

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	197
Land:	Libyen
Kilde:	Human Rights Watch
Titel:	Libya: Extremists Terrorizing Derna Residents
Udgivet:	27. november 2014
Optaget på baggrundsmaterialet:	27. november 2014

[EN](#) | [DE](#)

- **Source:**
HRW - Human Rights Watch
- **Title:**
Libya: Extremists Terrorizing Derna Residents
- **Publication date:**
27 November 2014
- **ecoi.net summary:** Derna: Summary executions, public floggings, and other violent abuse by armed militias [ID 291398]
- **Countries:**
Libya
- **Original link** <http://www.hrw.org/news/2014/11/27/libya-extremists-terrorizing-derna-residents>

Recommended citation:

HRW - Human Rights Watch: Libya: Extremists Terrorizing Derna Residents, 27 November 2014 (available at ecoi.net)

http://www.ecoi.net/local_link/291398/411912_en.html (accessed 03 December 2014)



Libya: Extremists Terrorizing Derna Residents

Summary Executions, Public Floggings, No Rule of Law

November 27, 2014

(Beirut) – Armed militias that control the eastern city of Derna are terrorizing residents through summary executions, public floggings, and other violent abuse. The abuses are taking place in the absence of state authorities and the rule of law. The groups include some that have affiliated with the extremist group Islamic State (also known as ISIS).

Human Rights Watch documented 3 apparent summary executions and at least 10 public floggings by the Islamic Youth Shura Council, an extremist group which publicly pledged allegiance to ISIS in November. Human Rights Watch also documented beheadings of three Derna residents in what appear to be war crimes, and dozens of seemingly politically motivated assassinations of public officials, judges and members of the security forces, and others, including women.

“Extremist militias controlling Derna in the absence of any state authorities have unleashed a reign of terror against its inhabitants,” said [Sarah Leah Whitson](#), Middle East and North Africa director. “Commanders should understand that they may face domestic or international prosecution for the grave rights abuses their forces are committing.”

Since May, an [armed conflict](#) between forces allied with the elected Libyan government based in Tobruk and led by General Khalifa Hiftar and Islamist militias has engulfed eastern [Libya](#). In and around Derna, in addition to the powerful Islamic Shura Youth Council, the militias include members of Ansar al-Sharia and the Abu Saleem Martyrs Brigade.

Human Rights Watch spoke with Derna residents who fled the city to escape persecution by Islamist militias and in anticipation of an announced military offensive by forces allied to Libya’s elected government. One Derna activist, who said he left the city at the end of October after receiving death threats for speaking out against the militias, described Derna as “fully under the control of fundamentalists” who have imposed an extremist ideology, and enforced a strict interpretation of Shari’a law with public executions and floggings. He said extremist militias shared the same ideology and the only dispute between them related to the Islamic Youth Shura Council’s pledge of allegiance to ISIS.

The United Nations should urgently establish an [international commission](#) of inquiry or [similar mechanisms](#) to investigate alleged war crimes and other serious violations by all sides of the conflict in Libya, with a view to ensuring future accountability, Human Rights Watch said.

Derna has had no significant presence of state authorities, including police and a [functioning judiciary](#), since the end of the 2011 revolution in Libya that toppled Muammar Gaddafi.

Since 2013, unidentified assailants in Derna have [assassinated](#) at least five judges and prosecutors, and two women – a former lawmaker and a former security official. Unidentified armed militias have also attacked and destroyed tombs in mosques, including Derna's historic al-Sahaba Mosque, which extremists have repeatedly targeted since 2011.

The Libyan air force, allied with the elected government, has conducted air strikes against militia targets in Derna, Benghazi, and elsewhere, while the militias have mounted purported suicide and other attacks in Tobruk, al-Baida, and Benghazi. Both sides have carried out indiscriminate attacks that amount to war crimes, killing and injuring civilians and civilian objects.

All parties to the conflict in Libya are required to abide by the laws of war. Certain serious violations of these laws, when committed with criminal intent, are war crimes. War crimes include “the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.” Murder on a systematic or widespread scale when used as state policy or by an organized group is a crime against humanity. Those who commit, order, assist, or have command responsibility for war crimes or crimes against humanity are subject to prosecution by domestic courts or the International Criminal Court (ICC).

Libyan authorities have shown themselves powerless or unwilling to investigate and prosecute those responsible for unlawful killings and other serious rights abuses in the country. International accountability efforts for serious crimes have stalled despite an existing ICC mandate in Libya and a UN Security Council resolution threatening individual sanctions. The UN Human Rights Council ended the mandate of its commission of inquiry into violations in Libya in 2012.

“UN Security Council threats of sanctions become hollow if they are never acted upon,” Whitson said. “As each day passes, more people die and more opportunities to reverse Libya’s downward spiral are being frittered away.”

Security Council and ICC

The ICC has jurisdiction over war crimes, crimes against humanity, and genocide committed in Libya since February 15, 2011, under UN Security Council Resolution 1970. Human Rights Watch [has urged](#) the ICC prosecutor to consider additional cases addressing ongoing violations by all sides in Libya. In a November 11 [statement](#) to the Security Council, the ICC prosecutor said that the combined effect of instability in Libya and lack of resources had undermined further efforts to investigate ongoing abuses. The Security Council, whose members unanimously gave the ICC authority to investigate in Libya, have special responsibility to extend their full support to facilitate the prosecutor’s continued work there, Human Rights Watch said.

On November 20, the Security Council added the extremist groups Ansar al-Sharia in Derna and in Benghazi to the Al Qaeda sanctions list. Members of these two entities are now subject to international travel bans and asset freezes.

On August 27, the Security Council passed resolution 2174 (2014) broadening international sanctions on Libya to include people who engage in or support acts that “threaten the peace, stability or security of Libya, or obstruct or undermine the successful completion of its political transition.” Such acts include “planning, directing, or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses.” The Security Council is still to deliver on this threat of sanctions by designating individuals to be subjected to a travel ban and assets freeze under the expanded sanctions regime.

Attacks, Abuses in Derna

Human Rights Watch spoke with Derna residents who witnessed militia members carrying out cruel punishments, including summary executions and floggings. Human Rights Watch also spoke with family members and friends of victims, and community activists, and reviewed available online content, including videos, photos, and statements.

An activist who recently fled Derna told Human Rights Watch on November 13 that the Islamic Youth Shura Council emerged in April, gradually took control of the city and created its own public administration to rule Derna. The group, which rejects democracy and only accepts Sharia law, established a Legal Committee for Dispute Resolution and Reconciliation and appointed judges to a new Islamic court who have interrogated, prosecuted, and pronounced sentence on those deemed to have offended against their strict interpretation of Sharia law. Information the Islamic Youth Shura Council published says it has also set up a body called the *Diwan al-Hisbah* to oversee the “promotion of virtue and prevention of vice,” as well as a bureau for education and its own “Islamic police” force. Derna residents told Human Rights Watch that some of the judges at the Islamic Court were foreign nationals.

Summary Executions

Derna residents said they witnessed militants of the Islamic Shura Youth Council carry out public executions of

three men accused of murder in two separate incidents. On July 27, militants of the group shot Al-Sanussi Nasri al-Huweidi, a Libyan, and an unidentified Egyptian national, for the alleged killing of Hamad Miloud al-Hassadi on July 25. According to a witness, the family of the victim handed the two alleged killers to the Islamic Shura Youth Council, which interrogated and declared them guilty on the same day.

One witness said armed men belonging to the group took the two accused to Martyrs place at al-Sahaba Square at around 1:30 a.m., where a member of the group shot both the accused in the head, one with a single bullet and the other with two, after the victim's family declined to shoot them:

The Shura Council, which now became ISIS, hardly waited at all before executing the suspects. It all happened so fast within just two days. The sessions at the Islamic Court where people are interrogated and sentenced by a panel of three judges are not public. Usually, the court announces if it will carry out a death sentence beforehand. In this case the family of the victims refused to pardon the suspect, so the court carried out the sentence.

On August 19, the Islamic Shura Youth Council oversaw the public execution of Mohamed Ahmed Mohamed, an Egyptian national, at a football stadium in western Derna, after accusing him of killing Khalid al-Drissi, a Libyan. In a six-minute video posted online, an unidentifiable masked man reads charges against the accused man, who is kneeling, blindfolded and with his hands tied behind his back, on a plastic covered stretcher. The masked man first asks members of the victim's family if they wish to pardon the alleged murderer and, when they refuse, hands a pistol to one of the family members, who shoots the accused man in the head, killing him.

Public Flogging

A Derna resident told Human Rights Watch on November 18 that he witnessed the public floggings of eight young men in Derna's Old Mosque Square on October 25 or 26. He said two masked men alternate in flogging the men:

Masked men from the Shura Council lined up eight young men at Al-Sahaba Square and punished each with 40 whips after they were caught drinking alcoholic beverages at a "bachelor party" together with the groom. The council member starts by whipping the shoulders and then continues all the way down to the feet, 40 lashes. If an individual is caught drinking alcohol, they [Shura Council] will implement the "whipping punishment" [*had al-Jald*] on the spot.

Photographs and accounts published by the Islamic Shura Youth Council on social media show two other public floggings in front of the Islamic Court. On each occasion, three men were flogged for allegedly drinking alcohol. Human Rights Watch was able to corroborate the floggings but not the dates on which they took place.

Assassinations

Human Rights Watch has tracked 250 cases of apparently [politically motivated killings](#) in Derna and Benghazi since the beginning of 2014. The victims included former and current members of the military and security agencies, as well as five judges and members of the public prosecution. In all cases, the killings were carried out by unidentified assailants. None of these unlawful killings have been investigated, and no one has been prosecuted or convicted for these crimes.

Mohamed Najib Hweidi, head of the appeals court for the Green Mountain region, was assassinated on June 16, 2013; Mohamed Khalifah al-Naas, deputy general prosecutor for the Green Mountain region was killed on November 9, 2013; Retired judge Youssef al-Kreimi died in Tunis on December 24, 2013 from wounds he sustained during an assassination attempt on November 25, 2013 in Derna; Abdelaziz al-Hassadi, Libya's former general prosecutor, was assassinated on February 8, 2014; and former judge Mohamed Bouejellah al-Mansouri was killed on April 28, 2014.

Unidentified assailants also targeted and killed two women, Fariha al-Barkawi and Salwa Yunis al-Hinaid, in 2014 in Derna in what appears to have been politically motivated assassinations. Two Derna residents, one an activist, said that the shooting death of a third woman in February only weeks after the killing of her husband, a former army officer, was not linked to politics but to a family dispute.

Unidentified assailants killed al-Barkawi, a former Derna city representative to the General National Congress (GNC), and a member of the National Forces Alliance, a political party with a non-Islamist agenda on July 17. One of her relatives in Derna, who spoke to Human Rights Watch on November 19, said al-Barkawi's killing occurred five months after she resigned from the GNC, where she had called vocally for the presence of state authorities in Derna and criticized Islamist extremists. The relative said:

She was on her way to a market in western Shiha area to do some shopping for the month of Ramadan when she was killed by three bullets after her car was sprayed with a hail of bullets by a passing car with unidentified assailants. Although some passers-by tried to help her, it was too late. She died before she reached Al-Harish Hospital. There is no forensics examiner in Derna, so she was transferred to al-Bayda, which is 100 kilometers away and back the next day to be

buried. The prosecutor's offices are shut and the court was burned down early in 2011, during the revolution. There is no one who can investigate the killing.

Unidentified assailants gunned down al-Hinaid, a former employee of the state's internal security apparatus under Muammar Gaddafi on September 9, 2014. A relative told Human Rights Watch on November 19 that gunmen killed al-Hinaid at around 8 a.m. as she left her house to buy bread, a regular routine. Several bullets hit her, and she died on the spot. No one has claimed responsibility.

Kidnappings and Beheadings

On November 1, a video statement by a group of nine masked young men, some of them armed, calling themselves Youth of Derna circulated on the social media. The statement pledged allegiance to the so-called Dignity military operation led by General Hiftar, who had been reinstated with 16 other officers in November by the elected government, and recognized the authority of the elected House of Representatives in Tobruk.

The group called on revolutionaries to take up arms and fight the "extremist militias in Derna including Ansar al-Sharia and ISIS," and threatened to avenge unlawful killings and other rights abuses of the preceding three years that they alleged the "Muslim Brotherhood and extremist militias" had carried out, vowing to "show no mercy."

The members of the group remain unidentified but they appear to have included at least one of three young men – Siraj Katish, Mohamed Btaou, and Mohamed al-Mismari – who were subsequently abducted in separate but seemingly coordinated incidents on November 5 in Derna. Their bodies were subsequently found in fields at Hisha, southern Derna. All three had been decapitated.

Derna residents identified al-Mismari as the likely spokesperson who appeared in the video, but Human Rights Watch was unable to confirm the identities of any of the nine youths. Derna residents said al-Mismari had spoken out against the Islamist militias in a June interview but that Katish and Btaou had no known public profiles as activists.

A Derna resident told Human Rights Watch on November 21 that unidentified armed men who arrived in three cars abducted Katish on November 5 as he stood in front of his house with three friends. A Derna resident familiar with the case told Human Rights Watch that on November 10 a shepherd alerted the Derna branch of the Red Crescent after finding the remains of two men, whose heads had been severed and were missing. The bodies were later identified by their families as those of Katish and Btaou. Al-Mismari's was then found in an adjacent field; his head had also been severed, according to a [news report](#). Human Rights Watch could not confirm the circumstances surrounding the abduction and killing of al-Mismari.

No one has claimed responsibility for these abductions and killings, although local residents have told Human Rights Watch they believe Islamist militants were responsible. One Derna resident who knew Katish said, "The extremists who pledged allegiance to ISIS are de facto in control of the entire city, they are now the strongest group there and they control everything, so they are undoubtedly responsible for the beheadings."

In another incident, gunmen killed Moataz Bouruaq al-Shalwi near his house on November 13, according to a Derna resident who lives close by. Soon after, news circulated that militants of the Islamic Youth Shura Council had detained three people alleged to have killed al-Shalwi. Activists and news sites suggested that they faced imminent execution by shooting if the victim's family desired it. There has been no news of the three since.

A May 28 [news report](#) said that the severed head of Abdul Moaz Turkawi, a Derna student who had previously challenged militia manning a checkpoint, was found in the compound of the city's Al-Sahaba Mosque.