was deemed liberated. Mehdi al-Harati, then leader of the Tripoli brigade, said:

I think that not only Jibril but all the people from the NTC should remember what they said before and the promises they made to the Libyan people. They were talking about the revolution and how they are going to change the oppression, exclusion,

and marginalisation undertaken by the old regime. This is what I and many other people see. The revolution was about removing Qadhafi and establishing justice, welfare and freedom. They are trying to turn it into a mere conflict over power.⁶⁰

2. The question of Islamism

The issue of the proper role of religion in politics has also created tensions between some rebels and the NTC while stoking fears within society. Generally speaking, Libyan society is relatively conservative. Roughly 90 per cent of Libyans are Sunni Muslims following the *maliki* school of thought and many of them felt Qadhafi undermined religion.⁶¹ Although the term "Islamist" can be simplistic, covering as it does a wide variety of perspectives on the appropriate role of Islam – and although it is a term few Libyans would use to describe their views⁶² – several such groups have become more public since Qadhafi's fall.

One of the more significant is the Libyan Islamic Group, the local branch of the Muslim Brotherhood (Ikhwan al-Muslimiyyeen). It was founded in the 1950s and most successfully recruited members among the educated middle classes and on university campuses.⁶³ The subsequent generation of Muslim Brothers, who make up much of the current leadership of the movement, is comprised essentially of professionals and members of the middle class who learned about the movement and its ideas chiefly while studying abroad in

⁵⁸ When the NTC was originally formed on 17 February 2011, its council was composed of 33 delegates, "representing the cities and towns in addition [to] Political Affairs, Economics, Legal Affairs, Youth, Women, Political Prisoners, and Military Affairs". See "National Transitional Council", Libyan National Transitional Council (online). Many Libyans felt that a disproportionate number of committee members were from eastern regions which were the first to escape regime control. As more parts of the country were captured by rebel forces, the NTC expanded its council, though it did so in an ad hoc, unsystematic manner as new representatives emerged from local towns, publicly or secretly. In June and July, responding to criticism, the NTC announced that it would "systematise representation" on the basis of population and area size, though this initiative seems never to have fully materialised; NTC officials were unable to provide information on how they determined regional representation, and there is conflicting information as to the number of delegates from particular towns. Crisis Group interview, NTC media representative, Tripoli, September 2011. Further complicating matters, infighting occurred within specific towns and regions concerning who to send as representatives to the NTC. Tripoli's representatives for the most part were nominated by a coalition of rebel groups (the 17 February Coalition), which selected six representatives; there purportedly were supposed to be an additional five in August, but their appointment was postponed after a rancorous meeting that other Tripolitanian groups attended uninvited. Crisis Group interview, 17 February coalition, Tunis, August 2011. See also Dan Murphy, "The members of Libya's National Transitional Council", *Christian Science Monitor*, 2 September 2011; "NTC lays out timeline to form new government," CNN, 22 September 2011.

⁵⁹ As noted, Tripolitans were particularly incensed by Jibril's decision to appoint a former regime official as head of security in the capital. Residents of the city made clear they would respond only to one of their own. As a Tripoli Local Council member put it, "To get anything done in Tripoli, you need to talk to Tripolitans". Another head of a prominent Tripolitanian family was blunter: "We don't want Benghazians coming and telling us what to do. We are Tripoli. We'll do it ourselves." Crisis Group interviews, Tripoli, August-September 2011.

⁶⁰ Crisis Group interview, Mehdi al-Harati, Tripoli, September 2011.

⁶¹ The *maliki* school, one of the four primary schools of Sunni Islamic law, is dominant in North and West Africa and parts of the Arabian peninsula, such as Kuwait, the UAE, and Qatar (although its ruling Thani family ascribes to a more Wahhabi variety of Sunni Islam). *Maliki* Islam is one of the less conservative schools and is more accepting of local customary law (*urf*) when it is not in direct conflict with Islamic law. Roughly 7 per cent of Libyans are Ibadi, a form of Islam distinct from Shiite and Sunni Islam. The Ibadi sect is the dominant form of Islam in Oman and is also found in minority populations in Tunisia, Algeria and Zanzibar, as well as Libya's Nafusa mountains. The remaining 3 per cent of Libya residents are mostly foreign Christian, principally Orthodox Christians from Egypt and Roman Catholics from Italy and Malta, as well as a small community of Anglicans hailing principally from Africa. For more information on Libya's religious communities and demography, see "International Religious Freedom Report", U.S. State Department, 2010.

⁶² This partly is because professing affiliation with a group possessing an "Islamic" political agenda remains somewhat sensitive and partly because structured political movements professing such an outlook still are in their infancy, lacking defined leadership and clear political agenda.

⁶³ See interview with Dr Abdulmonem Hresha, prominent member of the Libyan Muslim Brotherhood based in London, in Paul Cruickshank and Tim Lister, "Energized Muslim Brotherhood in Libya eyes a prize", CNN, 25 March 2011.

the 1970s and 1980s.⁶⁴ Upon their return, Muslim Brothers educated abroad clandestinely disseminated their ideology with some success; by the late 1980s, the movement had gained traction as part of a regional *sahwa*⁶⁵ (awakening), which helped Islamists mount serious challenges to regimes in neighbouring Tunisia and Algeria. By the late 1990s, they faced a brutal and unrelenting regime clampdown, which in 1998 reportedly led to over 200 members arrested and hundreds more forced into exile.⁶⁶

The Muslim Brothers emerged as early actors in the new political space. On 17 November, they held an important meeting in Benghazi during which a new leadership, under Suleiman Abdulkadir, was elected. Senior Brotherhood figures assert that membership has doubled since the revolt began in February 2011.⁶⁷ According to observers, the *Ikhwan* have been highly active and present in emerging civil society groups, including local councils and the business networks that fund them.⁶⁸

A second influential group is the Libyan Islamic Movement for Change (LIMC), formerly known as the Libyan Islamic Fighting Group (LIFG), which Libyans refer to as *al-muqatala* (the fighters). The LIFG was a militant organisation that emerged in the 1970s and 1980s.⁶⁹ Roughly 800 to 1,000 of its members took up arms against the Soviet Union in Afghanistan, before returning home after the 1989 Soviet withdrawal to wage a campaign against Qadhafi's regime. In the early 1990s, the group devoted much of its efforts garnering weapons and resources. Between 1996 and 1998, clashes with security forces caused dozens of deaths on both sides, while hundreds of militants were arrested. By 1998, the group's leadership was destroyed, arrested or

killed in the same crackdown that affected the Muslim Brothers. Regime tactics were draconian; for example, it would cut off electricity to towns harbouring LIFG members until militants were dealt with.⁷⁰

The LIFG was banned and its members tracked worldwide after the 11 September 2001 attacks in the U.S.; though it insists that it did not have any ties to the movement,⁷¹ some of its members became prominent al-Qaeda figures,⁷² and it was considered by the UN 1267 committee to be an al-Qaeda affiliate.⁷³ In 2009, the LIFG leadership – including its founder Abdel Hakim Belhaj, who had been held in the infamous Abu Slim prison – renounced terrorism and violence against civilians.⁷⁴ Two hundred and fourteen members were released from prison along with him, in several stages.⁷⁵ At Saif al-Islam's invitation, Ali Sallabi was intimately involved in discussions concerning their release.

In March 2011, the LIFG formally became the Libyan Islamic Movement for Change. It placed its members – numbering several hundred – under NTC command. Belhaj kept

⁶⁴ For details, see Crisis Group Report, *Making Sense of Libya*, op. cit.

⁶⁵ See Hresha, quoted in Cruickshank and Lister, op. cit. See also Alison Pargeter, *The Muslim Brotherhood: The Burden of Tradition* (London, 2010), pp. 109-111.

⁶⁶ Hresha quoted in Cruickshank and Lister, op. cit.

⁶⁷ See Reuters, 14 September 2011.

⁶⁸ An observer at one of the local western councils said, "The *Ikhwan* would come to the meetings of the council and vote as a single bloc. They were the single most powerful grouping present". Crisis Group interview, Tunis, September 2011. A factor that binds together opposition members – Islamists and otherwise – is the time they spent in prison. Crisis Group interviews, militia leaders, protest organisers, and prominent Islamist community leaders at a celebration for released detainees from Abu Slim, 24 August 2011. For example, Ismail Sallabi, the ground commander of the 17 February brigades and brother of prominent cleric Ali Sallabi, spent extensive time in prison as did Abdul Hakim Belhaj, head of the Tripoli Military Council.

⁶⁹ See Crisis Group Report, *Making Sense of Libya*, op. cit.

⁷⁰ See Gary Gambill, "The Libyan Islamic Fighting Group (LIFG)", The Jamestown Foundation, 24 March 2005, www.jamestown.org/publications.

⁷¹ Crisis Group Report, *Making Sense of Libya*, op. cit.; see also Mary Fitzgerald, "Islamic militant group pledges support to anti-Gadafy rebels", *Irish Times*, 19 March 2011.

⁷² Its most prominent leader, Abdel Hakim Belhaj, was arrested in Pakistan in late 2001, handed over to U.S. intelligence services and repatriated to Libya two months later. See Charles Levinson, "Ex-Mujahadeen help lead Libyan rebels", *The Wall Street Journal*, 26 August 2011. After Qadhafi's rapprochement with the West and after a tipoff from the British Secret Intelligence Service, Belhaj reportedly was re-arrested in 2004 at Kuala Lumpur airport and transferred to a secret detention centre at Bangkok airport, Thailand, where he was held for several days and tortured, before being returned to Libya. See Christophe Ayad, "We are simply Muslim": Libyan rebel chief denies *Al Qaida* ties", *Le Monde*, 4 September 2011; Martin Chulov, "MI6 knew I was tortured, says Libyan rebel leader", *The Guardian*, 5 September 2011.

⁷³ The UN 1267 committee, formerly known as the Al Qaeda sanctions committee, is one of three committees at the UN dealing with counter-terrorism.

⁷⁴ The full 411-page LIFG terrorism recantation document, of which Belhaj is one of six principal authors, can be found at www.mediafire.com/?uiqiuyiqjzy/www.akhbar-libyaonline.com. The key passage redefining jihad and renouncing violence against civilians says: "[When waging jihad] it is forbidden to kill women, children, elderly people, priests, messengers, traders and the like. Betrayal is prohibited and it is vital to keep promises and treat prisoners of war in a good way. Standing by those ethics is what distinguishes Muslims' jihad from the wars of other nations". See Nic Robertson and Paul Cruickshank, "New jihad code threatens Al Qaida", CNN, 9 November 2009. The LIFG was the first purported Al Qaeda affiliate to formally renounce terrorism.

⁷⁵ See "Who is Abdul Hakim Belhaj, leader of the Libyan rebels", *Middle East Monitor*, 5 September 2011.

a low profile until the fall of Tripoli and the taking of Qadhafi's compound; he has since emerged as a key figure, taking leadership of the Tripoli Military Council. The *muqatala* have since become prominent in various military councils, as evidenced by Belhaj's emergence as head of the Tripoli Military Council in late August.

To these two organisations, one should add several other groupings. Some of the smaller eastern militias, especially in Derna and the far east, include fighters with experience in Iraq and Afghanistan; they surfaced after the uprising began, and some use as their banner a black flag with the inscription "There is no God but God".⁷⁶ A number of adherents of the literalist Salafi strain of Islam also have begun to engage in forms of activism, at times allegedly violent.⁷⁷ Unknown assailants perpetrated attacks against Sufi shrines in Tripoli in October.⁷⁸

Finally, there are a number of individual clerics who, by dint of background and career, command widespread respect and transcend allegiance to any particular group. Chief among these is Ali Sallabi, arguably the country's most influential. Sallabi, who is respected enough to be independent from any political group but whose ideas are considered close to the Muslim Brotherhood's, spent much of the 1980s in Abu Slim prison before living in exile in various Gulf countries, most recently Qatar. His stature is such that he has been a national mediator, at times transcending politics; in 2007, for example, he was brought in by Saif al-Islam to collaborate on the rehabilitation program for members of the LIFG. During the uprising he travelled between Qatar

and Libya, not only visiting rebel soldiers but also attempting to negotiate the Qadhafi family's departure.⁷⁹

Sheikh al-Sadiq al-Gharyani is another significant figure, former head of the Supreme Council for Fatwas under Qadhafi as well as supervisor and teacher at Al-Fateh University's Department of Islamic Studies in Tripoli. His address to the nation on 20 August was interpreted by some Tripolitans as part of the NTC's signal to begin the uprising that night.⁸⁰

Despite their representation on it, many Islamists have tended to consider the NTC overly secular⁸¹ – and overly geared toward an international, namely Western audience – at the expense of what they deem to be more mainstream national values and of a constituency that had been repressed, at times brutally, under Qadhafi. As a general matter, Islamists feel confident that they represent the majority of public opinion; a prominent Tripoli civil society personality agreed, saying, "The Islamists own the street".⁸² Furthermore a number of leading Islamists spent time in prison or exile, or had ties to others who did; this has affected their attitude towards former regime elites who hitherto have dominated the NTC. They also maintain that, having been at the forefront of the uprising, they ought to play a prominent role in its aftermath. Ali Sallabi said, "Islam was the fuel of this revolution, it motivated people. Many if not most of the frontline fighters are actually Islamists by background. Just as they have been a fundamental part of the revolution, they will play a fundamental part in building the new Libya".⁸³

⁷⁶ Crisis Group observations, Tripoli, August 2011. A journalist with extensive knowledge of eastern Libyan Islamist groups said, "It is difficult to get a handle on them as their formations have tended to be quite fluid. Some of them overlap with Salafis, though again, this is all very fluid Even to call them militias is perhaps giving them too much of a cohesive, independent character". Crisis Group email correspondence, November 2011.

⁷⁷ On Salafism, see Crisis Group Middle East/North Africa Report N°37, *Understanding Islamism*, 2 March 2005. According to a Misratan doctor, Salafi groups were responsible for a wave of attacks against shrines in the city in mid-2011. Crisis Group interview, Tripoli, September 2011.

⁷⁸ See "Islamic hard-liners attack rival shrines in Libya", Associated Press, 13 October 2011. Mustafa Abdul Jalil is quoted as denouncing the attacks, describing them as "not on the side of the revolution" and urging a leading cleric, al-Sadiq al-Gharyani, to issue a *fatwa* (religious edict) against them. In response, al-Gharyani said he opposed the construction of such shrines but did not advocate their destruction. Such incidents, he said, "may cause sedition ... and more bloodshed". Ibid.

⁷⁹ Speaking on Libya al-Hurra television on 30 September 2011, Ali Sallabi said: "There was an attempt to reconcile the Qadhafi regime and the NTC through Egypt. I formed a committee with friends and asked for five people from Qadhafi's regime to talk to, including Abu Zaid Dorda, Mustafa Kharroubi, and Hassan al-Magrah, with the knowledge of Mustafa Abdul Jalil and Mahmoud Jibril".

⁸⁰ Crisis Group interviews, Tajura resident, Tripoli, August 2011.

⁸¹ A self-described Islamist and prominent Tripolitanian rebel expressed outrage at the fact that a particular NTC minister did not observe prayers during Ramadan. Crisis Group interview, Tripoli, October 2011.

⁸² Crisis Group interview, civil society leader, Tripoli, October 2011.

⁸³ See Mary Fitzgerald, "The quiet scholar playing a pivotal role in shaping new Libya", *The Irish Times*, 13 September 2011. In a long letter handed privately to the *Guardian* in September, Abdul Hakim Belhaj expressed these concerns in blunter language: "What worries us is the attempt of some secular elements to isolate and exclude others. Libya's Islamists have announced their commitment to democracy; despite this, some reject their participation and call for them to be marginalised. It is as though they want to push Islamists towards a non-democratic option by alienating and marginalising them. We will not allow this: all Libyans are partners in this revolution and all should be part of building the future of this country". Abdul Hakim Belhaj, "The revolution

This mistrust between Islamists and some NTC leaders boiled over in early September after it became apparent that the council would not dissolve itself until after Bani Walid and Sirte had fallen. Early that month, Sallabi warned of the NTC's "extremist secularist views",⁸⁴ adding that "the role of the executive committee is no longer required because they are remnants of the old regime. They should all resign, starting from the head of the pyramid all the way down ... they are guiding Libya towards a new era of tyranny and dictatorship".⁸⁵ He accused some NTC figures of telling wary Westerners that he, along with Belhaj, harboured hidden agendas: "They claimed that we have extremist Islamic views and agendas and said the West should be cautious in dealing with us. These allegations are entirely false and could have negative repercussions".⁸⁶

Since then, tensions have abated somewhat. This resulted in no small part from Mustafa Abdul Jalil's statements seen as rhetorical concessions to Islamist sentiment.⁸⁷ His assertion that Islamic law would be the principal basis for legislation in post-Qadhafi Libya – and that laws banning polygamy should be repealed and interest on bank loans banned – raised eyebrows in

the West but helped reassure local Islamists. Muhammad Busidra, a prominent Benghazi-based preacher who spent 21 years in Abu Slim prison under Qadhafi, said, "Most people are not worried now, because Jalil's speech made clear that Islam would be respected in the new Libya, and no laws would go against our religion".⁸⁸

For their part, clerics and Islamists also have altered their tone. A prominent Islamist said, "Sallabi probably went too far. It didn't help things to be so confrontational, and I think he saw that. We are new at this; we are not used to expressing ourselves publicly".⁸⁹ Sallabi gave two three-hour television interviews explaining himself, his family background and his views in a more moderate note, with some success. A Tripoli youth said, "I'm totally secular in my politics, but after listening to Sallabi's interview, I like the man!"⁹⁰ Not all are convinced, however. After Jalil's above-mentioned statement on the role of sharia, a businessman said, "These are matters that should be decided through a political process. Why are they pushing this to the fore at such an early stage?"⁹¹

Although Islamist leaders at times can be upfront regarding their views on Libyan identity and the desired role of Islamic law, they are far more circumspect when it comes to their political program and plans. They argue that it is premature and potentially harmful to national unity to set these out too explicitly at this stage. Moreover, Sallabi so far has promoted nationalist more than Islamist sentiment as a means of forging unity after months of war. In his words, "Nationalist parties with certain fundamentals of tradition – this is what will appeal to the Libyan people. A nationalist program which respects the traditions, beliefs and religion of the Libyan people is the best foundation for the country's future".⁹² Abdul Hakim Belhaj has evoked Malaysia and Turkey as possible models.⁹³

belongs to all Libyans, secular or not", *The Guardian*, 27 September 2011. Several militia fighters disputed or downplayed the notion that religion played a prominent role in the uprising. A senior Tripoli brigade leader said, "The majority of fighters, including those under Belhaj, don't really care to be honest. They just are concerned about the security situation. Some happen to be more conservative Muslims. But right now it's all about security – take care of this, take care of that. Most fighters don't want anything too religious or too extreme. They see religious people taking control as a threat to them". Crisis Group interview, Tripoli, September 2011. A Zintani fighter added: "We don't have religious differences. Abdul Hamidh here is a Salafi. But we aren't. It doesn't matter. There's no difference between us when it comes to revolution". Crisis Group interview, Tripoli, September 2011.

⁸⁴ Interview by Crisis Group researcher working in a different capacity, Tripoli, September 2011.

⁸⁵ See Emma Farge, "Libyan Islamist says Interim Council should quit", Reuters, 5 September 2011.

⁸⁶ Interview by Crisis Group researcher working in a different capacity, Tripoli, September 2011. A Salafi fighter who belonged to a Zintani brigade was keen to dispel any negative associations with al-Qaeda. "We aren't *salafi tafkiri* (salafis who blow things up)!" Crisis Group interview, Tripoli, September 2011.

⁸⁷ In his first public address in Tripoli on 13 September 2011, Jalil stated that Libya would be a state where "Sharia is the main source of legislation". On 23 October 2011 he was even more specific, asserting that laws banning polygamy should be repealed and interest on bank loans banned. See BBC News, "Libya: NTC's Jalil vows state based on 'moderate Islam'", 13 September 2011, and "Libya's new rulers declare country liberated", 23 October 2011.

⁸⁸ Interview by Crisis Group researcher working in a different capacity, Tripoli, November 2011.

⁸⁹ Crisis Group interview, Tripoli, October 2011.

⁹⁰ Crisis Group interview, Tripoli, October 2011.

⁹¹ Interview by Crisis Group researcher working in a different capacity, Tripoli, September 2011.

⁹² Interview by Crisis Group researcher working in a different capacity, Tripoli, September 2011.

⁹³ Belhaj said of Turkey and Malaysia: "They succeeded in developing their countries and their economies, and succeeded in establishing effective institutions that provide justice and welfare for their people This experience is worth aspiring towards". Quoted in Mary Fitzgerald, "Libya speculates on potent figure with a past", *Irish Times*, 21 September 2011. A prominent Tripolitanian Islamist claimed that an Islamist platform had less to do with policy and more with the conduct and morality of politicians: "I consider myself an Islamist, and for me a politician who abides by Islamic values in his personal life is a better ruler. Someone who drinks and does not pray will have bad values that will affect his judgment and his policies". Crisis Group interview,

That said, neither Sallabi nor his colleagues have ruled out the possibility that the Islamic Movement for Change might become a political party or join others in forming a political grouping. As a result, those with secular or liberal aspirations still suspect the Islamists of hiding their true agenda, a fear heightened by the groups' tendency – arguably born of necessity under Qadhafi's regime – to secrecy.⁹⁴ Qadhafi supporters in Tripoli have similar fears; a woman, whose family as of October still had a portrait of the former leader hanging in their home, expressed a single, recurring fear: "I don't want anyone to make me cover myself up!"⁹⁵

3. Old versus new order

A third dynamic contributing to the fragmented militia landscape relates to tensions between newly-empowered rebels who had been powerless or persecuted under the former regime on the one hand, and the elite political, bureaucratic and military leaders who had long careers under Qadhafi and have either supported or, at a minimum, survived the revolution on the other. This issue has become entangled with the question of how to deal with former Qadhafi loyalists.

The new authorities repeatedly have insisted on distinguishing between those who have "blood on their hands" and who should be tried and punished, and those who do not. Militia leaders assert that they too will adhere to this distinction⁹⁶ – though it is not entirely clear where the boundary is, and the former category arguably includes many who played a relatively minor part in the 42 year-long regime.

Qadhafi's *jamahiriya* system consisted formally of "popular committees", functioning as ministries and mostly staffed by technocrats, which reported to the General People's Assembly. But real power lay in the hands of a parallel, more informal structure: revolutionary committees and regime security forces that policed the system and enforced the Leader's will through

a combination of violence and other coercive measures.⁹⁷ When Libyans refer to those with "blood on their hands", they primarily – albeit not exclusively – mean members of this security apparatus, as distinguished from those who worked for internal security (*amn ad-dakhla*)⁹⁸ and who were equally subject to coercion, some of whom defected during the uprising.⁹⁹ They also include neighbourhood informants accused of cooperating with Qadhafi's forces.

In the period following Tripoli's fall, the task of uncovering and dealing with loyalists considered to have "blood on their hands" fell partly on neighbourhood rebel militias in cooperation with rebel brigades. They were identified based on community memory and knowledge built up over four decades of Qadhafi's rule and, more recently, the months of uprising.¹⁰⁰ The question of the procedures used to identify such persons typically is brushed aside by Libyans as being self-evident. As more than one put it, after all these years, "We just know who they are"¹⁰¹ – a conviction neither particularly objective nor entirely reassuring.

That said, and at a broader level, Libyans so far evince little appetite for mass revenge against other categories of former regime loyalists, even if they switched sides late in the day, as long as they are not armed and do not present a security threat. An NTC official said, "Who really cares if someone

⁹⁷ Email to Crisis Group from former U.S. diplomat serving in Tripoli, October 2011; see also Mohamed Eljahmi, "Libya and the U.S.: Qadhafi Unrepentant", *The Middle East Quarterly*, 2006. On the Qadhafi regime during this period, see Dirk Vandewalle, *A History of Modern Libya*, op. cit.

⁹⁸ A former *amn ad-dakhla* officer bristled when his role was confused with that of revolutionary committee members (*lijan thawriyya*): "Those guys? God, I never belonged to the *lijan*. Those guys would just shoot people". Crisis Group interview, Tripoli, September 2011. Another security officer, who defected and recently was appointed to a senior position in the interior ministry, said, "We are able to get many people back to work in their old jobs. The main issue is with Qadhafi's personal security. That will probably have to be dissolved entirely". Crisis Group interview, Tripoli, September 2011.

⁹⁹ Crisis Group interviews, internal security employees who defected, Tripoli, September 2011.

¹⁰⁰ A resident of the Tripoli suburb of Ain Zour said, "We have kept the memory of what these people did over the last 42 years. These are stories that we tell our families". Crisis Group interview, Tripoli, August 2011. An organiser of the anti-Qadhafi uprising in the eastern Tripoli suburb of Suq al-Jumaa claimed that people's behaviour during the uprising had been documented. "We have lists. Qadhafi's soldiers in Tripoli were not from Tripoli, and we didn't know who they were. But in each neighbourhood there were a few residents – less than 2 per cent, less than 1 per cent – who worked with the regime. We sent them letters. We told them, 'Do not work with this man. Join your community.' Now, we know who stayed with Qadhafi". Crisis Group interview, Djerba, Tunisia, August 2011.

¹⁰¹ Crisis Group interviews, Tripoli, September 2011.

Tripoli, October 2011. A journalist recounted the horror a Muslim Brother expressed when describing an NTC minister who did not pray during 'asr, the afternoon prayer observed by Muslims. Crisis Group interview, Tripoli, October 2011.

⁹⁴ A doctor who returned to Libya after years of exile in Europe said, "I think Sallabi is a dangerous man because I'm not sure we are hearing what he really thinks". Interview by Crisis Group analyst working in a different capacity, Tripoli, September 2011.

⁹⁵ Crisis Group interview, Tripoli, October 2011.

⁹⁶ Crisis Group interviews, Misratan, Zintani, eastern and Tripoli brigade members, Tripoli, September 2011. The phrase "blood on their hands" is widely repeated in both English and Arabic.

supported Qadhafi? I don't, unless that person has blood on their hands. Then they must be brought to justice. Otherwise, let them go".¹⁰² A Tripoli resident added: "We still have some people who say that they preferred things under Qadhafi. I say, that's fine, you can think whatever you like. That's freedom. Just don't hurt others".¹⁰³

There is good reason for such a cautious stance. Given the nature of the *jamahiriya*,¹⁰⁴ in which people were compelled in one manner or another to participate in regime activities, many were swept into the system, out of conviction, fear or sheer economic necessity. A former Western diplomat who dealt with senior technocrats under the old regime argued that "most senior officials I knew were motivated by the idea of 'service' to Libya. Many were willing to switch sides so quickly not so much out of opportunism but with a feeling of relief. I am willing to be challenged on this point, but it is what I saw from those I knew".¹⁰⁵

Sheikh Khalifa az-Zawawi, a former judge and head of the Misratan local council, explained: "Of course we can't know how many in Libya truly supported Qadhafi in their hearts. Do you know how many people in Britain truly support the British Conservative party?"¹⁰⁶ The view was echoed by the former Western diplomat: "My experience of Libya is that everyone had a variety of context-determined postures, including vis-à-vis Qadhafi. I don't reject the idea that people *think* they know who a true loyalist is, but I thoroughly reject the idea that they *really* know".¹⁰⁷

As a result, and to the extent possible, the NTC – facing the delicate task of ensuring continued work by ministries, state companies and other institutions and keen to avoid Iraqi-style de-Baathification or a breakdown in services – opted for stability. It called people back to work in early September; virtually all but the

most sensitive institutions (most specifically those that had been involved in internal espionage such as the national telecommunications company) were operating to some degree within two to four weeks of Tripoli's fall. Although those presumed to be the most prominent or notorious regime enforcers either stayed at home or fled,¹⁰⁸ others who had supported Qadhafi simply showed up at work and continued on as before.

None of this is to say that tensions have evaporated between individuals who worked with and/or enforced Qadhafi's rule and those who suffered from it. The way in which individuals who cooperated with the regime belatedly switched loyalties and sought to carry on with their work has been cause for considerable anger and resentment. Referred to as *mutasalliqeen* ("climbers", or opportunists), they are depicted on Tripoli posters as chameleons exchanging Qadhafi's green flag for the rebels' tricolour banner.¹⁰⁹ As mentioned, Jibril himself was denounced by some rebel groups for this reason. Strikes have occurred, notably in the oil and telecommunications sectors, on the grounds that an excessive number of loyalist employees were allowed to retain positions.¹¹⁰

The problem of senior management is particularly sensitive. Invariably, they earned their position by cooperating with regime insiders and Qadhafi's family. An NTC official remarked: "You're talking about an entire system. We have to change the whole thing".¹¹¹ Tensions could well rise with time, as more information comes to light, new accusations are levelled or younger employees demand promotion to the detriment of regime holdovers.¹¹² For example, on 4 De-

¹⁰² Crisis Group interview, NTC official, Tripoli, September 2011.

¹⁰³ Crisis Group interview, Tripoli, September 2011.

¹⁰⁴ See Crisis Group Report, *Making Sense of Libya*, op. cit.

¹⁰⁵ Crisis Group email correspondence, September 2011. A former employee in the internal security service – the despised *amn ad-dakhla* – said, "I never liked internal security. But I was a patriot. The turning point was the Egyptian-Libyan war [a border war fought in July 1977 that lasted three days]. I decided for patriotic reasons to go into the army. Then I was injured in Sirte and rather than be discharged I was offered a position with internal security with support from a childhood friend. I wanted to go to Europe and study. But how could I?" Crisis Group interview, Tripoli, September 2011.

¹⁰⁶ Crisis Group interview, Misrata, September 2011.

¹⁰⁷ Crisis Group email correspondence, October 2011.

¹⁰⁸ Libyans generally were reluctant to give specifics, and some cases seem to go beyond prominent regime enforcers. An NTC adviser said that one such individual who had either stayed at home or fled was the director of Qadhafi's office in al-Bareed, a state telecommunications company that had unofficially become a hub for widespread phone and mail tapping and which interfered in the operations of other telecom companies. A Libyan academic cited the example of a staff member who had taught Green Book ideology and was asked to remain home. A *Wall Street Journal* journalist investigating the foreign ministry described severe disruption over the presence of an IT manager who allegedly had provided the regime with information concerning other diplomats and ministry employees. Crisis Group interviews, Tripoli, September 2011.

¹⁰⁹ Crisis Group interviews and observations, Tripoli, September-October 2011.

¹¹⁰ Employees of state telecommunications companies Libyana and LTT staged brief strikes, while health ministry as well as state television employees protested the presence of regime loyalists in the organisations. Crisis Group interview, LTT employee, Tripoli 2011.

¹¹¹ Crisis Group interview, Tripoli, September 2011.

¹¹² In general, employees claim that only 5 to 10 per cent of the public sector workforce was barred from returning to work,

cember the NTC began investigating Qadhafi-era corruption in the oil sector.¹¹³

Such suspicions and struggles are present in the security sector as well, where irregular militias that emerged from the civilian population or from previously outlawed opposition groups such as the Libyan Islamic Fighting Group, resist attempts by the rebel National Army – whose leaderships spent their entire careers serving Qadhafi’s army – to assert their control.

The job of dealing with individuals deemed overly tainted by their former association for the most part has been performed by employees themselves, with NTC ministers essentially playing a limited and hands-off oversight role.¹¹⁴ Rebel militias also so far have largely stayed out of the process. In the early days, the result was somewhat chaotic, as institutions, ministries and companies began to vet and re-organise themselves according to their own criteria while at the same time trying to get back to work.

In some cases, employees closely tied to the former regime stayed in their positions; in others, they were barred. Grounds for dismissal ranged from corruption to, in some instances, accusations of complicity in killings or cover-ups.¹¹⁵ However, where loyalists have not been deemed to have committed grievous offenses, a more common response has been to engage them in dialogue via family or peers. An academic at Tripoli’s medical college described how his faculty had held meetings designed to initiate discussions with colleagues who still supported Qadhafi.¹¹⁶ A customs official, whose house still had a picture of Qadhafi as late as September 2011 and for whom “the rebels are just different men in uniform, but they do the same things that Qadhafi’s

troops did”, evoked divisions within his family, with both his son and his parents supporting the rebels and trying to persuade him and his wife to come to their view. As the official put it, “we need time to accept the changes”.¹¹⁷

B. THE QUESTION OF GOVERNMENT CAPACITY

Today’s security fragmentation is not solely due to the NTC’s uncertain representative quality but also to its inability to quickly establish authority in the capital and respond to day-to-day governance issues. Specifically, the weakness of the defence and interior ministries vis-à-vis the irregular militias hampered the necessary centralisation of security operations even within Tripoli; low capacity in other areas, such as health and utilities, undermined faith in the NTC executive even when the reasons for these problems lay elsewhere.

In some respects, NTC moves were self-defeating. Citing security concerns and the fact that the country had yet to be wholly liberated, it initially held off moving to Tripoli. Much of its time and energy was spent negotiating the makeup of a new interim cabinet; mistrust of Jibril’s proposals was so great that the council put it off until after the 23 October declaration of liberation. As a result, several ministries and state companies, although resuming their work, lacked empowered leadership, notably the health, defence and interior ministries, which – due to a dearth of decision-makers and experts – struggled to provide critical services, despite private donor and local non-governmental support. Although in some instances performance has been little short of heroic,¹¹⁸ for the most part newly established bodies were not in a position to either implement NTC decisions¹¹⁹ or overcome 42 years of institutional inertia and

though these assertions were not based on specific records. Crisis Group interviews and observations, Tripoli, September 2011.

¹¹³ See “Libya’s NTC sets up committee to probe oil graft”, Reuters, 4 December 2011.

¹¹⁴ Institutions regarded as essential for governance were an exception. There, NTC ministers visited ministries and state companies to decide in consultation with employees which managers could stay as part of temporary transitional committees in order to enable minimal continuity in services. Crisis Group interview, NTC official, September 2011.

¹¹⁵ In a very few cases, participation in darker events was mentioned, such as the selection of girls and boys for sexual use by Qadhafi and his family members. Crisis Group interviews, Tripoli, September 2011. Such claims of sexual abuse are made with certainty but are very hard to verify. An academic at Tripoli Medical College claimed he had intervened personally in one case to prevent a girl being delivered to Qadhafi: “I had her certified medically insane”. Crisis Group interview, Tripoli, September 2011.

¹¹⁶ Crisis Group interview, Tripoli, September 2011.

¹¹⁷ Crisis Group interview, Tripoli, September 2011.

¹¹⁸ Water engineers traveled deep into territory then still nominally held by Qadhafi forces in order to restore Tripoli’s water systems; equipment was also supplied by private businessmen in association with the Tripoli Local Council. The NTC’s Stabilisation Team (LST) claimed to have had a role in fixing the water supply, though specifics were not forthcoming. Crisis Group interview, Tripoli Local Council member, Tripoli, September 2011.

¹¹⁹ The case of the Libya Stabilisation Team (LST), which was set up in the capital by Dr Aref Nayed in the week following Tripoli’s fall, is instructive. The LST claimed to be the point of contact for the international community on humanitarian questions, operating under the authority of Mahmoud Jibril, the infrastructure minister-equivalent Dr Jahani and ultimately the NTC chairman, Mustafa Abdul Jalil. The LST became a familiar presence in Tripoli’s five-star hotels, offering regular briefings to its foreign counterparts on progress toward Tripoli’s stabilisation, notably in terms of reactivating water supply, alleviating food as well as petrol shortages and securing communications nodes. Yet, little of this appears to have borne much relation to reality. International actors familiar with the LST allege it often blocked communications with responsible ministries or presumed to speak for them

sclerosis.¹²⁰ Furthermore, the revolution swept aside most of the Qadhafi-era technocrats; the NTC's new ministerial pool, though possessing excellent credentials, often lacks experience.

Parallel institutions – both local councils and armed militias – developed on the ground. The former, assisted by local community leaders, addressed logistical necessities born of war and also dealt with daily governance issues. The Tripoli Local Council was one such group, established in exile in Tunisia over a series of meetings throughout April-August 2011 by a variety of actors seeking to promote the Tripoli uprising. Although not backed politically or materially by the NTC, such groups were and still are funded by private donors,¹²¹ including expatriate and local businessmen.¹²² They include a variety of political and religious outlooks; the Tripoli Local Council and its backers, for example, include prominent Tripolitanian families, Muslim Brothers, secular-minded liberals and long-time opposition activists.

Despite being unelected, these newly established authorities enjoyed strong grass-roots contacts and access to business networks enabling them to address civilian needs far more rapidly than the NTC. The NTC and the body it established to address humanitarian issues, the Libya Stabilisation Team, were slow to address the increasingly dire and emotional issue of rebel soldiers who, for lack of available funds or accommodation, were dying in Tunisian hospitals. In response, private local actors provided short-term assistance and logistical support.

and failed to build ties to local actors involved in humanitarian and stabilisation activities on the ground. Crisis Group interviews, UN and humanitarian workers and stabilisation team members, Tripoli, September 2011.

¹²⁰ Although ministries under Qadhafi's *jamahiriya* suffered from a dearth of capacity, this was not the principal problem. Despite the imposition of international sanctions, the country developed a basic reservoir of talent, largely through foreign educational exchange programs, and acquired a modicum of the requisite expertise, hardware, and software to perform basic state functions. But, according to Western diplomats who worked closely with Libyan ministries during the period of rapprochement, the bureaucracy and its trained professionals were all too often hampered by an autocratic system that was resistant to change and in which ministries enjoyed only minimal decision-making autonomy. For more on the mechanics and deficiencies of the *jamahiriya* system, see Dirk Vandewalle, *A History of Modern Libya*, op. cit.

¹²¹ Crisis Group interview, Tripoli Local Council member, September 2011.

¹²² A Tripoli Council member said, "We mobilise people". Crisis Group interview, Tripoli, August 2011.

The gap between local actors and the NTC was well illustrated by the issue of healthcare. Many of those injured during the intense fighting in Tripoli, Bani Walid and Sirte required treatment in hospitals in the capital or even in Tunisia. Libya lacked the infrastructure necessary to deal with the problem, the NTC proved slow to release required funds, and the health ministry had a deficit of decision-makers in critical positions.¹²³ As a result, local councils set up their own groups to provide critical healthcare, which have mobilised business contacts, if only to cope with acute supply problems. Local actors also paid hospital fees in Tunisia and provided transportation for wounded soldiers needing treatment abroad.¹²⁴

On the security side, and as further discussed below, disparate rebel brigades likewise filled the vacuum. In addition to the natural disorder and confusion born of civil war, the interior and defence ministries were missing top officials and suffered from lack of funding.¹²⁵ The national police force, which still appears to have little reach outside Tripoli,¹²⁶ was encouraged by the NTC to reassert a presence on the

¹²³ Crisis Group interview, UN official, Tripoli, September 2011. A Tripolitanian doctor said, "We are starting from a very low base. We have few specialists in several fields and are low on supplies". Crisis Group interview, Tripolitanian doctor, November 2011. A prominent Tripolitanian active both within the 17 February Coalition and within Islamist networks said, "We are trying to bring in some CAT scanners and other important medical equipment from Europe – I am having to ring them up personally to arrange it". Crisis Group interview, Tripoli, October 2011.

¹²⁴ In Tripoli, the Local Council in conjunction with others, such as the 17 February Coalition, has tried to mobilise business networks to address some of the critical shortages in equipment and funding. In Misrata, which has been under its own authority since at least May, a Temporary Medical Committee was established. "It was supposed to be temporary; that was the agreement, but the same guys are there now", said a Misratan hospital manager. "It's not funded by the NTC; Abdul Jalil promised money, but it has yet to receive any". Meanwhile, equipment is broken ("There are two CAT scanners in Misrata and both are now broken"), and hospital staff remain unpaid due to liquidity issues suffered by Libyan banks. Crisis Group interview, hospital manager, Misrata, November 2011. Separately, a senior Misratan brigade leader said, "We had to provide transportation for wounded rebel fighters to Tunisia from Misrata". Crisis Group interview, commander of Surayat al-Suwehli brigades, Tripoli, September 2011. The leader of the Misratan Local Council, Sheikh Khalifa az-Zawawi, visited Tunis to deal with the issue. Crisis Group interviews, Tripoli Local Council, October 2011; Misrata Local Council, September 2011.

¹²⁵ Crisis Group interviews, Western observers, Tripoli, September 2011. Foreign governments have been providing the interior ministry both with material support (Crisis Group observed a shipment of new cars allegedly delivered from the UAE in September 2011) and with training and advice upon request. Crisis Group observations and interviews, interior ministry and diplomatic sources, Tripoli, September 2011.

¹²⁶ Crisis Group observations, western mountains, Zawiya, Tripoli and its environs, and Misrata, August-November 2011.

streets but was unable to do so for several reasons. According to the interior ministry, the uprising and departure or arrest of Qadhafi loyalists had deprived it of roughly 40 per cent of its workforce.¹²⁷ The NTC initiated new recruitment drives, but inevitably these take several months to bear fruit. New managers in the interior ministry had to be appointed from among Tripolitanian rebel groups.¹²⁸

Most importantly, the assumed scale of the armed security threat militated against an early transfer of responsibility from rebel brigades back to the police. As a Tripoli brigades fighter said, “There’s still a fifth column of Qadhafi supporters out there. We have not finished fighting yet”. A Misratan military commander was blunter: “The police are good for fighting criminals, not fighters armed with RPGs”.¹²⁹ More recently, there have been signs of progress, with a more visible police presence. But it remains unarmed and mostly confined to subsidiary roles such as directing traffic; the police clearly have little authority to assert themselves either against armed civilian or in the middle of inter-militia disputes. Meanwhile, militias have been institutionalising their own policing arrangements.

It follows that civilians have felt the need to retain arms, while local neighbourhoods and their councils chiefly have relied on rebel militias – as opposed to the police – to ensure security. As a Tripoli resident put it, “On any street, there’s always one or two families with a son who belongs to a brigade. If neighbours suspect a Qadhafi loyalist possesses weapons, we first try to deal with it ourselves, then we contact the brigades”.¹³⁰ In this context, NTC announcements have often rung hollow. A Tripoli Local Council member said, “We have been told that there would be 5,000 police back on the streets of Tripoli. Where are they?”¹³¹ Likewise, a disarmament program that NTC officials said would begin on 21 September has yet to materialise.

The many local civilian and military councils as well as armed brigades enjoy critical comparative advantages. They often can mobilise resources faster than the NTC, possess superior local connections and information, control significant amounts of heavy weaponry and have developed relatively strong leaderships with revo-

lutionary legitimacy. In contrast, the NTC has had to struggle with internal divisions, a legitimacy deficit and questions surrounding its effectiveness. It has had to deal with ministries still in the process of reorganisation, even as civil servants – most of them old-regime holdovers with old-regime bureaucratic habits – are being vetted.

¹²⁷ Speaking in September, a Western adviser said, “We’ve been told that 60 per cent of the police force is back to work but that only 15 per cent is back on the streets”. Crisis Group interview, Tripoli, September 2011.

¹²⁸ Crisis Group interview, interior ministry official, Tripoli, September 2011.

¹²⁹ Crisis Group interviews, Tripoli brigades fighter, Misratan senior commander, Tripoli, September 2011.

¹³⁰ Crisis Group interview, Tripoli, September 2011.

¹³¹ Crisis Group interview, Tripoli, September 2011.

III. SECURITY FRAGMENTATION

Across much of the country, regional military brigades that took control and then defended their respective areas immediately assumed security and civilian responsibility under the authority of local military councils. To a large extent, this was a reflection of the piecemeal manner in which the war unfolded, primarily in the west. In most areas, citizens were encouraged to defect to the rebels and take control with the aid of neighbouring anti-Qadhafi brigades.¹³² Army components that defected, stuck for long at the eastern front around Brega, essentially were passive observers of what occurred elsewhere and came to resemble more of an eastern than a truly national force.¹³³ Even when eastern forces joined Misratans in October at Sirte, civilian militias did the fighting; the rebel army neither led nor coordinated the battle. Western-based brigades were largely autonomous, self-armed and self-trained, benefiting in some instances from covert foreign-government support. Each developed its own chain of command, military culture and narrative of revolution that is largely independent of the NTC and the rebel army.

The situation in Tripoli was unique. Since it was under Qadhafi's grip, Tripolitans who wished to militarily support the rebels had either to flee to Tunisia and support or join rebel militias (particularly the Tripoli brigades), or remain inside the city, work covertly and not join any militia. With the whole country focused on Tripoli, and Mehdi al-Harati's Tripoli brigades in the western mountains numbering only approximately 1,200 by 20 August,¹³⁴ victory in the capital reflected the combined efforts of local residents and various militias from across the country that came up against one another.

¹³² A Misratan fighter said, "We followed one rule. Never attack your neighbours. With Zlitan [a coastal town west of Misrata on the road to Tripoli], we had to wait until enough residents had come to our side before we moved". Crisis Group interview, Misrata, September 2011.

¹³³ Long-term observers of Libyan military affairs note that this also is a natural consequence of the way in which the former regime confined the National Army to operations in the east, with security in the west being handled by the more loyal 32nd Brigade (the Khamis Brigade), under Khamis al-Qadhafi's authority. Crisis Group interviews, Western diplomats, Tripoli, September 2011. Military police in the rebel army likewise complain about the weakness (and even absence) of their western counterparts. "The officers in the west stayed home during the uprising. This is suspicious – if you had guns, why didn't you join the revolution? For that reason, we must check the loyalty of every one of them. It turns out most of them are cowards". Crisis Group interview, head of military security, Tripoli, September 2011.

¹³⁴ Crisis Group interview, Tripoli brigade member, Tripoli, September 2011.

As seen, Tripoli, Zintani and Misratan brigades all claimed responsibility for liberating and securing the capital, and none has been willing to be subordinate to another.¹³⁵ The result has been a series of parallel, at times uncoordinated, overlapping and competing chains of command. These fuelled the armed confrontations experienced in Tripoli in October and November. By late September such events had overtaken combating pro-Qadhafi armed groups as the militias' chief security fear; as a Tripoli brigade fighter said, "These days I fear for my safety. Not because of a fifth column – but because of the other militias".¹³⁶

The existence of rival security forces poses several problems, of which the most acute arguably is that each is in the process of institutionalising itself, mimicking the organisation of a regular military and building parallel structures that, as time elapses, will become ever more entrenched and difficult to uproot. Militia members acknowledged they had seized weapons from Tripoli and transported them to their own caches in the capital or in their hometowns.¹³⁷ Brigades established their own weapons and vehicle registrations plans and reviewed the performance of their own recruits with an eye to future career promotion. All brigades issued identification cards listing family name, blood type and regional origin, and some put in place their own procedures for conducting investigations, issuing warrants, arresting suspects and conducting security operations.¹³⁸ In the uncertain at-

¹³⁵ The Tripoli brigades and Tripoli Military Council trained in the western mountains, near the towns of Rejban and Nalut, with the explicit goal of liberating and securing the capital. However, their mandate was challenged by the rebel National Army and by Zintani commanders in the Western Military Command. "Why on earth should the Tripoli Brigades take responsibility for securing Tripoli? We sacrificed to liberate it". Crisis Group interview, Zintani commander, Janzour, September 2011.

¹³⁶ Crisis Group interview, Tripoli brigade fighter, Tripoli, September 2011.

¹³⁷ Crisis Group interviews, Tripoli, September 2011.

¹³⁸ Crisis Group observations, Tripoli and Misrata, August-October 2011. More politically powerful brigades swiftly developed a system for issuing warrants and paperwork that were respected in particular cities or areas. In September, Abdul Hakim Belhaj formed a separate brigade that answered directly to the Tripoli Military Council, carrying out its warrants. A Tripoli brigade member said, "It's not something you join; it's something you get asked to join. They select you. To be honest, the main reason I want to join [Abdul Hakim Belhaj's brigade] is its organisation. They have warrants. They have everything. It's easy to get things done". Crisis Group interview, Tripoli, September 2011. Another Tripoli brigades fighter said, "It's amazing what the commanders know about you. They'll know the details of every soldier under their control. They note the good fighters and who can take orders". Crisis Group interview, Tripoli, September 2011. Misratan and Zintani commanders in Tripoli also asserted that they conducted similar separate registration processes for their fighters. Every fighter observed by Crisis Group, no matter what militia he had joined, possessed a prominently displayed identification card with

mosphere of the early days following Tripoli's fall, some rebel leaders were rumoured to be secretly forming their own brigades, whose remit and authority were unclear.¹³⁹

Local military councils sprung up in virtually every town and neighbourhood. As rebel forces pushed through Tripoli, neighbourhoods largely took responsibility for their own security. This pattern was replicated in small towns across the west, which saw the emergence of local military councils staffed by volunteers – typically individuals who previously played some part in the military or police. As a member of the Abu Slim military council in Tripoli put it, “We all came back here to help secure order in our district. We’re not being paid, not even a dollar!”¹⁴⁰ Over time, as local neighbourhoods faced serious security problems which they were unable to handle – including dealing with individual stockpiling of heavy arms or large numbers of detainees – they called upon the larger, more heavily armed rebel groups.¹⁴¹ Regional centres, together with their local council and brigades, tend to be funded independently of the NTC and thus enjoy the means to continue operating, at least in the short term.¹⁴²

name, family and blood type clearly labelled. Crisis Group observations, Western Mountains, Tripoli, Misrata, August-October 2011.

¹³⁹ Other than Belhaj, Khalifa Heftar, commander of the rebel National Army, also was rumoured to be recruiting his own brigade from his base in Zawiya. Crisis Group interviews, Misratan and Tripolitanian rebel fighters, September 2011. Some thought the pattern was far more widespread. A well-connected Misratan drily commented: “I think everyone’s trying to form his own brigade, to be honest”. Crisis Group interview, Tripoli, September 2011.

¹⁴⁰ Crisis Group interview, Tripoli, September 2011.

¹⁴¹ According to a Tripoli resident, “It was easy to get in touch with them. For every two or three houses, there was at least one brigade member we could contact”. Crisis Group interview, Suq al-Jumaa resident, Tripoli, September 2011. The Tripoli Military Council established good relations with and secured cooperation from many among the capital’s local military councils, particularly in the centre and south of the city. Misratan brigades did the same with local military councils in the far east of the capital. The Western Military Command claims to have built strong ties with the roughly 140 military councils across western Libya. Crisis Group interviews, local Tripoli military councils and Western Military Command members, Tripoli, September 2011.

¹⁴² Brigades appear at times to be funded by local sources, though claims that civil militias receive foreign funding (an allegation typically made by the NTC and National Army) are legion. A private investor in the capital noted that businessmen had been pressured to fund Tripoli militias, although he did not disclose specifics. “It’s just like under Qadhafi. They pressure you for the money upfront with the promise of favour later”. Crisis Group interview, private investor, Tripoli, September 2011. A Misratan rebel fighter

A. WHO’S WHO?

The number of militias and armed groups currently in operation is difficult to assess; they are in a continual process of formation, dissolution or reconsolidation based on a myriad of local dynamics. A U.S. official put the number at over 100; a French counterpart spoke of 300.¹⁴³ Most are geographically based, identified with specific towns or areas rather than joined by ideology, tribal membership or ethnicity;¹⁴⁴ they seldom possess a clear political agenda beyond defending their interests and securing their town, where most profess to answer to a local military council. Although some groups may have shared particular political or religious outlooks,¹⁴⁵ there is little evidence that this was the fighters’ overriding concern or that such issues were at the origins of subsequent confrontations in Tripoli.

Among the most prominent groups – particularly in Tripoli, which has seen the most intense inter-militia rivalry – are the following:

- The rebels’ *National Army* emerged as a result of significant defections of officers from the former Libyan National Army in February 2011. By late February, roughly 8,000 soldiers reportedly had defected.¹⁴⁶ Though dubbed “national”, in reality it never established itself as the rebels’ single, country-wide force. Geography was a key constraint. As seen, most of the officers were based in the east, and many who defected early on were from the east; the rebel army itself was headquartered in Benghazi until the fall of Tripoli, when it attempted to move staff and operations to the capital. This

said, “Misrata is self-financing. The brigades are unpaid. Their families are responsible for their food, and the brigades themselves are responsible for running costs. Weapons are either captured, supplied for free by Benghazi during the war or bought by wealthy Misratans and shipped from Benghazi. Some women’s groups, notably the Shahid (martyrs) Women in Zarouk, [a village outside Misrata], raised money by selling their gold and other possessions to buy several armed jeeps for militias”. Crisis Group interview, Misrata, November 2011. The picture that emerges from these and other interviews is at best fragmentary; no rebel group acknowledged being funded by a foreign country, though several accused others of being so.

¹⁴³ Crisis Group interviews, Washington, Paris, October 2011.

¹⁴⁴ In some instances, such as the Amazigh militias, town and ethnicity coincide. Of course, geographic identification is not absolute. Tripolitarians and citizens of Derna and Benghazi could be found fighting in Misratan brigades; likewise, residents of the western mountain towns of Rejban and Gharyan served in the Zintani-based Mohammad al-Madani brigade in Tripoli. That said, every brigade leadership possesses a strong local character.

¹⁴⁵ A Tripoli brigades fighter said, “Among our brigades, some got together to form groups that were more religious than others”. Crisis Group interview, Tripoli, September 2011.

¹⁴⁶ See David D. Kirkpatrick and Karim Faheem, “Libya rebels gain arms, defectors”, *Boston Globe*, 28 February 2011.

regional divide had some exceptions. In Zintan, for example, defecting officers were prominent in the March uprising. Still, Tripolitanian and western officers wishing to join the rebellion generally had no obvious place to go; rank-and-file fighters and volunteers in the capital principally were attracted to secretly organised groups such as the Tripoli brigades. Even in the east, many civilians who participated in the uprising did not join the army but formed independent brigades.¹⁴⁷

From the outset, the army's leadership was dogged by infighting and accusations of cowardice from civilian militias that bore the brunt of casualties. Since relocating to Tripoli immediately after its liberation, the army has sought to assert its authority there, albeit with at best mixed success.¹⁴⁸ It focused much of its efforts on the time-consuming process of vetting western officers for the purpose of rebuilding a truly national force¹⁴⁹ and on seeking – mostly unsuccessfully – to bring the militias under army command.¹⁵⁰ Those endeavours notwithstanding, the perception of the army (which controls the territory from Ras Lanuf to the Egyptian border) as an essentially eastern brigade remains. Tripoli-based observers report that the National Army's chief of staff, Suleyman Mahmoud al-Obeidi, commands little to no authority over civilian militias, and that whereas those militias have tried to coordinate among themselves, they have made scant effort to coordinate with him.¹⁵¹ An NTC official said, "Let's face it – it's more like an eastern brigade than an army".¹⁵²

- The *Tripoli Military Council*, led by Abdul Hakim Belhaj, oversees eleven different brigades. There are eleven corresponding members on the council, which is subdivided geographically into eastern,

western and southern divisions, each with a separate headquarters. Most of its fighters are from the capital. One of these brigades is led by Belhaj himself; a Tripoli brigade source reported that it is exclusive, recruiting talent from across a variety of militias and possessing its own warrant system and administrative authority. One of the larger Tripoli brigades, comprising some 3,000 fighters, is headed by Mehdi al-Harati;¹⁵³ among its fighters are some expatriates who returned in March.¹⁵⁴ Other brigades roughly correspond to Tripolitanian neighbourhoods.¹⁵⁵

The background to Belhaj's appointment and to the formation of the council itself is still opaque. In the midst of the battle for Tripoli, Belhaj formally announced the council's existence on 25 August, by which time Tripoli brigade militiamen already had secured key strategic points in the capital, including the port, major hotels and the building that housed the former regime's external security services while other militias were still fighting Qadhafi forces in the southern Tripolitanian neighbourhood of Abu Slim. It had existed in some form before that – as seen above, some residents in downtown Tripoli reported receiving a letter from it on the morning of 20 August giving advance notice of the uprising. But details of its formation remain unclear, including to Tripoli brigade fighters: "We thought Mehdi [al-Harati] was going to be the leader. We didn't know where Belhaj came from".¹⁵⁶ That said, Belhaj almost certainly was known to the leaders of the Tunisia-based Tripolitanian groups preparing for the capital's takeover.¹⁵⁷

¹⁴⁷ Among these, the most prominent arguably was the 17 February Martyrs Brigade led by Fawzi Bukatf. Other significant brigades in Derna, Bayda and Ajdabiya fought on the front line of Brega in the east as well as in Tripoli and played an important role in taking over Sirte in cooperation with Misratan brigades. Crisis Group interviews and observations, Tripoli, August 2011; Misrata, October 2011.

¹⁴⁸ Heftar, the field commander, remained based in Zawiya in the months following the fall of Tripoli, for reasons largely unknown. When asked, the chief of staff, Suleyman Mahmoud al-Obeidi, refused to comment on Heftar's whereabouts. Crisis Group interview, Tripoli, September 2011.

¹⁴⁹ Crisis Group interview, head of military security, Tripoli, September 2011.

¹⁵⁰ Crisis Group interviews, NTC spokesmen and National Army commanders, Tripoli, September 2011.

¹⁵¹ Crisis Group interview, Western official, Tripoli, September 2011.

¹⁵² Crisis Group interview, Tripoli, October 2011.

¹⁵³ Mehdi al-Harati resigned from the Tripoli Military Council in early October 2011 but remained head of the Tripoli brigades. According to Tripoli brigade fighters, he has shown little appetite for the rough-and-tumble of politics, insisting instead that his role began and ended with the liberation from Qadhafi's rule. Crisis Group interview, Tripoli brigade fighter, Tripoli, October 2011.

¹⁵⁴ There was a particularly strong Irish connection; Mehdi al-Harati, and several of his aides and colleagues were expatriates who had lived in Ireland. Crisis Group interviews, Tripoli brigades fighters, Tripoli, September 2011.

¹⁵⁵ For example, the Suq al-Jumaa brigade holds one of the eleven Tripoli Military Council seats. Crisis Group interview, Suq al-Jumaa brigade and Tripoli Military Council member, Tripoli, November 2011.

¹⁵⁶ Crisis Group interviews, Tripoli brigade fighters; Crisis Group observations, Tripoli, August-September 2011.

¹⁵⁷ At the Tripoli Military Council's inaugural press conference, Mehdi al-Harati said, speaking for Belhaj, "Of course we are known to the Tripoli Local Council. We work with them and co-operate with them". The Local Council's leader, Abdur Rezak Abu Hajjar, also attended the same conference and held a private meeting with Belhaj immediately afterwards; he appeared by Belhaj's side during subsequent press conferences. Crisis Group observations and interviews, Tripoli, August 2011. A 17 February Coalition member said, "Belhaj is the right man to lead the mili-

The council and Tripoli brigades' legitimacy and mandate were hotly disputed. They enjoyed few official links to western mountain militias groups or to the rebel National Army, which claimed that they had arisen without their knowledge or consent.¹⁵⁸ With Abdul Jalil's apparent backing,¹⁵⁹ the council established its headquarters at Mitiga airbase and played a prominent role in arresting or killing loyalist forces as well as securing weapons stores. Yet in doing so, its forces came into increasingly violent confrontation with other militias seeking to carry out similar tasks.

Belhaj has since been criticised for reportedly receiving Qatari funding after the fall of Tripoli.¹⁶⁰

tary council. He is from Tripoli. He was one of the people released from Abu Slim prison. We know him, and found him to be the best one". Crisis Group interview, 17 February Coalition member, November 2011. Abdul Rahim al-Keeb, who was the NTC representative for the Tripoli Local Council and also a member of the 17 February Coalition, said that he had interviewed Belhaj for the Council leadership. "Keeb interviewed Belhaj for the post of Tripoli military commander and said he was satisfied that the former mujahidin had moderated his views. I said to him bluntly, 'The West has strongly supported our revolution and it will be difficult if you are continuing in your fight against them', Keeb said last week. He told me he had changed, and that of course he was an Islamic believer but we all are He said he would not seek to impose anything on the Libyan people, that that was the way of Qadhafi, Keeb added. 'Belhaj assured us he is a son of the future Libya, not of the past'", Marie Colvin, "Fears grow of Islamist extremist takeover in Libya", *Sunday Times*, 4 September 2011.

¹⁵⁸ Mokhtar al-Farnana, a Zintani commander, said, "They had nothing to do with us. We trained and fought separately". Crisis Group interview, Tripoli, September 2011. The Tripoli brigades trained principally in the western mountain towns of Nalut and Rejban. Crisis Group interview, Tripoli brigade fighter, Tripoli, September 2011.

¹⁵⁹ On 24 August, Belhaj and Mehdi al-Harati said at a press conference that the Tripoli Military Council had been endorsed by the NTC and by Jalil. Belhaj personally accompanied Jalil on his 16 September arrival in the capital. Crisis Group observations, Tripoli, August-September 2011.

¹⁶⁰ The issue of foreign funding of militias has become highly charged. During the fighting, the NTC and other rebel groups encouraged many forms of foreign military assistance from several governments. Qatar is now singled out, it appears, largely because of its tendency to route funds to specific partners, at times outside the NTC's purview. "From early April, the Qataris were concerned that there was no vision over how to win the war. They did not place much confidence in the institutions taking shape in Benghazi and preferred to do things their own way". Crisis Group interview, Western government official, Tripoli, November 2011. Another Western official said the Qataris "preferred to work through people with whom they had developed trusted rela-

Qatar's preferential treatment of certain militias (such as Belhaj's) even after the capital came into rebel hands has prompted a strong reaction from the NTC and certain foreign officials, particularly given the unstable security environment that still prevails in Tripoli; these misgivings increasingly were made public. French officials, who had worked very closely with Qatar during the uprising, expressed alarm at what they described as Doha's efforts to separately fund Belhaj: "Qatar is playing a dangerous game; it is trying to bypass the NTC and to fund a separate, Islamist militia".¹⁶¹ In a 12 October press conference, NTC Oil and Finance Minister Ali Tarhouni implied that Qatar no longer was consulting that body on such matters and said it was time to "publicly declare that anyone who wants to come to our house has to knock on our front door first".¹⁶²

- The *Western Military Council*, established during the western mountains campaign, aimed to coordinate efforts by the militias that had emerged in the area. It

tionships". Diplomatic and media sources concurred that Ali Sallabi (then based in Doha) was an important early conduit for assistance to his brother, Ismail Sallabi, ground commander of the eastern-based 17 February brigade. Crisis Group interviews, Tripoli, September 2011. Speaking on Libyan television on 30 September, Sallabi said that Qatari weapons were routed by then-Minister of Defence Jalal al-Dgheili and another NTC official, Ashrouf bin Ismael. National Army members complained bitterly that such support had disadvantaged them and facilitated the rise of independent militias. An army commander charged that even when Qatar gave money to the NTC, it made use of personal relationships to ensure funds were directed to specific militias. "Dgheili gave Qatari money to Fawzi Bukatf [head of the 17 February brigade] and to Abdul Hakim Belhaj". Crisis Group interview, Tripoli, September 2011. Qatar also reportedly helped smuggle arms directly into Tripoli while it was under Qadhafi's control. "Qatar dropped weapons for us offshore and relayed the coordinates to us via satellite. I ran the diving teams that went to collect them". Crisis Group interview, Suq al-Jumaa rebel, Tripoli, August 2011. According to Ali Sallabi, Qatar also provided essential diplomatic support for routing weapons and supplies for fighters (including Belhaj and the Tripoli brigades) through Tunisia, "If it was not for Qatar's chief of staff, Tunisia would not have allowed us to fly aircraft over its territory and support the rebel fighters in the western mountains with weapons". Interview on Libyan television, 30 September 2011. Qatar also maintained a strong diplomatic and liaison presence in Benghazi, Misrata (where they block-booked two floors of a major hotel) and Tripoli. Crisis Group observations and interviews, diplomatic and journalist sources, Tripoli, September 2011.

¹⁶¹ Crisis Group interview, French official, Paris, October 2011.

¹⁶² Tarhouni did not specify which countries he was addressing but said he hoped the message "will be received by all our friends, both our Arab brothers and Western powers". See Peter Beaumont, "Qatar accused of interfering in Libyan affairs", *The Guardian*, 4 October 2011; Charles Levinson, "Tiny Kingdom's huge role in Libya draws concern", *The Wall Street Journal*, 24 October 2011.

claims to control some 140 military councils¹⁶³ and an area of operations stretching from the Tunisian border to Misrata. At its core is the town of Zintan, whose fighters' role and influence among western rebels rapidly grew because they rose up in the rebellion's early stages, closely coordinated with Benghazi,¹⁶⁴ and earned a reputation as tough and organised troops. The city also became a key hub for distribution of weapons and money sent by the NTC.¹⁶⁵ The Western Military Council's leadership is dominated by former National Army officers from Zintani, a fact that partly explains their superior organisation and discipline.¹⁶⁶ But these characteristics are far from being shared by all its components. Several brigades, notably the Qaaqa brigade – approximately 500 heavily-armed fighters and based in Siyahiyya – acquired a reputation among Tripoli brigade fighters and residents for unruly behaviour, violence and theft.¹⁶⁷

Western mountain brigades were among the first to enter the capital on 21 August, preceded only by some eastern and Misratan advance parties that landed by boat in Tajura and other secret locations the previous evening.¹⁶⁸ They established a presence at the airport and downtown commercial office tow-

ers as well as various other strategic areas.¹⁶⁹ Commanders claimed their continued presence in the capital was necessary due to security concerns. One said, "We and the Misrata brigade constitute a shield for Tripoli. There would be enormous security problems if we left".¹⁷⁰ Since that time, they have refused multiple entreaties by the Tripoli Military Council to leave; their presence generated tension as armed clashes between Tripoli and Zintani brigades grew in frequency.¹⁷¹

- The *Misratan Military Council* grew out of the small cells of Misratan youth formed to resist the regime forces. Whereas the Tripoli brigades benefited from a period of planning and basic military training in the western mountains, and the Zintani Brigade was led by individuals with genuine military experience, the Misratan brigades originated with the civilians who repelled Qadhafi troops during the city's siege.¹⁷² Their training came entirely on the battlefield, as they sought to push back enemy forces from Misrata to Zlitan in the west and Tuwergha in the south. They acquired what would become their trademark black Chinese-made cars from a shipment abandoned in the city.¹⁷³

For the most part, they lacked any recognisable military structure or leadership above the brigade level, gaining experience in real time and often relying heavily on sheer bravery.¹⁷⁴ Separate eyewitness accounts confirm

¹⁶³ Crisis Group interview, Mokhtar al-Farnana, commander of the Western Military Council, Janzour, September 2011.

¹⁶⁴ An airstrip was established near Zintan in June or July 2011; it facilitated weapons and cash supplies from Benghazi.

¹⁶⁵ A volunteer fighter said, "They had an airstrip near Zintan. So, if you wanted ammunition to be sent to the western mountains, Zintan was one of the only places to get it. Our unit was four hours late to battle because we couldn't find ammunition; we had to buy it from Zintan". Crisis Group interview, London, August 2011.

¹⁶⁶ Most Zintani fighters interviewed by Crisis Group were civilians, most leaders former members of the military. A Misratan military commander acknowledged: "The leaders are good fighters, 'askari' (military) in their style. Not like Misratans – we are all civilians. We respect the Zintani leaders". Crisis Group interview, Misrata, October 2011. A Tripoli brigades fighter added: "When we encounter Zintani brigades, one of our problems is that they are really well organised, particularly out on the airport road. They aren't volunteers like us". Crisis Group interview, Tripoli, September 2011. For National Army defectors and veterans, the fact of having shared decades-long careers alongside Zintani officers in the military created a special bond. An official with the rebel National Army said, "I love the Zintanis! Many Zintani commanders were my colleagues in the National Army. We studied at the same college together". Crisis Group interview, Tripoli, 2011.

¹⁶⁷ Crisis Group interviews, Hayy al-Andalus residents and Tripoli brigade fighters, Tripoli, September 2011.

¹⁶⁸ Crisis Group interviews, Tajuran residents and coordinators of the uprising, Tajura, August-September 2011.

¹⁶⁹ Crisis Group interview, commander of Mohammad al-Madani Brigade, Tripoli, September 2011.

¹⁷⁰ Crisis Group interview, Mokhtar al-Farnani, Tripoli, September 2011. Farnani also asserted that the fighters who remained had family ties to Tripoli. "There is a confusion here. Our soldiers who stay in Tripoli have family members from the city. Those who do not, go home". The son of a Zintani commander added: "We are here to make Tripoli safe and bring back services like electricity; we are trying to bring these things back to the people and protect public property". Crisis Group interview, Tripoli, September 2011.

¹⁷¹ Tripoli brigades fighters alleged there had been incidents involving Zintani counterparts, including one in which a senior Tripoli leader supposedly was detained and transferred to Zintan. Resolution of this altercation apparently required Belhaj's personal intervention. Crisis Group interviews, Tripoli, September 2011.

¹⁷² Crisis Group interviews, commander of al-Harbus and Surayat al-Suwehli brigades, Misrata and Tripoli, September-October 2011. Misratan fighters interviewed by Crisis Group maintained they were civilians and offered extensive detail of their previous civilian lives. Crisis Group interviews Tripoli, August 2011, and Misrata, October 2011.

¹⁷³ Crisis Group interviews, Misratan fighters, Misrata, October 2011.

¹⁷⁴ "The military council came later, nobody seems sure exactly when, but it acts more as a place for people to coordinate rather than as a repository of executive authority. There is an informal group of senior commanders, with no name, that met in wartime. Each commander could make a one-sentence statement or ques-

that Misratans were first into the fray when taking Qadhafi's Bab al-Aziziya compound in Tripoli and in the heavy fighting in the adjacent district of Abu Slim. They arrived at – and charged into – Sirte several weeks before the advance of their eastern counterparts.¹⁷⁵ In late November 2011, the Misratan brigade still maintained a presence across Tripoli and as far east as Sirte, 250km southeast of the capital on the Mediterranean coast.

Due to the way in which they first emerged and subsequently evolved – isolated by virtue of the siege and thus, they claim, independent from other cities involved in the uprising – Misratan brigades possessed no centralised command structure; instead, they formed loose coalitions.¹⁷⁶ They also depended to an important degree on their own local financing. A Misratan fighter said, “each brigade has an *emir* [commander or leader]. Above the *emir*, there is only God. We choose when we wish to go to the front. No one tells us one way or another”.¹⁷⁷ With time, coordination appeared to have improved

slightly,¹⁷⁸ though it remained hampered by the large numbers of volunteers who got involved seemingly at will. During the battles for Tripoli and Sirte, for example, different commanders had to improvise command and control on the fly and organise the large numbers of volunteers who came down from Misrata.¹⁷⁹ As a field commander wryly noted: “We can't tell revolutionaries what to do, whether to go to the front or not. But we can control their ammunition”.¹⁸⁰

B. A TALE OF COMPETING NARRATIVES

The proliferation of security forces and in particular their overlapping presence in Tripoli have exacerbated divisions born of the revolution. As seen, the first divide pertains to contrasting narratives of legitimacy and of the various groups' roles in the revolution. Eastern-based National Army officers emphasise that they were among the first to defect and kickstart the uprising; too, they underscore the recognition bestowed upon them by the NTC. Acknowledging their weakness as a fighting force, they attribute it to the fact that the old regime purposely starved the army of resources and training.¹⁸¹

Tripoli brigade leaders by contrast point to the fact that they were first to reach Tripoli from the west as well as first to lend a hand to the uprising in the capital, as part of a plan supposedly coordinated with local opposition groups. To this, Western Military Command leaders retort that their well-laid plans to liberate the capital were thwarted by the Tripoli brigades, which purportedly jumped the gun by prematurely attacking – a move, they say, that would have ended badly had it not been for the backup and support received from their own western forces.¹⁸² Misratans' claim to superior legitimacy stems from their having risen up with only limited support from Benghazi and their immense suffering at Qadhafi's forces' hands; without their uprising, they contend, it would have been near impossible to open a western front.

tion or item they wanted discussed. It was self-selecting, with the more powerful brigades such as Shaheed and Halbus represented and the more ad hoc formations not. Note also that fighters would often change brigade allegiances, usually for practical reasons, such as friendships or need, rather than any preference”. Crisis Group interview, Misratan militia member, Misrata, November 2011.

¹⁷⁵ Misratan fighters generally accuse their eastern counterparts of lacking in courage. Speaking in September, a Misratan fighter said, “We are in Sirte, right now, at the main roundabout, while the easterners supposedly are ‘securing the roads’ some 100km away”. Crisis Group interview, Tripoli, September 2011. Conversely, eastern fighters accused Misratans of blindly charging into the fight. “They have no coordination whatsoever. They just drive their heavy vehicles into the middle of the street and fire”. Crisis Group interview, Derna militia field commander, Tripoli, August 2011. In Sirte, however, Misratan and eastern forces cooperated and coordinated their efforts. Each side entered the main city from two different fronts and observed a ceasefire to avoid additional friendly fire casualties. Friendly fire incidents were significant throughout, although this was not exclusively an issue between Misratans and easterners, but also among Misratans themselves. Crisis Group interviews and observations, Misrata, October 2011.

¹⁷⁶ Some brigades have emerged as more significant due to size, fighting reputation, or political influence within Misratan city politics, including the al-Harbus, Surayat al-Suwehli, al-Shaheed, Tajammu' Sirayatath-Thuwwar, Marsa, and al-I'sar. Crisis Group interviews and observations, Misrata, October 2011.

¹⁷⁷ Crisis Group interview, Misratan unit commander within the Surayat al-Suwehli brigades, Misrata, October 2011.

¹⁷⁸ In October, Crisis Group witnessed meetings and discussions of Misratan brigade leaders regarding strategy toward the then-regime held city of Sirte.

¹⁷⁹ Crisis Group observations, Tripoli, August 2011.

¹⁸⁰ Crisis Group interview, Misratan field commander, Misrata, October 2011. Over time, Misratans also forged nominal alliances with some other fighting forces, brigades and local councils. The most significant of these presently involves cooperation between them and the Tripoli Military Council.

¹⁸¹ Crisis Group interviews, army head of military security, Tripoli, September 2011.

¹⁸² Al-Farnana, the Zintani head of the Western Military Command, claimed that they had “their own plans” to liberate the capital but that the civilian militias rushed in, forcing them to support and supplement their role. Crisis Group interview, Tripoli, September 2011.

Largely forgotten amid such narratives was the crucial role played by ordinary Tripolitans who rose up in massive numbers following 20 August evening prayers and whose actions did much to overwhelm and drive out Qadhafi's forces from the northern neighbourhoods. Among them were defectors who worked within the Qadhafi government and security apparatus in secret and at great personal risk throughout the uprising. Those actions laid much of the necessary groundwork for securing the capital's various quarters even as various armed brigades focused on Qadhafi's Bab al-Aziziya compound and on majority-loyalist neighbourhoods in the city's southern districts.

The different armed forces also compete over which best represents the revolution's values. At a basic level, this pits senior-ranking officers who defected from the old National Army against civilian-led brigades – a cultural and generational split between the *jaish al-watani* (National Army) and the civilians who took up arms, formed their own brigades and generally describe themselves as *thuwwar* (revolutionaries).¹⁸³ While Misratan brigades predominantly are composed of civilians, the eastern and western/Zintani brigades tend to be led by defected army officers, and some eastern brigades have, at least nominally, come under the National Army's broader command structure.¹⁸⁴

The *thuwwar* tend to view the National Army as compromised both by the fact that it did not overtly participate in the western front battles¹⁸⁵ and by the presence in their ranks of some who enjoyed long military careers in Qadhafi's regime. By contrast, former officers typically view the *thuwwar* as undisciplined, uncoordinated upstarts seeking to advance their narrow agendas

and who need to be brought under the army's umbrella. The head of the army's military security explained: "We are the National Army. We don't accept parallel armies. If you aren't with the National Army, then who are you – Hizbolah? We do not want parallel armies emerging here".¹⁸⁶

A third point of contention has focused around Belhaj's sudden emergence as leader of the Tripoli Military Council. As previously discussed, he has become both a lightning rod for anxieties about Islamism and a symbol of the struggle over the country's future identity. His rise came as a surprise to many, including Tripoli brigade fighters,¹⁸⁷ who since March had trained under al-Harati's leadership and who entered Tripoli under his command. Many Tripoli brigade fighters – along with members of Zintani, western and Misratan brigades – claim that the first they saw of Belhaj was the speech he delivered on 23 August in front of Qadhafi's Bab al-Aziziya compound, followed by his Radisson Blu Hotel press conference two days later.¹⁸⁸

The speed with which his Tripoli Military Council established itself at the Mitiga airport, deployed fighters to guard key installations (including ports; security facilities; and the Radisson Blu hotel, which housed the NTC, diplomats and journalists) and coordinated its security operations with local neighbourhood councils alarmed observers and rivals.¹⁸⁹ Many among the Misratans, National Army and Western

¹⁸³ Crisis Group interviews, rebel National Army and militia commanders and fighters, Tripoli, September 2011.

¹⁸⁴ Crisis Group interviews, eastern civilian rebel brigades, Tripoli, September 2011. Many Zintani commanders were long-serving army officers. A rebel National Army colonel said, "Most of those who graduated in my class came from Zintan. They are beloved. When I was teaching at the Air Defence College, most of my students also were from Zintan. We have full cooperation with them; likewise, the military police in Zintan have a relationship with our military police". Crisis Group interview, Tripoli, September 2011.

¹⁸⁵ In late September, a Misratan commander said, "When have you ever heard of the National Army actually winning a battle? They've been stuck at Brega for five months". Crisis Group interview, Misrata, 21 September 2011. The then-defence minister, Jalal al-Dgheili, largely was absent from Tripoli and did not issue an authoritative statement or position on the security situation in the capital. A National Army officer spoke of him scornfully, and some believed he was overly close to Qatar and the Islamists. Crisis Group interview, Tripoli, September 2011.

¹⁸⁶ Crisis Group interview, Tripoli, September 2011.

¹⁸⁷ A Tripoli brigade member who had trained and fought with the group since March 2011 commented that he had never seen Belhaj during his time there and had no idea how he came to be elected as head of the Military Council. A senior Misratan figure said, "He has one brigade – just one!" A National Army colonel added: "He has no men". Crisis Group interviews, Tripoli, September 2011. According to Ali Sallabi, Belhaj was elected as head "through consultation", and the choice was ratified by Mustafa Abd al-Jalil; likewise, the decision to task him with coordinating plans to liberate Tripoli allegedly was made by "Abdul Jalil personally". Interview on *LammatKhoud'* (Gathering of Brothers), Libya TV, 30 September 2011.

¹⁸⁸ Several militia commanders present at the fight for Bab al-Aziziya offered consistent accounts of how Belhaj came to make that speech; they contend that he was not the first to arrive. Rather, eyewitnesses report that he was driving around the side of the compound towards the entrance held by Misratans and was accompanied by an Al Jazeera film crew. He then, as a Misratan commander put it, "went straight to the statue of the golden fist and made his speech". Crisis Group interviews, Misratan and Tripolitanian commanders, Tripoli, September 2011. This speech was significant in introducing him to Libyan civilians and fighters. "The first we ever saw of him was when he made that speech". Crisis Group interview, Tajuran resident, Tripoli, September 2011.

¹⁸⁹ "We don't know where this guy came from. The first we saw of him was on television on 23 August. Now his men are in Mitiga, outside the Radisson, outside the port. And nobody is telling us what is happening". Crisis Group interview, Tripoli resident, September 2011.

Military Command – who set about trying to establish their own similar operations and organisation – viewed Belhaj’s activities as tantamount to a coup. While privately scorning the fact that he had few fighters under his command as well as his close relationship with the media,¹⁹⁰ most feared his background as leader of the Libyan Islamic Fighting Group and his relationship to prominent Libyan clerics and Islamist groups, as well as his close ties to Qatar.¹⁹¹

C. THE CONSEQUENCES OF SECURITY FRAGMENTATION

Competition between security forces has had various implications on the ground. These have been most visible in Tripoli, given the speed with which and manner in which the city fell – a popular uprising from within combined with a rush of irregular rebel brigades from without, supported by NATO bombing from the skies; the ensuing security void; and the overlapping presence and uncertain division of responsibility among units that stepped in. Rebel militias competed over responsibility, and their relations were plagued by mistrust, a situation that often tipped over into inter-militia violence; at the same time, they rejected central leadership and authority from either the NTC or its National Army. This has led not only to clashes, but also to the erection of parallel, independent systems for policing, detention and the meting out of justice (or retribution).

Although many within the former regime’s security forces – interior ministry and police force – returned to work, both institutions were severely underequipped, were undergoing transitions and, especially in the early days after the capital’s fall, lacked both funds and capable decision-makers. The interior ministry quickly came under rebel authority, with new managers appointed from among defectors, yet it could not meet the city’s substantial security needs.¹⁹² As a result, Tripoli-

tanians turned to friends and contacts in various brigades – which were organisationally ready and trusted by residents – to help address problems.¹⁹³

Each neighbourhood in the capital had ties to particular brigades. Misratan brigades enjoyed strong relations with the eastern suburbs of Tajura and Suq al-Jumaa, where many Misratans owned houses and had family or business relations.¹⁹⁴ In the run-up to the 20 August uprising, Tajuran rebels had coordinated with Misratan brigades by telephone; cooperation included providing weapons and supplies by boat.¹⁹⁵ Other brigades occupied empty buildings or strategic infrastructure in neighbourhoods. A Zintani unit led by Mokhtar al-Akhdar took the main civilian international airport; an eastern brigade unit seized offices of a major Western oil company;¹⁹⁶ the Zintani Mohammad al-Madani brigade took over holiday homes in the Regatta complex west of the capital; and the (Zintani) Qaaqa brigade held a nearby tourism complex, Siyahiyya. The militias also took private property; a Bani Walid family complained its home was occupied by a Misratan brigade; a Misratan brigade member said, “I have a farm which Zintani rebels tried to occupy. I had to go to their commanders and tell them not to stay there”.¹⁹⁷

In this atmosphere of relative lawlessness, a few brigades acquired a reputation for ferocity and even criminal behaviour. This was the case of Zintani militias – especially the aforementioned Qaaqa brigade – which western Tripolitani-ans and Tripoli brigades fighters accused of petty theft, notably of automobiles.¹⁹⁸ Significant looting of cars and property, particularly flat-screen television sets, occurred in Tripoli, but also in Sirte and Bani Walid.¹⁹⁹ While perpetrators defended this by asserting they targeted solely goods owned by senior regime figures, reality was murkier. In some

¹⁹⁰ An eastern-based rebel National Army commander scoffed: “These guys are just for TV”. Crisis Group interview, Tripoli, September 2011.

¹⁹¹ Crisis Group interviews, National Army, Western Military Command and Misratan commanders, Tripoli, September 2011.

¹⁹² Crisis Group observation, Tripoli, September 2011. An official noted: “We lack computers and equipment” and could not say how NTC funding might be obtained. Crisis Group interview, interior ministry official, Tripoli, September 2011. According to a foreign observer, “Decision-making is heavily compartmentalised. Most department employees are back to work, but they are used to referring decisions upwards”. He added that the senior-most bureaucrats had been requested to stay home, were newly appointed or were ineffec-

tive managers. Crisis Group interview, Tripoli, September 2011.

¹⁹³ A resident of the Tripoli neighbourhood of Ain Zour said, “Every street had a son who was with a rebel brigade. It was easy to contact them if anything happened”. Crisis Group interview, Tripoli, September 2011.

¹⁹⁴ Crisis Group interview, Misratan militia fighter, Misrata, October 2011. The relationship appears to be sustained. A Misratan rebel fighter said, “At least four Misrata brigades rotate soldiers into Suq al-Jumaa and Tajura. By contrast, Tripoli brigades are not allowed into these districts.” Crisis Group interview, Misrata, November 2011.

¹⁹⁵ Crisis Group interview, Tajuran organiser of weapons supplies, Tripoli, September 2011.

¹⁹⁶ Crisis Group interview, eastern militia fighter, Tripoli, September 2011.

¹⁹⁷ Crisis Group interview, Misratan brigade member, Misrata, November 2011.

¹⁹⁸ Crisis Group interviews, Tripoli residents and Tripoli brigades militias, Tripoli, September 2011.

¹⁹⁹ Crisis Group observations and interviews, journalists and foreign officials, Tripoli and Misrata, September-October 2011.

instances, families' property was seized on the basis of allegations that they were affiliated with the regime.²⁰⁰ While Zintani commanders sought to distance themselves from the most egregious acts, they refrained from condemning them outright and in some instances justified them.²⁰¹

In the absence of a centralised authority, and especially of strong, legitimate defence and interior ministers, militias inevitably came into contact and conflict with one another. Each armed group claimed its share of legitimacy and right to remain in the capital. Early skirmishes chiefly involved efforts to secure weapons and guard high-security installations.²⁰² Tripoli Military Council and Tripoli brigades efforts to secure and police the city sparked persistent confrontations with other militias. The National Army consistently tried to assert itself as the sole legitimate armed body, but this was just as consistently rejected by militias that sought to resolve their disputes directly.

As a result, power remained with the *thuwwar* to the detriment of the NTC, the cabinet, ministries and, often, due process. This was particularly noticeable in the early days, as militias took responsibility for securing their respective towns, combating or arresting loyalists and others they deemed a security risk and engaging in policing. Militias still hold a large number of detainees on political and criminal grounds, including those charged with having had prominent roles in the Qadhafi regime, those believed to have "blood on their hands" and those

who refused to surrender their arms to the militias.²⁰³ In the earliest days, ordinary citizens set up makeshift prisons and placed suspects under house arrest.²⁰⁴ In Tripoli, rebel militias backed residents in forcibly disarming those considered loyalists – an assessment typically based on data from community informants²⁰⁵ or lists seized during the conflict. Militias likewise detained former officials, as well as members of the police and army – capturing them in house raids or at checkpoints²⁰⁶ – and conducted initial investigations and interrogations.²⁰⁷

²⁰³ Crisis Group interviews, Tripoli residents and revolutionary brigades fighters, Tripoli, September 2011.

²⁰⁴ In Tajura, this was a small prefabricated shack (such as those found at construction sites), in Janzour, a mosque's side-room. Crisis Group observations and interviews, prisoners (Janzour) and residents (Tajoura), Tripoli, August 2011. See also "Libya: Stop Arbitrary Arrests of Black Africans", Human Rights Watch, 4 September 2011, in which eyewitness reports describe migrants held without due process inside a school, soccer club and old Qadhafi prison.

²⁰⁵ A resident of the Tripoli neighbourhood of Ain Zour said, "My neighbour was a member of Qadhafi's revolutionary councils and distributed guns. His neighbours asked him to surrender his weapons, which he did. But they had a doubt. They checked his house, they found a Kalashnikov, and so then the revolutionary brigades came and took him to prison". Crisis Group interview, Tripoli, September 2011.

²⁰⁶ Rebels reported that the prison system was based on inter-militia cooperation; prisoners were transferred from one prison to another based on space and other practical considerations. Crisis Group interview, brigade commander, Tripoli, September 2011. Levels of cooperation vary, depending on relations between particular militias. A Misratan militia fighter said that there was co-operation with Zintani and some Tripoli counterparts: "The Tripoli Military Council and Belhaj are not part of this arrangement and nor is Benghazi. They have their own procedures". Crisis Group interview, Misrata, November 2011. A Tripoli Military Council official suggested the Council operated quasi-independently: "We have our own prison. There is collaboration [with Zintan and Misrata] but there is no prisoner swapping. If someone is captured, and he is on a Misratan list, we will not hand him over to Misrata". Crisis Group interview, Tripoli, November 2011.

²⁰⁷ A fighter with an eastern-based militia who described himself as an "investigations official" and who processed detainees said, "There are two basic types of people we arrest: foreigners and Libyans who worked with Qadhafi. And we investigate what they did. If we find they have blood on their hands, they are sent to jail. If not, they are sent back to their homes". The commander of his brigade added: "We have a system. When we catch someone here we investigate him. If we have nothing on him, we ask the other militias". Crisis Group interviews, Tripoli, September 2011. A Misratan fighter said, "The principle is to hold the person to see if he is wanted by either the Tripoli, Misrata or Nafusa brigades. The brigades in Tripoli and Zintan do the same. So, if a brigade in Tripoli captures someone, they will call us to see if we have something on him. If we do, he comes to us". Crisis Group interview, Misrata, November 2011.

²⁰⁰ Crisis Group interview, Misratan militia fighter, Tripoli, September 2011.

²⁰¹ The head of the Western Military Command acknowledged that while he was "generally satisfied" with the Zintani militias' behaviour, some criminal activity had taken place – though he also asserted that unspecified "other parties" were engaging in such crimes and simply painting "Rebels of Zintan" on their cars. Moreover, he drew a distinction between such activity and the confiscation of former regime assets. "90 per cent of what is happening involves stealing cars, and most of them belonged to Qadhafi troops. We have formed a committee to handle anything that was stolen, and we will do our best to return things. But the cars? It's not a big deal. What is their total value – a billion [U.S.] dollars? The NTC has 137 billion! Some people have been fighting for six months, they have lost family members, they have died. Let them have a car! It's really not a big deal". Crisis Group interview, Tripoli, September 2011.

²⁰² A Tripoli brigades fighter said, "We had a huge problem with Zintani soldiers over a crate of torpedoes. They apprehended us and put me on the phone with their commander, who said 'I order you, as military man, to hand them over'. Zintan is in the mountains! What does it want with torpedoes?" Crisis Group interview, Tripoli, September 2011.

Due process deficiencies were clear. There is little evidence that the NTC played a genuine oversight role in the processing or placement of prisoners. According to UN sources, some 7,000 people are presently being detained in Tripoli alone,²⁰⁸ in prisons run by local authorities and militias. There is of yet no agreement on a centralised prosecutorial system.

The problems and pitfalls of this absence of central authority are perhaps best illustrated by the case of African immigrants, who have become the target of often arbitrary arrests. Whereas militias at least had access to documentation and testimony when investigating fellow Libyans, they lacked even this basic data when it came to citizens of African countries. Some credibly could be accused of having been mercenaries, hired by Qadhafi to fight the rebels. But the security sweeps extended far beyond and included undocumented immigrants whose loyalty and activities were wholly unknown to the rebels. The issue of mercenaries, in other words, was conflated with the very different, and far broader issue of illegal immigration networks – used, to a large extent, to provide cheap labour in Tripoli or elsewhere.²⁰⁹ Many lacked residency permits, entry stamps, any material possessions or even, in some cases, passports and were arrested on that basis alone,²¹⁰ with

virtually no investigative process other than searching for a Libyan who could vouch for their identity.²¹¹

Also of concern has been retaliatory action taken against groups or communities suspected of loyalty to the Qadhafi regime.²¹² Former rebels take pride in having refrained from systematic large-scale or violent reprisal against regime supporters. To a large extent, this has been true. Still, there have been several documented incidents of collective retaliation, including discriminatory treatment and arbitrary arrests of *mustafeeden* (“those who benefited”) – the term used to describe individuals and communities that gained material advantage in exchange for politically backing the regime.²¹³ Outside Tripoli, some townships associated with

²⁰⁸ Crisis Group interview, UN official, Tripoli, October 2011.

²⁰⁹ Some who joined rebel brigades previously had served as officials in the areas of immigration, internal security and police; to an extent, they seem to have reprised their old jobs within the militias. A former official who had been involved in investigating and arresting paperless African migrants displayed intense frustration that the Qadhafi regime had interfered with his work, which he now hoped to carry out more freely. “Most Africans inside Libya forge money, they use black magic – they’re criminals. They cause a lot of problems. When I worked in Qadhafi’s internal security, I was in charge of counter-immigration. What happened? Nothing. Our job was to catch the blacks as they left Zuwarah going to Italy. There would usually be 200 per boat, but sometimes 500 or even 1,000. The police boats caught them and brought them to us; we put them in a military camp, usually Falah or Bab al-Aziziya, so they could be transferred via bus or plane. Fifteen days later, we heard from the police boats: they had just picked up the same people! Qadhafi released them and put them on the next boat out!” Crisis Group interview, Nowfileen, Tripoli, September 2011. In the 1990s, violent incidents in several towns involved skirmishes between African immigrants and Libyans. Much of this was related to trafficking networks, including of drugs. For more background on gang violence between African and Libyan drug smuggling and distribution networks, see Yehudit Ronen, *Qaddafi’s Libya in World Politics* (Boulder, 2008).

²¹⁰ Crisis Group observations; Crisis Group interviews, officials in investigation office of an eastern rebel brigade, Tripoli, September 2011.

²¹¹ A commander from an eastern militia said, “With such immigrants we look for a Libyan who can confirm their character and identity”. Crisis Group interview, Tripoli, September 2011. Crisis Group also witnessed cases of black Africans who were known to their communities and thus were spared harassment; they interacted quite normally with residents during Ramadan and Eid celebrations as well as during the battle for Tripoli. Crisis Group observations, central Tripoli, August 2011.

²¹² A particularly notorious example was the discovery by Human Rights Watch of 53 Qadhafi soldiers who apparently had been executed with their hands bound. See “Libya: Apparent Execution of 53 Gaddafi supporters”, Human Rights Watch, 23 October 2011.

²¹³ Tribalism played a part in this but its role often is highly exaggerated. Although Qadhafi dismissed tribes as reactionary forces upon seizing power, a 1993 military coup attempt orchestrated by leaders of the largest tribal grouping, the Warfalla, prompted him to shift course. He implemented a new tribally-based divide-and-conquer strategy aimed at co-opting and controlling the Warfalla and, more broadly, used tribes against one another in order to quell popular dissent. As a result, he integrated into the security apparatus many from among newly empowered tribes, including the Warfalla, the Qadhafa (a small tribe comprising Qadhafi’s kinsmen from in and around Sirte) and the Maghrahah. In reality, and despite the regime’s best efforts to keep the re-tribalised security apparatus glued together as the February uprising began, only the Qadhafa kinsmen can be said to have remained almost entirely loyal. The Warfalla and the Maghrahah split, with some joining the rebellion in the east or quietly supporting it; others supporting the regime until the bitter end; and the third, arguably largest group, sitting on the fence and awaiting the outcome of the confrontation. Crisis Group interviews, former Libyan government officials, Bani Walid, Tripoli and Washington, June, July, September 2011. As a former official said, “The long battle for Bani Walid was in part a struggle of Warfalla against Warfalla”. Crisis Group interview, former government official from Bani Walid, Washington, September 2011. Other communities were perceived as having benefited from the Qadhafi regime. Thus, Libyans of Saharan origin resettled in the north and were awarded land as well as relatively luxurious housing in Tripoli, Sirte and other towns; they include in particular the Mashashiyya (located south and east of the Nafusa mountains) and residents of the town of Tuwergha, near Misrata. In Tripoli itself, the regime favoured certain neighbourhoods – notably Hayy an-Nasr and Umm Durban in Abu Slim.

loyalist communities have become virtual ghost towns. In Sirte and Bani Walid, families were displaced by the intense fighting, and many houses were rendered uninhabitable as a result of intensive rebel shelling by tanks, recoilless rifles and RPGs.²¹⁴

Civilian militias also looted houses in Sirte and Bani Walid, not confining themselves to taking property belonging to Qadhafi's armed forces, but also seizing items such as flat-screen television sets from civilian apartments, even while others within the rebel ranks acknowledged that such activity was wrong.²¹⁵ Many such families are now scattered around the west and centre-south, including in Tripoli, Tarhuna and the southern Tripoli outskirts. Misrata has barred residents of Sirte, Bani Walid and Tuwergha from entering the city, save for those who had already been living there but felt they had to leave, compelling others to return to their devastated towns or origin.²¹⁶ In Tripoli, rebels from Misrata and Zintan have expropriated and occupied properties belonging not only to former regime members but also to families hailing from places such as Sirte and Bani Walid.²¹⁷

The best known case concerns Tuwergha. Tuwerghans are darker-skinned Libyans hailing from various southern communities within Libya and from nomadic communities from the Sahel; under Qadhafi, they benefited from preferential treatment particularly in terms of housing and salaried employment. During the month-long siege of Misrata, Tuwerghan supporters of the regime joined the brutal campaign against the city.²¹⁸ Af-

ter Misratan forces captured Tuwergha, retaliation was harsh. The town was entirely emptied of its residents, and Misratan fighters harassed and detained Tuwerghan families that found their way to Tripoli and Sirte.²¹⁹

Misratans are highly defensive and sensitive about how they handled the matter; many assert that they have the right to try Tuwerghans by their own war crimes unit.²²⁰ Although senior rebel leaders from Misrata privately acknowledge the need for some form of reconciliation, this is not a sentiment they wish to voice publicly. One said, "We have to invite those from Tuwergha to come back to their community. It is important for the sake of our country that we make a statement to this effect. But nobody wants to make it".²²¹ Tuwergha's case is the most infamous, but it is not unique. Mashashiyya, a community in the western mountains, experienced an analogous fate – lifeless neighbourhoods in a ghost town.²²²

something that is private for us. Only Misrata should know". Crisis Group interview, Misratan fighter, Misrata, October 2011.

²¹⁹ A human rights observer claimed to have seen members of a Misratan militia enter a Tripoli hospital and remove a Tuwerghan patient by force while threatening others. Crisis Group interview, Tripoli, September 2011. See also "Tuwerghas Must Be Protected From Reprisals and Arbitrary Arrest in Libya", Amnesty International Online, 7 September 2011. While most civilians were allowed to leave Sirte during the battle for the town, a reporter witnessed Tuwerghan families being detained at a mosque for investigation by Misratan militias. See "Accused of fighting for Qaddafi, a Libyan town's residents face reprisals", *The New York Times*, 23 September 2011. In another incident, an employee with an international NGO reported that in November a Misratan brigade forcibly entered a camp set up for Tuwerghan internally displaced persons at night, separated males and females and then carried several men away. Crisis Group email correspondence, November 2011.

²²⁰ Crisis Group interviews, Misratan lawyers, rebels and civilians, Misrata, November 2011.

²²¹ Crisis Group interview, Misrata, November 2011. A UN official said that NTC leaders also understand the importance of resolving the Tuwergha issue but that any attempt to impose a solution on Misratans would be politically problematic. Crisis Group interview, Tripoli, November 2011.

²²² The Mashashiyya, literally "the walkers", are dark-skinned southern Libyan nomadic shepherds and their descendants who were relocated by Qadhafi's regime to towns and settlements in and around the south east part of the western mountains. Decades ago, they were offered confiscated land and, to varying degrees, have been resented by their neighbours. Some pro-Qadhafi fighters came from this small community, upon which the regime had lavished favors and equipped with infrastructure not provided to similar local communities. These included a new hospital, mosque and two sports clubs. Zintan residents claim that their Mashashiyya counterparts backed Qadhafi since the 1970s in exchange for land stolen from their city; they also allege that Mashashiyya was used as a base for pro-Qadhafi forces during the uprising. Observers located a makeshift prison in Zintan that appears to be holding Mashashiyya residents who did not flee the area. Crisis Group in-

²¹⁴ Crisis Group interviews, journalists visiting Bani Walid and Sirte, Tripoli, October 2011.

²¹⁵ Crisis Group observations and interviews, Misratan brigade fighters, Misrata, October 2011.

²¹⁶ Misratan checkpoints at Darnia, near Zlitan, and all the way to Tuwergha, south of Misrata, were handed names of blacklisted individuals. No one was able to share with Crisis Group the precise origin of these lists. Crisis Group interviews and observations, Misrata, October 2011.

²¹⁷ A Misratan commander blamed Zintani rebels for appropriating empty buildings in the capital, adding that they might have believed that any vacant property belonged to former regime members. Crisis Group interview, Misrata, November 2011. A Libyan from Bani Walid who lived in the upper-scale Tripolitanian district of Hayy al-Andalus said, "There is no order here. Our property and vehicles have been taken over by a Misratan brigade". Crisis Group interview, Tripoli, September 2011.

²¹⁸ Crisis Group interviews, residents, Misrata, October 2011. Misratans describe crimes committed by Tuwerghans, which reportedly included widespread stealing, killing and raping. To date, there has been no independent confirmation that rapes occurred in Misrata. Crisis Group interview, human rights researcher, Misrata, October 2011; a Misratan said, "This is

On all of these issues – from reining in militia rivalry to establishing a more centralised judicial system – some progress has been made. Notably, steps have been taken to minimise chaos in the capital, though these remain uneven and mainly have been tied to bottom-up efforts by the brigades to coordinate their work as opposed to top-down attempts to bring them in line. On 22 September, a meeting of the “Union of Revolutionary Brigades” (Ittihad Surayaat ath-Thuwwar) in Misrata was attended by Belhaj and key Misrata brigades leaders.²²³ Still, tensions remain high between Tripoli brigades and Zintani militias, with intermittent conflict and clashes.²²⁴ Other regional militias also have periodically been involved in fighting in Tripoli.²²⁵ More

interviews and email correspondence, residents of Bani Walid and surrounding towns, August and September 2011. For more on the Mashashiyya, see Mathieu von Rohr, “Tribal rivalries complicate Libyan war”, *Der Spiegel*, 26 July 2011.²²³ The head of the Benghazi-based 17 February brigades, Fawzi Bukatf, also attended. Crisis Group interviews, Western diplomat, Tripoli, September 2011; Arab diplomat, Amman, November 2011.

²²⁴ Clashes – in the form of confrontations and exchanges of gunfire – began occurring between various militias almost immediately after they entered the capital, with the securing of weapons being one of several flashpoints. “Suleyman Mahmoud al-Obeidi sent our unit to secure some mines. Half an hour later, Belhaj’s troops showed up, and there was a small fight”. Crisis Group interview, rebel soldier from an eastern unit, Tripoli, September 2011. A senior Tripoli brigade commander described an altercation with Zintani militias over torpedoes. The Union of Revolutionary Brigades coordination apparently produced an understanding between Belhaj and the Tripoli Military Council on the one hand and the Misratan brigades on the other; although Misratan units remained in the capital, Tripoli brigades fighters claim they do not often clash violently. In October, however, Tripolitanian and Zintani units increasingly confronted each other. At times, this was due to Tripoli brigades units entering areas in which Zintanis had asserted control. Crisis Group interview, Tripoli brigades commander, Tripoli, October 2011. In mid-October, Zintani militiamen allegedly “pulled guns out and shot up the front of the Grand Hotel” in the course of an attempt to retrieve weapons held by Tripoli brigades fighters who were stationed there. On 31 October, an alleged attempt by Zintani militiamen to enter Tripoli hospital and search for someone they had attacked that day erupted into a confrontation between “hundreds” of Zintani and Tripolitanian fighters. See Nick Meo, “Revolutionaries turn on each other as fears grow for law and order”, *The Telegraph*, 31 October 2011. More broadly, Tripoli brigades fighters said that over the course of October similar incidents occurred several times weekly, if not every night. Crisis Group interviews, Tripoli, September–October 2011. Although there has been no reported clash since then matching the scope of the hospital gun battle, the lack of a clear framework and rules of engagement means that the risk of armed confrontation remains.

²²⁵ Crisis Group interviews, Tripoli, September 2011.

recently, several militias left the capital as a result of ad hoc agreements²²⁶ – an important, albeit insufficient step that helped remove a major flashpoint for violent confrontation.

The NTC also made initial strides towards centralising the judicial system, although here as well progress is patchy. In November, it said it would put in place a visa registration plan for paperless immigrants, but details have yet to emerge.²²⁷ Likewise, militias handed over to the NTC’s justice ministry some powers related to the processing of criminal cases and, in late October, the Tripoli Military Council transferred authority over Jdeida, a major criminal prison, to NTC control.²²⁸ But militias by and large retain control of detainees and detention centres. In Misrata, judicial processing of criminal cases remains with Misratan courts; the chief administrator is appointed by the NTC but is “responsible for administrative matters, not judicial ones”.²²⁹ As many as several hundred political prisoners held in Misrata lack legal representation; Misratan lawyers process documents seized from the old regime in search of incriminating evidence.²³⁰ Overall, there is a long way to go before central authorities acquire the credibility and confidence required to persuade militias to acquiesce in a unified security or judicial framework.

The manner of Qadhafi’s 23 October killing is only one stark illustration of existing challenges and of the tension between the genuine wish for a rule-bound society on the one hand and the no-less-tangible desire to swiftly administer a form of justice that often bears all the hallmarks of sheer revenge.²³¹

²²⁶ Some Misratan militias reportedly voluntarily withdrew to the outskirts of Tripoli, though as of late November 2011 they remained in the Tripoli neighbourhood of Tajura. Crisis Group email correspondence, Misrata-based journalist, November 2011.

²²⁷ Crisis Group email correspondence, journalist, Tripoli, November 2011.

²²⁸ Tellingly, prison administration was handed over to the judicial police, the body that ran prisons under Qadhafi. The willingness to do so suggests that trust in central governmental institutions at least is on the rise. Crisis Group interviews, Western diplomats, Tripoli, October 2011.

²²⁹ The administrator “decides what time the court may open and close, that kind of thing”. Crisis Group interview, Misratan lawyer, Misrata, November 2011.

²³⁰ Ibid. By November, Zintan too was resisting turning its prisoners over to the NTC, and continues to do so under the new administration of Abdul Rahim al-Keeb. The fate of Saif al-Islam, captured on 19 November, is emblematic: as of early December 2011 he still was being detained in a secret location in the region of Zintan.

²³¹ Prime Minister al-Keeb, evoked this tension: “We guarantee that we are after a nation that respects human rights, and does not permit abuse of human rights, but it will take time”. See “Libya’s Prime Minister Abdurrahim al-Keib in profile”, BBC News, 2 November 2011. Libya’s new authorities privately were clearly relieved by Qadhafi’s death. A prominent politician said, “To be

IV. CONCLUSION: DEALING WITH A FRAGMENTED SECURITY LANDSCAPE

In principle, there is little dispute among brigade commanders and political leaders on the need to unite the security forces and bring them under the authority of a single, credible national authority. As stated by the head of the Tripoli brigades, Mehdi al-Harati, “In the future, almost all the *thuwwar* wish to come under the National Army’s umbrella”.²³² Similar sentiments were echoed by the commander of Zintan’s Mohammad al-Madani Brigade and Misratan rebels returning from the frontline in Sirte.²³³

Translating such abstract sentiments into concrete action is a different matter. The fragmentation of the security landscape reflects political divisions and longer-term structural issues: Qadhafi’s neglect of the old National Army along with other institutions; regional friction and political factionalism; the uprising’s geographically uneven and uncoordinated development; the surplus of weapons and deficit in trust; the absence of a strong, respected executive authority; and widespread feeling

honest, I’m glad he’s dead. If he were alive we would have had to go through a trial – he would have become a martyr, like Saddam”. Crisis Group interview, Tripoli, October 2011. Prior to Qadhafi’s killing, Abdel Hakim Belhaj was asked if rebels were “disciplined enough not to shoot Qaddafi on sight”; in response, he joked, “I hope they do!”, Al Jazeera, 20 September 2011. A U.S. official said that, notwithstanding the circumstances of his death, the outcome was positive: “It removes a major source of fear among Libyans, many of whom lived with an outsized image of Qadhafi as someone capable of almost supernatural feats. Without him, they can breathe more easily”. Crisis Group interview, Washington, November 2011.

²³² Crisis Group interview, Tripoli, September 2011.

²³³ Crisis Group interviews, Tripoli, Misrata, September 2011. A Misratan commander asserted: “God willing, we will be able to come under a national army even if we retain our brigade names”. Crisis Group interview, Misratan unit commander, Misrata, October 2011; Crisis Group interviews, Tripoli, Misrata, September 2011. Suleyman al-Suwehli, commander of one of the largest Misratan brigades, described its purpose as “sending a signal” to the Benghazi-based political leadership that the *thuwwar* were not to be sidelined: “We are here; we won’t go against the NTC; but we have our demands as well”. Crisis Group interview, Tripoli, September 2011. Mokhtar al-Farnana, the Zintani brigade commander, went further, predicting that economic conditions would lead to militia demobilisation. “I actually worry that when the oil comes back online, no one will want to stay in any armed group. We’ll have to hire our soldiers from abroad like a Gulf state”. Crisis Group interview, Tripoli, September 2011.

among many armed fighters that the new National Army lacks both relevance and legitimacy. In the words of a Western military analyst, “We came in thinking that the militias would be subsumed under the National Army. It now looks more like the National Army will be subsumed under the militias”.²³⁴

The scope of the problem is substantial. According to an NTC spokesman, some 125,000 to 150,000 mostly young Libyans joined militias and took up arms to liberate their country, and most still have not given up their weapons and status as fighters available to defend the neighbourhood, village, or town.²³⁵ As the war wound down, a senior member of the Tripoli brigades said, “You can’t let go. It’s like an addiction. I really don’t want to go back home. But then again, many don’t want the boredom of a disciplined military life. There’s an attitude of ‘It’s free Libya. I’m free to go to the front if I want’”.²³⁶

The heart of the issue is political. The security landscape’s fragmentation reflects distrust among new actors and genuine concern, as well as uncertainty regarding who has the legitimacy to lead during the transitional period. Militias, but also the towns that support them, are unlikely to fully surrender arms and demobilise men before they have confidence in the political process. As a Misrata brigade commander said, “People in Misrata are concentrating on security issues. There is no war now, but you’ve got to keep watch for a new fight”.²³⁷ Expressions of goodwill notwithstanding, Libyans are likely to maintain their separate security organisations as long as these are deemed useful to protect local interests. Some militia leaders suggested that they will only hand in their weapons once a legitimate central authority has come into being – meaning at a minimum not before elections for a constituent assembly are held – they currently are scheduled to be held eight months after the end of the conflict, in June 2012 – and arguably not until subsequent parliamentary elections and formation of a government.

The new cabinet appears to enjoy greater political support than its predecessor, but that is unlikely to suffice to fully reassure the militias. It includes representatives from more

²³⁴ Crisis Group interview, Western military expert, Tripoli, September 2011.

²³⁵ Crisis Group interviews, Tripoli, September and October 2011; see also NTC military spokesman Abdurrahman Busin, quoted in Portia Walker, “Armed militia members haven’t been integrated into new Libya”, *USA Today*, 2 December 2011.

²³⁶ Crisis Group interview, Tripoli, September 2011. The attitude was contagious. “Next time it’s Syria!” yelled a fighter coming back from the battle for Abu Slim. Crisis Group observations, Tripoli, August 2011.

²³⁷ Crisis Group interview, Misratan brigade commander, Misrata, November 2011.

regions²³⁸ and its members have not been tainted by prior positions under Qadhafi's regime nor by any perceived corruption or malfeasance during the NTC's previous administration. Leading ministers hail from the ranks of the new revolutionaries and from new power centres such as Misrata and Zintan – features no doubt intended to give the NTC greater clout in dealing with militias from those areas. Prime Minister al-Keef himself was highly active among Tripoli rebel networks and invested much personally in the uprising, providing him with real credibility and a strong support base in the capital. Likewise, the new defence and interior ministers hail from Zintan and Misrata respectively, and thus might be able to enhance cooperation between regions and bolster the NTC's legitimacy.

A former military trainer and educator from Zintan who defected early in the conflict, Defence Minister Osama al-Juwaili, bridges the cultural gap between the National Army, where he trained, and the new civilian rebels, with whom he fought; he also commanded the militia responsible for Saif al-Islam's capture. Even so, he will need significant political and technical backing to fulfil his mission; that is even more so for his counterpart at the interior ministry, Fawzi Abdul-A'al, a young former prosecutor from Misrata. Initial reactions from other militias so far have been lukewarm; as seen, their security and political concerns go well beyond the identity of the person running the ministry in the capital.²³⁹ Indeed, scepticism of central government runs so deep that ministers – as was the case under Qadhafi – risk being considered irrelevant.

The NTC's tendency toward opacity has not helped matters, feeding further suspicion. As a journalist in Tripoli put it,

For the NTC to address the situation, it needs to end its secrecy – including naming all 54 members and confirming that there are indeed 54 members; publishing minutes of its meetings and decisions; mak-

ing public where the oil revenues are going; and explaining how decisions to issue broadcasting licenses are made. All these problems are interlinked. Misratans and Zintanis remain convinced that the NTC is up to no good, and thus far the NTC has done little publicly to disprove this impression.²⁴⁰

So far, any hope that the new NTC administration would be able to curb militia-on-militia violence has proved wholly unfounded. As of early December, violence in Tripoli if anything had escalated, with armed confrontations occurring virtually on a nightly basis.²⁴¹

An inventory of some of the more dramatic recent incidents illustrates the point. In late November, Prime Minister al-Keef's convoy came under attack – an event the NTC publicly denied yet privately acknowledged.²⁴² Violence hit the international airport on at least two separate occasions: on 29 November a militia from Suq al-Jumaa prevented an airplane from taking off as a means of pressuring the new NTC executive to support them in a dispute with Bani Walid;²⁴³ later, on 11 December, a large-scale firefight erupted when men under the control of Khalifa Hefter – the National Army's most senior commander – clashed with Zintani militias that refused to vacate the airport since Tripoli's fall despite several NTC attempts to negotiate a solution.²⁴⁴ The NTC and Tripoli's new municipal council, in association with the Tripoli Military Council has imposed a 20 December deadline for the withdrawal of such militias; consequences of ignoring it remain unclear.

Ultimately, whatever progress is made in shoring up the NTC's and its executive's credibility, they will remain fragile at least until elections are held; in the interim, Abdul Rahim al-Keef's cabinet will be forced to negotiate with – and achieve cooperation from – militias whose claims rest not just on fears of instability and the need for local defence, but more importantly on the revolutionary legitimacy gained during the struggle to oust the former regime.

The discredit that befell the rebel National Army leadership during the fighting only compounded the problem, leaving the country with weakened armed forces. Tellingly, no single militia commander has gained sufficient support across the country to emerge as a truly national, unifying figure.

²³⁸ There are exceptions. Amazigh (Berber) leaders were upset that no Amazigh leader was represented in the NTC and small protests in Benghazi were reported in response to a perceived underrepresentation of easterners.

²³⁹ Commenting on Juwaili's candidacy before his confirmation, Tripoli brigade commander Mehdi al-Harati said the personality did not really matter unless elected by the people rather than chosen by the prime minister. "Maybe Osama Juwaili, maybe someone else. I cannot evaluate him. We need someone with unanimous support and this cannot happen without the people deciding". Crisis Group interview, Tripoli, September 2011. Misratan fighters expressed general apathy about this issue, being far more concerned about their city's specific security concerns. Crisis Group interviews, Misrata, November 2011.

²⁴⁰ Crisis Group telephone interview, Tripoli, December 2011.

²⁴¹ Crisis Group email communication, Tripoli residents, December 2011.

²⁴² Crisis Group email communications, NTC official and journalist, 30 November 2011.

²⁴³ Crisis Group telephone interview, Suq al-Jumaa militia member, November 2011.

²⁴⁴ Crisis Group email correspondence, journalist, Tripoli, December 2011. See also "Armed groups clash in turf war near Tripoli airport", Reuters, 11 December 2011.

Disputes among leading civilian militia commanders and National Army figures are costly; as a Misrata fighter said, “Personalities are becoming the problem”.²⁴⁵ With militias unable to act cohesively, dispute resolution essentially is a bilateral, ad hoc affair; clashes among them are growing ever more serious.²⁴⁶

In the meantime, militias are likely to become increasingly entrenched, with positions and assets to protect; the proliferation of weapons, regional friction²⁴⁷ and concern about what to do with young, idle, demobilised fighters²⁴⁸ complicate the prospect of dismantling armed groups further. This was reflected by a Tripoli brigade fighter: “Everyone has a gun now. We can’t solve any problem without bringing weapons”.²⁴⁹ Militias are aware of the problem but their instinctive response is to further consolidate themselves, duplicating police and military functions, training recruits, and saying only they intend in time to integrate their units into a centralised one.²⁵⁰ Likewise, brigades have set up separate weapons storage systems, refusing to hand over their arsenal to the NTC. According to a Misratan fighter, “All heavy weapons are in central storage facilities; units register their respective weapons which are stored on their behalf rather than handed over. Many fighters are retaining small arms and machine guns”.²⁵¹ Undoing this process of militia consolidation will take time and require incentives that, so far, are non-existent.

The NTC has taken some initiatives to centralise control. In early October, it set up the Supreme Security Council (SSC) in the aftermath of allegedly acrimonious talks with militias that were presided over by Abdul Jalil and led by Abdul Majid Saif al-Nasr, a well-

respected, long-time Qadhafi opponent.²⁵² But the results so far have been mixed. The SSC presided over the handing over by Misrata brigades of more than 500 light arms to the interior ministry.²⁵³ The Belhaj-led Tripoli Military Council also nominally recognised its authority. Several buildings were transferred to its control, including the city’s five-star hotels, Mitiga airport²⁵⁴ and, most significantly, on 20 October a major criminal prison (Jdeida). Still, even as nominal authority and administrative functions were passed on to the SSC, actual authority clearly remains in militia hands. Notably, SSC communiqués urging militias to leave the capital went unheeded through early December 2011. Moreover, its writ appears to extend to Tripoli alone; there is no visible national strategy to bring militias under a single umbrella.

The NTC’s new executive has undertaken other initiatives. Among them is a “Mobilisation Committee”, headed by Mustafa Saqisley, whose creation Jalil announced on 24 October and whose purpose is to help with the reintegration of militia fighters.²⁵⁵ That said, fighters interviewed by Crisis Group as well as a high-level NTC official were unaware of its existence;²⁵⁶ in the words of a Western diplomat, “There has not been much action coming out of this body”.²⁵⁷ On 26 November, the cabinet also reportedly set up an inter-ministerial Commission of Warrior Affairs, which includes the defence, interior, finance and labour ministers, yet here too its precise agenda and status remain unclear.²⁵⁸

For the most part, what progress has occurred toward DDR involves welcome bottom-up efforts by the brigades themselves to coordinate their work. Thus, even as they ignored calls from the National Army and the Supreme Security Council to vacate the capital and come under their leadership, militias at times have reached out to one another to defuse tensions and resolve disputes – albeit generally only after a conflict has erupted. The establishment of the Union of Revolutionary Brigades likewise reflected an attempt by a variety of militias to better coordinate their efforts and to lessen tensions between Misratans and the Tripoli Military

²⁴⁵ Crisis Group interview, Misrata, October 2011.

²⁴⁶ In one of the latest such incidents, on 3 December a secret police building used as a base by Zintani militias reportedly was ransacked by Janzour residents after a fight between the Zintani and a local Janzour militia. See “Rival militias wage turf war near Libyan capital”, Reuters, 3 December 2011.

²⁴⁷ A Misrata brigade commander said, “People in Misrata are concentrating on security issues. There is no war now, but you’ve got to keep watch for a new fight”. Crisis Group interview, Misrata, November 2011.

²⁴⁸ A Misratan commander worried about there being too many young men with guns and nothing to do, coupled with a sense of entitlement born of their suffering – all of which, he said, would hinder demobilisation. Crisis Group interview, Misrata, November 2011.

²⁴⁹ Crisis Group interview, Tripoli, September 2011.

²⁵⁰ A Tripoli Military Council member said, “Policing units inside the Tripoli Military Council will take their orders from the interior ministry once it becomes active”, an ambiguous statement leaving unclear whether personnel and weapons would be transferred to a central authority and if so when. Crisis Group interview, Tripoli, November 2011.

²⁵¹ Crisis Group interview, Misrata, November 2011.

²⁵² Crisis Group interviews, NTC officials and Western diplomats, Tripoli, October 2011.

²⁵³ Writing of this, the UN Support Mission in Libya said, “While limited in nature, the initiative was designed to send a public message that the handover of weapons by armed groups is a priority for the Council and the future interim Government”, “Report of the Secretary-General on the UN Support Mission in Libya”, 22 November 2011.

²⁵⁴ Crisis Group observations, Tripoli, September 2011.

²⁵⁵ The “Report of the Secretary-General”, op. cit., described the commission’s main tasks as being “to reintegrate fighters, provide support to the wounded and the families of martyrs, and develop plans for the collection of weapons”.

²⁵⁶ Crisis Group interviews, Tripoli, Misrata, November–December 2011.

²⁵⁷ Crisis Group interview, Western official, December 2011.

²⁵⁸ Crisis Group email correspondence, UN official, December 2011.

Council.²⁵⁹ In October, as clashes between Zintani and Tripoli militias increased, their respective leaders stressed their desire to resort to local negotiations and pointed to several successful endeavours.²⁶⁰ In most of these cases, results were obtained not through directives from above or from outside or third-party mediation, but rather via local, traditional dispute resolution methods.²⁶¹ Neighbourhood councils, sheikhs and clerics also have been involved in such mediations.

For now, that is not necessarily a bad thing. To be sure, the militias' preference for talking directly to each other rather than through the NTC likely will hamper, or at least delay, establishment of truly centralised armed forces. Understandably, the National Army leadership has tended to dismiss these inter-militia arrangements as inconsequential. Brigadier-General Suleyman Mahmoud al-Obeidi, the National Army officer in charge of security in the capital, described the Union of Revolutionary Brigades as "a few individuals with their own agendas".²⁶² Pointedly, the day following announcement of it, he called on all local military councils to join the National Army. Nor do local dispute resolution methods guarantee success, as many such negotiations have been known to break down.²⁶³

But inter-militia negotiations and understandings are important; more than that, they are the most effective avenue for short- to medium-term progress. The search for a quick-fix solution bypassing local brigades and militias is illusory and dangerous. In the weeks before Qadhafi's final strongholds were seized, some NTC of-

ficials privately warned they would use force to disarm fellow rebels.²⁶⁴ But they quickly realised this was no option; after NATO declared the end of its mission on 31 October, the NTC lacked the capacity to act on such threats.

The brigades mostly view themselves as competing with the central authorities – and one another. They feel the need to retain their weapons and fear the consequences of abrupt demobilisation of highly-armed youth, particularly in the absence of alternative job opportunities. They feel far more comfortable building up their own institutions with the promise of coming under the central government in the future. Interviews with scores of young fighters suggest it will be near impossible to convince them to submit fully to the National Army's or police's authority as they currently stand. The National Army's continuous – unheeded – demands that the *thuwwar* brigades leave the capital have only served to underscore their lack of authority vis-à-vis the militias. Intensified fighting between the National Army and militias – including the 10-11 December confrontation between a Zintani militia and soldiers led by National Army General Khalifa Hefter – makes it ever more difficult to imagine merging the two.

What this suggests is that progress toward disarming and reintegrating militias will come only in full cooperation with these local militias and only if they are consulted every step of the way. It also means that there are limits to what the transitional authorities can do.

But that does not mean doing nothing, for steps can be taken to encourage militia initiatives and pave the way for greater central control. First, the NTC should work with the militias and respected local figures to establish common guidelines and rules of engagement. Key in this respect is ensuring militias operate according to shared standards of behaviour, including: application of the laws of war and ensuring disciplining of noncompliant fighters; registration of weapons and fighters; as well as respect of rights of prisoners and of targeted communities (notably former Tuwergha residents). This last aspect is of critical importance. As mentioned, the UN estimates that some 7,000 individuals currently are detained in prisons and makeshift detention facilities, mostly controlled by a variety of revolutionary brigades without supervision by central authorities;²⁶⁵ conditions range from acceptable to abysmal, with particular problems for female and children detainees.²⁶⁶ The NTC should work

²⁵⁹ Crisis Group interviews, observers of the meeting, Tripoli, September 2011.

²⁶⁰ Mehdi al-Harati, the leader of the 3,000-strong Tripoli brigades which had clashed most frequently with the Zintani militias, said, "These are simple problems, and we will try to reach out to them through dialogue and meetings. It needs time. When we are fully organised, they will organise themselves too". Crisis Group interview, Tripoli, September 2011. More broadly, Harati attributed problems between militias in part to disorganisation in their respective commands.

²⁶¹ The piecemeal fashion in which militias gained control of the west from February through October is another important illustration. What many observers described as a stalemate was seen by local actors as an attempt to resort to traditional dispute-resolution techniques to avoid bloodshed and achieve reconciliation through other means. Crisis Group interviews, western mountain and Misratan fighters, August-October 2011; Crisis Group interview, Deborah Harrold, Bryn Mawr political scientist, Washington, 1 December 2011.

²⁶² Crisis Group interview, Tripoli, September 2011.

²⁶³ See "Rival militias wage turf war near Libyan capital", Reuters, 3 December 2011. In addition, some militias are suspected of resorting to lawless, criminal behaviour and some simply refuse to seriously engage in inter-militia negotiations, enhancing the risks of tit-for-tat violence.

²⁶⁴ "After liberation, we'll have a new government. Then that will be it – we will have a clear line. Either you are part of this government or you are not. And if you are not, the NTC should use force to disarm you". Crisis Group interview, NTC official, October 2011.

²⁶⁵ Crisis Group email correspondence, UN officials, New York, 28 November 2011.

²⁶⁶ Transfer of Jdeida prison to NTC control has already happened, but it is only a first step. The "Report of the Secretary-

with the militias to achieve agreement on military inspections of arms depots, detention facilities, checkpoints and other brigades-controlled installations.²⁶⁷

Central authorities also should take advantage of the militias' clear yearning for support in coping with the reality of heavily armed and highly mobilised fighters who have become idle and frustrated. Echoing the views of many, a Misratan militia leader said he wished to see a central official organisation to which demobilised fighters could turn. "Many young guys have nothing to do. You need something like the British Legion to provide them support, allow them to network, give their lives structure and provide psychological help".²⁶⁸ Among fighters, the hunger for new economic opportunities is palpable. A former colonel in a Zintani militia, even as he defended the actions of his men in stealing cars in Tripoli, said: "Do you really think, in five years time, when the oil begins to flow, that young men will want to sit around and hold guns? My fear isn't that the militias will be too many. My fear is that the army will be too small, and we will be like a Gulf state, hiring our soldiers from abroad!"²⁶⁹ By beginning to establish support networks and new opportunities, the NTC

could set the stage for a more robust effort to reintegrate militia fighters down the road.

A crucial step for the transitional authorities will be to fundamentally restructure central military, police and judicial structures, in cooperation with local military councils, regions and cities. Rebuilding these institutions will be necessary to ensure the requisite moral and political authority to carry out what ultimately must take place: large-scale weapons decommissioning; demobilisation of fighters; dismantling of militias; and, in time, transfer of power to the centralised police force and army. In particular, enhancing the police and offering training as well as salaries to militia members in exchange for enrolment in a national training program will be key; for now, police forces have been only partially deployed, chiefly in Tripoli and principally for limited functions such as directing traffic.²⁷⁰

International support to the NTC in this realm largely has been confined to proffering advice and training when asked. Foreign actors are right to proceed gingerly and to be sensitive to local concerns about heavy-handed outside involvement and mindful of the impossibility of quick movement toward militia disarmament or demobilisation.²⁷¹ Their relatively hands-off approach also is explained in part by difficulty in identifying appropriate interlocutors within the NTC, because government formation was on hold, the relevant official had not been appointed or the matter at issue involved participation of local actors outside the Council's remit.²⁷² They can, nonetheless, be of assistance, notably by

General", *op. cit.*, described the situation as follows: "While political prisoners held by the Qadhafi regime have been released, an estimated 7,000 detainees are currently held in prisons and makeshift detention centres, most of which are under the control of revolutionary brigades, with no access to due process in the absence of a functioning police and judiciary. Sub-Saharan Africans, in some cases accused or suspected of being mercenaries, constitute a large number of the detainees. Some detainees have reportedly been subjected to torture and ill treatment. Cases of individuals being targeted because of the colour of their skin have been reported. There have also been reports of women held in detention in the absence of female guards and under male supervision, and of children detained alongside adults Much remains to be done to regularise detention, prevent abuse, bring about the release of persons whose detention should not be prolonged and ensure that future arrests are carried out only within the law". (paragraphs 21-22, p. 5).

²⁶⁷ As a Western military analyst put it, "Standards is a key issue, and militias should be directly involved in their development". Crisis Group interview, December 2011.

²⁶⁸ Crisis Group interview, Misratan militia leader, Misrata, November 2011.

²⁶⁹ Crisis Group interview, Zintani commander, Tripoli, September 2011. Asked what he wanted from a new Libya, a member of an old-established Tripoli family who participated in the Tripolitanian underground said: "To be able to get a letter of credit from a Libyan bank". Crisis Group interview, Tunisia, August 2011. Likewise, a senior Tripoli brigade commander, who had trained in the Jebel Nafusa since the earliest days of the uprising, spoke of his vision to forge relations with infrastructure construction companies in Europe. Crisis Group interview, Tripoli, September 2011.

²⁷⁰ Several experts have suggested that the NTC establish an armed gendarmerie function within the police. Crisis Group interviews, Western and UN officials, Tripoli and New York, November 2011. The "Report of the Secretary-General", *op. cit.*, stated, "The Libyan Police has not yet been able to resume this responsibility. Revolutionary armed groups have assumed the main responsibility for law and order throughout the country, without appropriate training and outside a proper legal framework. A significant proportion of Libyan police officers in the Tripoli area are said to have returned to duty, and are organised and led by experienced police managers. However, their presence on the streets remains limited mainly to regulating traffic".

²⁷¹ A French official said, "We are determined not to intervene too forcefully, but rather to let Libyans take the lead. Otherwise, we know we will overstay our welcome and that they will not listen to us on matters that we really care about. Plus, we recognise that demobilisation will not occur until the transitional phase is complete". Crisis Group interview, Paris, December 2011.

²⁷² Even relatively quick needs assessments have been postponed because of what Western officials describe as an absence of appropriate counterparts within the NTC. Crisis Group interviews, Brussels, Paris, London and Washington, October-December 2011. A similar problem hinders the work of Libyan bureaucrats who are unwilling to take action in the absence of clear responsibility borne by a minister. Another obstacle has been the security risk associated with such visits. Among international actors, the UN

offering well-coordinated technical advice and expertise regarding matters on which Libyans clearly will need both, including providing equipment and training for setting up a new police force, professionalising the security sector, helping with quick need assessments related to security and DDR more broadly and dealing with the phenomenon of ad hoc detention centres, as well as with the proliferation of weapons.

So far, as local and international actors focus on other tasks, and in the absence of clearly identified NTC interlocutors, much of this work has been deferred. It is time to get moving again.

Tripoli/Brussels, 14 December 2011

mission appears to be one of the better-placed, yet it remains comparatively small and it too faces security challenges.

APPENDIX A

ABOUT THE INTERNATIONAL CRISIS GROUP

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Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is chaired by former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since July 2009 has been Louise Arbour, former UN High Commissioner for Human Rights and Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

Crisis Group's international headquarters are in Brussels, with major advocacy offices in Washington DC (where it is based as a legal entity) and New York, a smaller one in London and liaison presences in Moscow and Beijing. The organisation currently operates nine regional offices (in Bishkek, Bogotá, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina and Tbilisi) and has local field representation in fourteen additional locations (Baku, Bangkok, Beirut, Bujumbura, Damascus, Dili, Jerusalem, Kabul, Kathmandu, Kinshasa, Port-au-Prince, Pretoria, Sarajevo and Seoul). Crisis Group currently covers some 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Madagascar, Nigeria, Rwanda, Sierra Leone, Somalia, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Bangladesh, Burma/Myanmar, Indonesia, Kashmir, Kazakhstan, Kyrgyz-

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