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February 17, 2021

## Libya: Ten years after uprising abusive militias evade justice and instead reap rewards

A decade after the overthrow of Muammar al-Gaddafi, justice has yet to be delivered to victims of war crimes and serious human rights violations including unlawful killings, enforced disappearances, torture, forced displacement and abductions committed by militias and armed groups, Amnesty International said today. Libyan authorities have promoted and legitimized leaders of militias that have been responsible for heinous acts of abuse, instead of ensuring accountability and redress for violations committed both since al-Gaddafi's fall and under his rule.

The protests that began in February 2011 were met with violence and quickly escalated into a full-fledged armed conflict, which following an air campaign by NATO, led to al-Gaddafi's demise. Since then, Libya has been engulfed by lawlessness and impunity for war crimes committed by rival militias and armed groups. Successive Libyan governments have promised to uphold the rule of law and respect human rights, but each has failed to rein in perpetrators.

"For a decade, accountability and justice in Libya were sacrificed in the name of peace and stability. Neither were achieved. Instead, those responsible for violations have enjoyed impunity and have even been integrated into state institutions and treated with deference," said Diana Eltahawy, Deputy Director for the Middle East and North Africa at Amnesty International.

"Unless those responsible for violations are brought to justice, rather than rewarded with positions of power, the violence, chaos, systematic human rights abuses and endless suffering of civilians that have characterized post-Gaddafi Libya will continue unabated."

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## **post-Gaddafi Libya will continue unabated**

**Diana Eltahawy, Amnesty International**

Since 2014, Libya has been fragmented between two rival entities competing for legitimacy, governance, and territorial control. UN-sponsored talks led to the announcement of a new unity government on 6 February, which has the task of holding national elections in Libya later this year.

“We call on parties to the conflict in Libya and the incoming unity government to ensure that those suspected of committing crimes under international law are not appointed to positions where they can continue to commit abuses and entrench impunity. Individuals who have been accused of war crimes should be suspended from positions of authority pending the outcome of independent, effective investigations,” said Diana Eltahawy.

### **Leader of militia responsible for unlawful killings and torture promoted**

Since al-Gaddafi’s fall, successive governments have integrated militias under ministries of defence, interior or as separate entities answerable to the presidency and included them on official payroll.

In January, the Presidential Council of the Tripoli-based Government of National Accord (GNA) appointed Abu Salim Central Security Force militia leader, Abdel Ghani al-Kikli, also known as Gheniwa, as head of a new entity called the “Stability Support Authority,” which reports directly to the presidency.

Gheniwa has emerged as one of the most powerful militia leaders in Tripoli since 2011, in one of its most populous neighbourhoods, Abu Salim.

In his new role, Gheniwa and his agency will have broad – and vague – powers including law enforcement responsibilities, such as arresting individuals in “national security” cases. Yet Amnesty International has documented war crimes and other serious human rights violations by forces under his command over the past 10 years.

In 2013 and 2014, Amnesty International researchers found that detainees held by Gheniwa-controlled security forces had been subjected to abductions, torture and other ill-treatment, in some cases leading to deaths in custody. The United Nations Support Mission in Libya (UNSMIL) had similar findings, including concerning deaths in custody due to torture, while the Panel of Experts on Libya also reported attacks against civilians by these forces.

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The GNA had already provided legitimacy and salaries to Gheniwa's militia as early as 2016 by integrating it under its Ministry of Interior, further facilitating unlawful killings, abductions and torture, including sexual violence against women detainees.

Under international law, a military commander may be responsible for the crimes committed by subordinates if the commander is aware of the crimes, or should have been aware of them, and fails to prevent or punish them.

## **Widespread impunity**

Gheniwa and his Abu Salim forces are not the only ones being rewarded despite their grim human rights' records. Haitham al-Tajouri, who headed the Tripoli Revolutionaries Brigade (TRB) militia, which has been involved in arbitrary detention, enforced disappearances and torture, was appointed as Gheniwa's deputy in January 2021.

In Tripoli, the Special Deterrence Forces (al-Radaa), under the command of Abdel Raouf Kara, were integrated into the Ministry of Interior in 2018 and then moved under the Presidential Council in September 2020 by the GNA. Amnesty International and other bodies, including the UN, have documented al-Radaa's involvement in kidnappings, enforced disappearances, torture, unlawful killings, forced labour, attacks on the right to freedom of expression and the targeting of women and the LGBTQ+ community.

In September 2020, the GNA also promoted Emad al-Trabulsi, who led the "Public Security" militia, to deputy head of intelligence, despite the militia's involvement in crimes against migrants and refugees, including enforced disappearances.

Successive governments have also failed to bring to justice members of Misrata-based militias responsible for war crimes including attacks against civilians such as the 2011 attack on the town of Tawergha, in which around 40,000 people were forcibly displaced. Misrata-based militias have also subjected its residents to widespread arbitrary arrests, unlawful killings, torture, sometimes leading to detainees' death, and enforced disappearances.

The Libyan Arab Armed Forces (LAAF), an armed group in control of most of eastern and central Libya, has failed to arrest militia leader Mahmoud al-Werfalli who is wanted by the International Criminal Court (ICC), for murdering 33 individuals, and instead promoted him to lieutenant of the Saiqa Brigade. Several other individuals against whom the ICC has issued arrest warrants on suspicion of crimes against humanity, or subjected to UN Security Council sanctions for their role in human trafficking, remain at large or have even fought alongside the GNA or LAAF.

The LAAF has also continued to harbor leaders of the Ninth Brigade, known as “al-Kaniat forces”, despite their involvement in mass murders and the dumping of bodies in mass graves, torture and abductions in the city of Tarhuna.

Third party states also continue to hinder accountability. For example, Egypt continued to harbor ICC-wanted al-Gaddafi-era security chief, Al-Tuhamy Khaled until his death in February 2021. Turkey, Russia, UAE and Egypt have all been involved in violating the UN arms embargo on Libya.

In June 2020, with the backing of the GNA, the UN Human Rights Council passed a resolution to establish a Fact-Finding Mission to investigate violations and abuses of international human rights law and violations of international humanitarian law committed by all parties to the conflict in Libya.



**Accountability must be a central component of the political process in Libya. All parties to the conflict must remove those reasonably suspected of war crimes and human rights abuses from their ranks and fully cooperate with the UN Fact-Finding Mission**

**Diana Eltahawy, Amnesty International**

“Accountability must be a central component of the political process in Libya. All parties to the conflict must remove those reasonably suspected of war crimes and human rights abuses from their ranks and fully cooperate with the UN Fact-Finding Mission. The international community must also ensure that the Mission has the sufficient resources, administrative support and time to complete its work,” said Diana Eltahawy.

Impunity has been deeply entrenched over the past 10 years. A 2012 law provided blanket immunity to members of militias for acts committed with the aim of “protecting the 17 February Revolution”. Libya’s judicial system remains dysfunctional and ineffective, with judges and prosecutors risking assassination and abductions for doing their jobs.

Accountability also remains elusive for crimes committed under al-Gaddafi’s rule, including the 1996 massacre of prisoners in Abu Salim prison. Efforts to bring Gaddafi-era officials to account were marred by serious fair trial breaches, torture and other ill-treatment and enforced disappearances.

# Topics

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