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Torture, Disappearances, Property Seizure

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Members of the Libyan National Army climb a destroyed building during clashes with opposing forces from the Benghazi Revolutionaries Shura Council, in Sidi Khreibish neighborhood in Benghazi, Libya, November 10, 2017. © 2017 Reuters

(Beirut) – Armed groups in the eastern [Libyan](#) city of Benghazi are preventing thousands of internally displaced families from returning to their homes in that city, Human Rights Watch said today. The armed groups, some loyal to Libyan National Army forces (LNA), accuse the families broadly of "terrorism" or "supporting terrorism."

The LNA, headed by General Khalifa Hifter, is allied with one of two authorities vying for legitimacy and territorial control in Libya. Since May 2014, when Hifter announced the start of Operation Dignity to root out "terrorists" from Benghazi, an estimated 13,000 families have fled Benghazi for elsewhere in Libya or abroad. Displaced people interviewed by Human Rights Watch said LNA-linked groups have seized their property and tortured, forcibly disappeared, and arrested family members who remained in the city. If proven such attacks on civilians would amount to violations of the laws of war. If committed with criminal intent, they would be war crimes.

"General Hifter needs to act resolutely to end the attacks on civilians in Benghazi," said [Eric Goldstein](#), deputy Middle East and North Africa director at Human Rights Watch. "Senior LNA commanders who have stood by since 2014 while their forces torture and disappear people and plunder their property can and should be held to account by local or international courts."

As a result of armed conflicts in the country and political divisions, central authority collapsed and subsequently three competing governments emerged, now reduced to two. These are the Interim Government based in the eastern city of al-Bayda, which is aligned with the LNA and supported by the House of Representatives, and the Tripoli-based Government of National Accord, backed by the UN Security Council. Key institutions, most notably law enforcement and the judiciary, are dysfunctional in most of the country. Basic services have collapsed.

The armed groups in Benghazi are preventing at least 3,700 families from returning to the city, according to the Benghazi Committee, a body based in Tripoli that coordinates relief support to displaced people from eastern Libya.

On January 6, 2018, Hifter issued a [statement](#) denouncing the looting, destruction and appropriation of private property as well as the forced displacement of people from Benghazi. He instructed forces under the LNA to facilitate the return of Internally Displaced People (IDPs), unless there were "legal justifications."



Children displaced by conflict in Benghazi attend schools in Misrata, Libya, November, 2014. © 2014 Getty Images

Human Rights Watch conducted 27 interviews with displaced people in October and November 2017 in the western cities of Tripoli and Misrata, including 24 in person and three by phone. Some of those interviewed said their relatives had fought against the LNA. Others said none of their relatives had participated in the hostilities, even if they were not in support of the LNA.

Human Rights Watch also reviewed photographs, death certificates, medical reports, and burial documents provided by interviewees which appeared to corroborate their allegations of the abuse of their relatives who remained behind in Benghazi. In one case a Human Rights Watch researcher observed the injuries and marks on the body of a former Benghazi resident who said an LNA-linked group had tortured him in October 2017.

All of those interviewed said they were unable to return to their homes in Benghazi due to threats by LNA-linked groups. Most said they had left Benghazi in October 2014, after armed confrontations intensified between the LNA and the Benghazi Revolutionaries Shura Council (BRSC), an alliance of armed groups opposed to the LNA. Some said they had been prevented from returning after receiving direct warnings from pro-LNA armed groups to stay away, or after pro-LNA armed groups attacked their relatives as a warning.

In 18 interviews, people said armed groups affiliated with the LNA in Benghazi seized their property on the pretext that they or their families were linked to the Islamic State (also known as ISIS). In 20 interviews, people said armed groups looted, deliberately destroyed, or set fire to property and businesses.

Some relatives of people accused of being anti-LNA, who stayed in Benghazi or who tried to return, have been attacked by LNA-affiliated armed groups, often merely on the suspicion of being anti-LNA or anti-Hiftar.

In five interviews, people said that at least one relative had been arrested and tortured in Benghazi by LNA or LNA-affiliated groups, due to their membership in families targeted by these groups. Two of these torture victims were arrested and ill-treated after trying to return to Benghazi, in 2016 and 2017. Six interviewees said that the LNA or its affiliates arrested or kidnapped a relative in Benghazi who was later found dead. This includes five men among 36 men killed in a [mass extra-judicial killing](#) in the eastern city of Alabyar.

Hussein Bin Hmeid, a member of the Benghazi municipal council that has operated "in exile" in Tripoli and Misrata since the onset of hostilities in 2014, told Human Rights Watch in Misrata on October 28 that none of the governments competing to control Libya had offered any financial support to those forcibly displaced from Benghazi. He said while the Benghazi council had registered 12,900 displaced families, including 3,700 forcibly displaced, the figure was most likely much higher, as many people did not register with the council.

He said that displaced families have faced discrimination and many hurdles such as trying to access money in Benghazi banks, and getting jobs or their salaries, as well as health care and education.

Members of the Benghazi Commission met with Human Rights Watch in Tripoli on October 25. They said that the commission had distributed food parcels for 7,000 displaced families from Benghazi each month and paid the rents for some of them. Tamim al-Ghariani and Abdel Mon'em Hassan, commission members, said they received funding from private benefactors, not from the Government of National Accord.

Given the serious crimes committed in Libya and the challenges facing the authorities, the [International Criminal Court's mandate](#) to investigate the worst crimes in Libya since 2011 remains essential to ending impunity in Libya, Human Rights Watch said.

On January 27, Human Rights Watch sent a [letter to the LNA leadership](#) inviting comments on allegations of LNA-linked groups' involvement in forced displacement, appropriation of private property, torture, threats and disappearances of Benghazi residents, The LNA has yet to respond.

"The authorities in Libya are not only obligated to allow civilians who are forcibly displaced to go home, but they should also ensure that Benghazi residents can go back in security and are protected from reprisals," Goldstein said.

The Status of Benghazi

In May 2014, Hiftar announced the start of a military operation to root out "terrorism" from Benghazi. Nationwide general elections for the House of Representatives on June 25, 2014, failed to bring about consensus and were disrupted by armed groups that opposed them. The elections were also accompanied by violence that included the killing by unidentified armed groups, of Salwa Bughaighis, a prominent lawyer and human rights activist from Benghazi who had stood at the forefront of demonstrations against Muammar Gaddafi in the 2011 uprising.

In July, after the conflict spread to the western part of the country and armed clashes erupted in the capital, Tripoli, most members of the elected House of Representatives moved to the eastern city of Tobruk and convened the parliament there.

Military operations largely kicked off in Benghazi in October 2014 when LNA-aligned forces clashed with fighters affiliated with ISIS, which has since withdrawn from Benghazi, and the Benghazi Revolutionaries Shura Council (BRSC).

On July 5, 2017, Hiftar announced the complete "liberation" of Benghazi from holdout elements of the BRSC, although fighting in the downtown area of Sidi Khreibish, presumed to be the BRSC's last bastion, only ended in January 2018.

Armed groups affiliated with the LNA control large swathes of eastern Libya, with the exception of Derna, which those groups are currently besieging, and parts of the southern region. GNA-aligned forces control the capital Tripoli, Misrata, towns in western Libya, and most of the western coastal region.

The LNA in eastern Libya consists of regular units and the army special forces. Various armed groups operating in the east have aligned since 2014 with the LNA, which provides them with funding, weapons, and uniforms. These armed groups include neighborhood militias and a militia known as the Avengers of Blood, whose family members were killed fighting "terrorists" in Benghazi. Some LNA units include adherents of the strict Salafist Madakhla ideology who view Hiftar as their ruler to whom they owe obedience.

Accounts from Displaced People

Officials, victims, and relatives of victims interviewed by Human Rights Watch said that LNA forces and other LNA-affiliated armed groups were responsible for crimes against them.

Khalid al-Kibti, 50, a father of three, a Benghazi resident and an employee of the financial oversight unit at the National Treasury, was arrested and found dead soon after he returned to Benghazi in 2017. Al-Kibti left Benghazi with his family in October 2014 due to the fighting there and returned to attend to administrative issues, said a relative who met with Human Rights Watch in Tripoli on October 28.

On July 25, 2017, eight days after al-Kibti returned, eight masked men in army fatigues who refused to identify themselves, arrested him at his home late at night, the relative said. During the arrest, one of the attackers pointed a gun at another relative's head and said, "If you don't leave, we will kill you," the relative said. LNA-linked people had previously appropriated two apartments owned by the family, the relative said.

Al-Kibti's family did not know his whereabouts until he was found dead on August 7, along with the bodies of five other apparent victims of extra-judicial execution, at a garbage dump near Benghazi. The relative said:

Family members looked for Khalid everywhere after his arrest. No one knew where he was taken. One family member went to the commander of the Army Special Forces (also known as Sae'qa) who told the family not to worry, that Khalid was being interrogated by Suleiman al-Saeiti (known as "al-Masloukh,") and would soon be released. The family didn't get any more leads until someone spotted Khalid in a photo of a mass killing. The relative who went to the morgue to identify him said that his hands were tied behind his back, and that he had been shot once in the upper right arm and in the face. He also said that he was wearing a blue t-shirt, which the relative said was not the one he wore when he was arrested, and seemed emaciated.

The relative said that al-Kibti was neither politically active nor a fighter. Nevertheless, armed men in fatigues and civil clothes prevented relatives in Benghazi from receiving mourners after his death, saying, "He [al-Kibti] is Daesh, you're not allowed to organize a condolence ceremony for him."

Mona al-Sweid, 46, a lawyer, said that she, together with her mother, two sisters, two sisters-in-law and 14 of her nieces and nephews, were forced to leave Benghazi on October 17, 2014, after armed groups affiliated with the LNA shot at and severely damaged their home on October 15, 2014. The family, who were known to oppose the LNA and General Hiftar, initially fled to al-Khoms in western Libya and then moved to Tripoli.

Armed groups and individuals linked with the LNA seized their family home, an apartment building they own, and the premises of their businesses, and looted their furniture and jewelry, she said. Al-Sweid said the armed attack on their home in 2014 lasted all night, and that two of her brothers, Khalid and Mostafa, who returned fire to protect the family, were killed. Her father, Hajj Abdelsalam, and another brother, Ibrahim, who were in a different location when the ambush occurred, were arrested while trying to reach the family home, and were later found dead:

It all started at 2:15 a.m. while the whole family was sleeping, distributed on all three floors of our home. The attackers, who we later learned included a mix of LNA fighters, members of the 21 Sa'eqa [refers to 21 Army Special Forces Unit], members of Internal Security and Sahawat [LNA-linked local armed groups] from Bouhdeima and al-Majouri, at first pounded on the main door, rang the doorbell incessantly and started to shoot in all directions. After my brothers returned fire, the attackers initially retreated, but then came back and fired RPGs and other heavy weapons at the house. During a lull in the clashes, we were able to get away.

An armed group stopped her father and another brother at a checkpoint in Bouhdeima, an area in Benghazi, during the attack. Al-Sweid managed to contact them, but then the conversation stopped and she heard someone saying to her father, "You are trying to run away. Everyone knows who you are." She said:

The phone shut then. I tried to call back several times, but finally my brother Ibrahim called, although not from his phone. He said they were at the Taybah school close to their home. He said, "They are holding us and torturing us, tell our brothers who are fighting them at the house to turn themselves in." He called again with the same request, and I could hear that they were being tortured. I heard their screams. Then there was a third call from the number, and someone else spoke. I told them both brothers had been killed.

The man said, "You are Kharijites, terrorists." [*Kharijites* is a group of Muslims who rebelled against the Caliphate in early Islamic history.] My father, who was 75 years old, and my brother Ibrahim, were found dead at a garbage dump and transferred to the morgue by the Red Crescent. I saw their bodies at the morgue. They had been brutally tortured and they were very dirty. The medical report did not reflect the torture marks. It only mentioned that they had multiple gunshot wounds. The prosecutor who signed the report, [Nasser al-Jerroushi](#), disappeared and remains missing.

An armed group disrupted the family's attempt to receive mourners, she said, shooting at the tent erected for the purpose outside of their uncle's house and shouting, "Get the [al-Sweid] family out."

A former Benghazi resident who did not wish to be named for fear of reprisal said during an interview in Tripoli on October 30 that he had been arrested on October 8, 2017, in Benghazi, at a LNA checkpoint in a location known as Street 602 manned by armed men wearing a mix of fatigues and civilian clothes. The men stopped him as he was carrying a suitcase and crying after learning of his mother's death that day.

He said that several of the men took him to their military base between Benina and Kweifyah, and tortured him for three days, then released him.

When I was arrested at the military checkpoint, I was asked for my ID and when the soldiers saw that I was from Sabri, they immediately became suspicious, handcuffed my arms behind my back and put me in the trunk of a car. I was very scared as I expected anything could happen. Once the car stopped at a military camp, one of them hit me in the face and said, "I want to kill you."

They started to interrogate me about my brother, who they believed was killed during clashes with them in Sidi Khreibish [the last Benghazi neighborhood where armed conflicts between the LNA and adversaries in Benghazi took place] and called him a terrorist. But it's not true. My brother has been in Tripoli for years. For three days, they handcuffed me with metallic cuffs and suspended me upside down from my feet for many hours.

They would beat me with their fists but also with a PPR [plastic pipe] on my thighs and elsewhere. One of them would pour water into on my nose and give me electric shocks on my arms. Once the pressure was so intense on my wrists that a pair of cuffs broke while I was suspended. I was also dragged by one of the guards on the rough ground while lying on my back. Once they beat a dog that was tied up next to me, and the dog then bit me on my upper right thigh.

The Benghazi resident said that on the third day, he witnessed the torture and subsequent death of another man. He said the torturers would call the man, who was dark-skinned, "a dog" and "traitor." The man was covered in blood and was frequently given electric shocks with cables on his arms and legs. He was twitching on the floor, then he stopped moving. The torturers eventually removed him.

The Benghazi resident also said that during his time at the camp, he was locked up in the back of a prisoner transport car between the torture sessions. He said he was given a small bottle of water and bread every day. He would be locked up while handcuffed until he was removed for interrogation, three to four times each day. He was given a bottle to urinate in:

The back of the car got very hot. At first the torture was very painful, but on the second and third day, my body was so swollen I didn't feel much anymore. They used all forms of sticks and wires to beat me with. They would even pour liquor on me and sometimes urine. It was always the same group of eight people who would torture me, two at a time. Their torture methods were filthy. I don't sleep anymore. I feel completely destroyed.

Human Rights Watch saw welt marks on the man's back, and what appeared to be bruises and wounds healing on his arms, wrists, legs, and ankles. He said he had suffered kidney problems and severe back pain due to the torture and required dialysis, which he backed up with medical reports.

After he was released, he and his family decided to leave Benghazi for Tripoli.

Raja Younis and her husband, Mahmoud Saleh, met with Human Rights Watch on October 27 in Misrata, where they have lived since fleeing Benghazi on November 12, 2014. Younis said that armed groups attacked the family home on October 14, 2014, while she, her daughters and father were there. She said the family was targeted because one of her sons was "wanted" as a BRSC fighter. He was later killed in the fighting. An armed group seized the family's properties in the Garyounis area of Benghazi. They now face economic difficulties because they are unable to access their bank accounts. The family has been unable to return to Benghazi. Younis said:

One day before the attack, someone wrote on the wall of our house, "Get out or else we will kill you." When the attack on our house started, we didn't understand what was happening. There were attacks in the entire area, and I had to leave my house during the clashes. It was the beginning of *Karama* [the LNA's Operation Dignity], and the LNA groups had installed checkpoints and were stopping people.

We saw the Sahawat [local militia] approaching the area, so we left. We were afraid for our daughters. I went to my parent's home in al-Laithi district, but then we left and came to Misrata. After the LNA took over the Gharyounis neighborhood, our house was looted and then seized by an LNA unit known as 21 Sa'eqa [refers to 21 Army Special Forces unit]. We are all under threat now because of the allegation that my son belongs to Daesh.

Izzeddin al-Shuhumi, a retired military officer now forcibly displaced from Benghazi, left Benghazi on October 14, 2014, to attend a family wedding, intending to return. After he refused to join the LNA under Hiftar's leadership he "became a target," he said, and it was no longer possible to go back. Human Rights Watch met al-Shuhumi on October 27 and his family, in Misrata, where they now live.

Al-Shuhumi said that although a stray rocket hit his home during the 2014 fighting, the house was looted and its contents seized only after the LNA "liberated" al-Laithi area around August 2016. He said the Avengers of Blood militia seized a second property he owned, an apartment building that he was renting out:

They wanted to take my home from the beginning. Now someone from the Sahawat [local militia] has it. He rents it out to people, or installs people there to live, including his relatives. I asked an acquaintance to go and speak with the man who took my house. My acquaintance saw him and told me that the man who took my house went to the commander of the Army Special Forces in Benghazi, Wanis Bukhamada, and got a letter stating that the house is owned by a "Daeshi," which allows him to use it. They are now saying we are Daesh. I am a son of Benghazi, and I have a private business, I never expected this could happen to me.

International Law Obligations

All parties to a conflict are required to abide by the laws of war. If proven, many of the abuses alleged by those Human Rights Watch interviewed above would amount to violations of the laws of war. Certain serious violations of those laws, when committed with criminal intent, are war crimes. These include torture, enforced disappearance, the forcible displacement of civilians, and the summary execution of civilians or enemy fighters who had been captured or had surrendered.

Anyone who commits, orders, or assists, or has command responsibility for war crimes, can be prosecuted by domestic or international courts. LNA Commanders, including senior LNA leadership, may be criminally liable for war crimes of their subordinates if they knew or should have known of the crimes and failed to take measures to prevent them or hand over those responsible for prosecution.

The [Guiding Principles on Internal Displacement](#), which restate and compile human rights and humanitarian law relevant to internally displaced people, provide that displacement should be for a limited time, not "longer than required by the circumstances." International law further stipulates that civilians who were forcibly displaced during a conflict should be allowed to return home as soon as possible without conditions.

Principle 21 of the Guiding Principles states that the property and possessions of internally displaced people should be protected from "pillage, direct or indiscriminate attacks or other acts of violence," and should not be "destroyed or appropriated as a form of collective punishment." The article also states that "property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use."

Given the wide-scale and seemingly systematic nature of the appropriation of property in Benghazi by forces aligned with or under the command of the LNA, these suggest criminal intent to forcibly displace the residents, which would amount to a war crime.

International Criminal Court

The ICC prosecutor, Fatou Bensouda, has a mandate to investigate crimes against humanity, war crimes, and genocide committed in Libya since February 15, 2011. Human Rights Watch research in Libya since 2011 has found rampant violations by parties to the conflict of international human rights and humanitarian law, including mass long-term arbitrary detention, torture and other ill-treatment, forced displacement and unlawful killings.

On August 15, 2017, the [ICC issued an arrest warrant](#), a first since 2011 for Libya, for Mahmoud al-Werfalli, an LNA special forces commander, for his alleged role in the killing of 33 people in seven incidents. Libya is under a legal obligation to arrest and surrender him to the court. In a [televised statement](#) on August 17, an LNA spokesperson stated that General Hiftar had on August 2 – before the ICC had issued its arrest warrant – already ordered the military prosecutor in eastern Libya to investigate the alleged crimes mentioned in the ICC warrant.

Authorities in the east have not publicized any results of their investigation, and it was unclear whether such an inquiry took place.

In November, Bensouda confirmed that [Libya remained a priority](#) for her office in 2018, and that investigations were progressing well in relation to both existing and possible future cases.

On January 24, 2018, a video and photos circulated on multiple news sites and social media appear to show al-Werfalli [summarily executing 10 individuals](#) purportedly in retaliation for twin bombs at a Benghazi mosque on January 23 that killed at least 34 and wounded more than 90, mostly civilians including children. On January 26, Bensouda reiterated her call on Libyan authorities to enable the immediate arrest and surrender of al-Werfalli's to the ICC.

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