

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	192
Land:	Libyen
Kilde:	Amnesty International
Titel:	Libya: Rule of the gun
Udgivet:	Oktober 2014
Optaget på baggrundsmaterialet:	10. september 2014



LIBYA: RULE OF THE GUN

ABDUCTIONS, TORTURE AND OTHER
MILITIA ABUSES IN WESTERN LIBYA

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First published in 2014 by
Amnesty International Ltd
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom

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Index: MDE 19/009/2014 English
Original language: English
Printed by Amnesty International,
International Secretariat, United Kingdom

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Cover photo: A fighter from a Zintan brigade watches as smoke rises after rockets fired by one of Libya's militias struck and ignited a fuel tank in Tripoli August 2, 2014.
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INTRODUCTION

“What is happening in Libya at the moment goes far beyond human rights violations. It is a quest for revenge. People have stopped being human.”

Media worker on attacks against the media

Since the start of the conflict in western Libya on 13 July 2014 between the Libya Dawn [Fajr Libya] coalition of militias and their rivals predominantly from the town of Zintan and area of Warshafana located southwest of Tripoli, militias and armed groups on all sides have committed serious human rights abuses and violations of international humanitarian law (IHL, the laws of war), some of which amount to war crimes. The clashes followed months of tensions and a deep political divide over the legitimacy of state institutions, the shape of Libya’s political transition and the future of its security forces.¹ Serious human rights abuses and violations of international humanitarian law have also been perpetrated in Benghazi where forces loyal to retired General Khalifa Haftar have been fighting against a coalition of militias and armed groups known as the Shura Council of Benghazi Revolutionaries since mid-May 2014.²

The political crisis and armed conflict engulfing Libya have led to the formation of two competing governments, each backed by one of the warring parties and by a set of international actors. The interim government, which was appointed by the elected House of Representatives, has been based in the eastern city of Tobruk since the Libya Dawn coalition of militias attacked some of its members and took control over strategic infrastructure and ministries in Tripoli on 24 August 2014. The second, which is self-appointed and known as the National Salvation Government, is based in the Libyan capital and is backed by some members of the former parliament, the General National Congress (GNC) and the Libya Dawn coalition.

PARTIES TO THE CONFLICT IN WESTERN LIBYA AND INTERNATIONAL HUMANITARIAN LAW

The Libya Dawn coalition is made up of militias and armed groups from Misratah, Tripoli, Zawiya, Sabratha, Zuwara, Khoms, and several towns in the Nafusa Mountains, including Nalut, Jadu, Gharyan, Kikla and Qalaa. Libya Dawn’s main fighting forces include Libya Shield for the Western Region, Libya Shield for the Central Region, Misratah militias, Gharyan Shield and Tripoli-based militias such as Fursan Janzur Brigade, the Libya Revolutionaries Operation Room, militias from the Abu Salim district including the Joint Security Room (Axis

11), the Nawasi Brigade and militias from the Mitiga airbase. Some of the militias affiliated with Libya Dawn are considered to be Islamist-leaning.

The Zintan-Warshafana coalition is mainly made-up of Zintan militias such as the Qaaqaa, Sawaiq, al-Madani and Barq al-Nasser brigades, which have been accused of having integrated former al-Gaddafi officers; the Warshafana Brigade formed at the beginning of August 2014 and several small armed groups formed by members of the Warshafana community, reportedly as a response to the indiscriminate shelling of the area. For the last three years, some of these groups have engaged in criminal activities such as carjacking and theft, and are made up of perceived al-Gaddafi loyalists, but do not necessarily represent the position of the tribe. The Zintan-Warshafana coalition is allied with Operation Dignity, the military campaign launched by retired General Khalifa Haftar in mid-May in Benghazi against Islamist militias and armed groups under the umbrella of the Shura Council of Benghazi Revolutionaries.

These groups are currently engaged in a non-international armed conflict in western Libya and are bound by rules of customary international humanitarian law and Article 3 common to the 1949 Geneva Conventions. These rules and principles seek to protect anyone who is not actively participating in hostilities: notably civilians and anyone, including those who were previously participating in hostilities, who is wounded or surrenders or is otherwise captured. The deliberate and summary killing of people in captivity – be they civilians or suspected members of armed groups or militias – is prohibited and constitutes a war crime. Torture and cruel treatment and hostage taking are prohibited and also constitute war crimes.

IHL also limits the means and methods of conducting military operations. The principle of distinction requires that parties to the conflict “distinguish between civilians and combatants” and between “civilian objects” and “military objectives” and direct attacks only at military targets. Indiscriminate attacks, which are of a nature to strike military objectives and civilians or civilian objects without distinction, are prohibited. The principle of proportionality prohibits attacks, which “may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated”. IHL also sets out the necessary precautions that should be taken to avoid carrying out indiscriminate or disproportionate attacks. Making civilians the object of attack, intentionally launching an indiscriminate attack resulting in death or injury to civilians and launching a disproportionate attack constitute war crimes.

Since 13 July 2014, militias and armed groups have launched indiscriminate attacks in urban areas of the capital, Warshafana (southwest of Tripoli)³ and Zawiya with complete disregard for civilians and civilian objects, forcing hundreds of thousands of people to seek protection in safer parts of Libya or across its international borders. According to estimates by UNHCR, the United Nations High Commissioner for Refugees, there were 287,000 people displaced within and around Tripoli and Benghazi as of 10 October 2014. A further 100,000 people had reportedly fled Libya to neighbouring countries.⁴ In most cases, militias have failed to give effective advance warning of attacks to civilians or take other necessary precaution to spare civilians as required by IHL. Seemingly unconcerned with the consequences of their actions, they fired GRAD rockets, mortars, artillery and anti-aircraft machine-guns into crowded civilian areas, hitting mosques, hospitals and homes and causing severe shortages in electricity, water, food, fuel and medical supplies.

Amnesty International has documented a number of indiscriminate attacks that have resulted in the killing and injury of civilians and damage to medical institutions, civilian homes, businesses and infrastructure.⁵ These attacks amount to war crimes. Following the takeover

of Tripoli International Airport by Libya Dawn on 23 August 2014 and the withdrawal of Zintan-led forces, clashes have continued over the control of Military Camp 27 in the area of Warshafana, southwest of Tripoli, at times reaching Zawiya, and parts of the Nafusa Mountains such as Kikla. Since then, forces allied with the Libya Dawn coalition have indiscriminately shelled the area of Warshafana causing wide-scale displacement of civilians, estimated at 14,500 families in the first two weeks of September alone. A number of civilians have been injured and killed, although no reliable statistics are currently available. According to press reports, Al-Zahra Hospital was hit by rockets on 21 September 2014 prompting the evacuation of patients and staff. The attack followed weeks of heavy clashes, at times preventing medical staff access from accessing the hospital and leading to a “severe shortage of medicine and medical supplies” according to the International Committee of the Red Cross (ICRC).⁶ Satellite images taken between 20 September and 2 October 2014 show the destruction of what is believed to be a hospital support building in Al-Zahra and damage to vehicles within the hospital compound.

On 17 September, Amnesty International interviewed 15 patients from the area of Warshafana that were being treated in al-Rahma Hospital in the city of Mahdia in Tunisia. Of these, 12 were civilians, including a boy aged 10. All had sustained shrapnel injuries as a result of the shelling of residential areas or were injured by stray bullets between August and September 2014. They all reported to Amnesty International that forces allied with Libya Dawn had looted, vandalized, damaged or set fire to private houses, farms and businesses in their towns when they entered the area. The Warshafana Shura Council estimates that hundreds of homes in the towns of al-Sahla, al-Maya, al-Tina, al-Tweiba in the area of Warshafana have either been destroyed, burnt, or looted between 4 August and 25 September.⁷ An analysis of satellite images of the Warshafana region between 25 July and 10 October 2014 shows damage to civilian objects, infrastructure and roadblocks. The most extensive damage can be observed south of al-Maya and east of al-Tina, both located near Military Camp 27 where some structures have been levelled to the ground.

GRAD rockets have also been fired from Warshafana at urban areas in Zawiya, including at a medical facility. At about 1am on 14 September, a rocket hit the Intensive Care Unit (ICU) of Zawiya Hospital, injuring 10 people, including doctors, nurses, patients and visitors, and damaging one of the unit's walls. Ten others suffered from shock or suffocation as a result of inhaling smoke. According to a doctor who is a member of the Crisis Committee in Zawiya, seven patients were being treated in the ICU at the time. Statistics provided by the Zawiya Hospital indicate that 21 other civilians were injured as a result of the shelling of Zawiya between 3 August and 18 September 2014.

Since the start of the armed confrontations, militias on all sides have carried out tit for tat abductions. Many civilians, including civil society activists, lawyers, journalists and public figures have been threatened, abducted and subjected to torture and other ill-treatment solely on account of their origin, opinion or perceived political affiliation. Those who were eventually released have gone into hiding or sought refuge outside of Libya. Others are still looking desperately for ways to leave. Amnesty International was able to interview 15 individuals following their release. Their stories spoke of paralysing fear, humiliation and pain inflicted by prolonged beatings with plastic tubes, metal bars and sticks or electric shocks. Some refused to have their name or experience mentioned in this briefing for fear of reprisals against them, their families, their homes or other property. In some cases, abductions appear

to be carried out in order to secure a prisoner exchange. This amounts to hostage taking.

All parties have also captured and detained fighters, raising concern for their safety and treatment. Amnesty International considers that all detainees held by militias are at grave risk of torture and other ill-treatment and possibly summary killings. The organization's concerns are heightened by a prevailing pattern of widespread human rights abuses perpetrated by these same militias with complete impunity since the 2011 armed conflict. During this time, successive governments have been unable to demobilize or disband these militias. Instead, they have provided them with monthly salaries and at times mandated them with carrying out various tasks such as providing security to strategic installations or areas. Three years of failure by the Libyan authorities to hold them accountable have emboldened militias and perpetuated their belief that they are above the law. Militias have continued to carry out arbitrary arrests, refused to hand over detainees into state custody, hindered the interim government's transitional justice efforts, obstructed the releases of many individuals despite prosecution release orders, and perpetrated attacks against internally displaced persons as well as acts of torture and other ill-treatment.

Amnesty International calls on all parties to immediately cease the abduction of civilians and not to treat anyone in their custody as hostages. Anyone held solely on account of their political affiliation, opinion, place of origin or ethnicity must be immediately and unconditionally released. The organization further calls on all parties to treat captured fighters humanely in accordance with international humanitarian law, ensure that their families are notified of their whereabouts and are able to communicate with them, that they receive adequate medical care and are protected from torture and other ill-treatment. In particular, commanders must make it clear that torture and other ill-treatment will not be tolerated, and remove from their ranks any individuals suspected of having ordered, committed or acquiesced to such acts. A failure to do so may result in commanders being held accountable for acts committed by their subordinates.

When perpetrated during an armed conflict, torture and cruel treatment constitute war crimes, as does hostage-taking or the destruction or seizure of the property of an adversary – unless such destruction or seizure is imperatively demanded by the necessities of the conflict.⁸

The International Criminal Court (ICC) can still exercise its jurisdiction over war crimes and crimes against humanity perpetrated in Libya since 15 February 2011 as per United Nations Security Council Resolution 1970. In light of the wide-spread abuses continuing to take place in Libya, Amnesty International welcomes the ICC Prosecutor's statement of 25 July 2014, in which Fatou Bensouda warned that her office “will not hesitate to investigate and prosecute those who commit crimes under the Court's jurisdiction in Libya irrespective of their official status or affiliation”.⁹ The organization also notes that the UN Security Council, in its Resolution 2174 of 2014, has reaffirmed that it will take punitive measures against individuals responsible for “planning, directing, or committing, acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in Libya”.¹⁰

ABOUT THIS BRIEFING

This briefing is based on 53 interviews conducted between 25 August and 7 October and

focuses on serious abuses perpetrated by both sides of the conflict since mid-July in acts of reprisal against persons protected under international humanitarian law. These abuses include abduction of civilians, looting, burning and destruction of civilian property, torture and other ill-treatment, summary killings, attacks against media professionals and internally displaced persons.¹¹ In addition to interviewing victims, their families and eyewitnesses, Amnesty International spoke with activists, medical professionals, local authorities and crisis committees that formed in Zintan, Tripoli, Warshafana and Zawiya, amongst other cities, to deal with the humanitarian consequences of the conflict.

ATTACKS, ABDUCTIONS AND HOSTAGE-TAKING OF CIVILIANS ON ACCOUNT OF THEIR IDENTITY

Amnesty International has received reports that all parties to the conflict have engaged in thousands of abductions of civilians since mid-July, marking the beginning of the conflict in western Libya. Civilians have been abducted and held without evidence of committing any crime, solely on account of their identity, their opinions, perceived political affiliation or on the basis of their peaceful activities such as organizing protests. Individuals have been abducted following identity checks at checkpoints, from their homes or workplaces. At times, militias appear to have detained individuals in order to secure a ransom or a prisoner exchange. Several such exchanges have been carried out since the start of the hostilities. Abduction periods documented by Amnesty International ranged from several hours to two months. In most cases, abducted civilians have not been allowed to communicate with their loved ones, leaving entire families in the dark for days or weeks. Some of those interviewed following their release told Amnesty International that they did not know where they had been held or by whom given that they were forced to wear a blindfold during the entire duration of their detention. Others reported that their identity documents such as passports, family booklets and driver's license were never returned to them following their release, restricting their freedom of movement in Libya or preventing them from travelling abroad.

Individuals abducted by Libya Dawn forces in Tripoli have been held in various compounds in the capital or in Janzur, and have at times been taken to Misratah for interrogation by the Misratah branch of the Military Intelligence or transferred to one of the prisons under the nominal control of the Judicial Police. On the other hand, those abducted by the Zintan-Warshafana coalition have been transferred to Zintan, or held in unofficial detention centres such as private homes or military compounds in the Warshafana area.

Mohamed Saad al-Ghannay, a safety engineer originally from Zintan aged 51, was abducted by a militia on 5 August 2014 from a crisis meeting held to decide how to deal with the fire that broke out in Tripoli after fuel depots were hit in clashes around the capital's international airport. He told Amnesty International that two armed men picked him up by the arms, and dragged him out of the meeting after they ascertained that he was of Zintan origin. Mohamed Saad al-Ghannay was immediately transferred to the militia compound located in Tajoura area of Tripoli where he was held for three hours for questioning. He was then transferred to a detention facility located in Mitiga base where he was held for ten days together with 14 people in a room measuring 12 square meters. On the tenth day of his abduction, he was told that he would be released. Instead, militiamen placed tape over his face and mouth, bundled him into a car and drove to Mitiga airport. With his hands shackled behind his back, he was placed in a helicopter and transferred to Misratah. The tape was only taken off once he was placed in a cell at the al-Jawiya Corrections and Rehabilitation

Institution, a prison nominally under the authority of the Judicial Police. Mohamed Saad al-Ghannay told Amnesty International that he was held for 40 days in solitary confinement cell, after which he was transferred to a bloc where he was able to communicate with other detainees. He was released on the 58th day of his abduction as part of a prisoner exchange between the cities of Misratah and Zintan. During the first month of his detention, his family ignored his whereabouts as he was not allowed to communicate with them. While he was abducted, militias vandalized, looted and took over his farm and his company's warehouses located near the Fursiya Bridge in Tripoli. They also damaged the company's offices, and attempted to abduct his two sons aged 18 and 21 when they came to check on the family farm. Mohamed Saad al-Ghannay told Amnesty International: "I am an ordinary *civilian*. *My only fault is that I am from Zintan*".

Prominent figures, public officials, politicians and officials are not exempt from such abductions. In one case, political activist and blogger **Abdel Moez Banoun** was abducted from his car on 24 July. He had been active in organizing protests in support of the army and the police. His whereabouts remain unknown.

Najmeddin Rayes, the Head of the Crisis Committee in Tripoli established by Prime Minister Abdallah al-Thinni in July 2014 to address the electricity, water and fuel crisis during the fighting in Tripoli, was abducted on 8 August 2014 from outside a police station in Martyrs' Square. On 8 August, Najmeddin Rayes, aged 60, was overseeing the offloading of fuel in Tripoli port to ensure that it would reach the civilian population. Following a disagreement with members of a militia who were waiting to confiscate the fuel for their own purposes, Najmeddin Rayes left the port accompanied by a friend. Realizing that they were being followed by two unmarked cars carrying around 8 masked armed men, he and his friend stopped at a police station to seek protection. However, before the police could intervene, armed men dragged Najmeddin Rayes out of the car and took him to a military compound. He was eventually released on 3 September, after being held in several militia compounds in Tripoli and one detention facility in Misratah. During the entire duration of his detention, he was prevented from speaking with his family, and was, at times held blindfolded and shackled with his hands tied behind his back for prolonged periods, without sufficient water and food.

Two former members of the GNC **Dr Suleiman Zobi** and **Dr Fathi Alarabi** were seized on 20 July 2014 by the **Barq an-Nasser Brigade**, a militia affiliated with Zintan forces. Both GNC members were on their way back home from a meeting with other members of the GNC when they were stopped near the Gharyan Bridge in Janzour, by members of the Barq an-Nasser Brigade. Upon inspecting both men's personal documents, the armed men reportedly immediately recognized Dr Suleiman Zobi as a GNC member and began insulting him and shooting up in the air. The GNC members were then transferred to a military compound known as 7th April in Serraj in Tripoli, where they were placed into two separate cells. The next day, Dr Fathi Alarabi was transferred to the town of Zintan where he was held in a private home until his release on 6 August, which was reportedly negotiated by members of the Zintan Military¹² and Shura Councils.¹³ During his detention in Zintan, Dr Fathi Alarabi was reportedly threatened, intimidated and beaten with a rod, which led to the fracture of one of his hands.

The exact whereabouts of Dr Suleiman Zobi remain unknown. His family told Amnesty International that they were able to speak with him once, a day after he was seized by members of the Barq an-Nasser Brigade. The family believes that he was transferred to Zintan and is currently held in an unofficial detention facility. Amnesty International is concerned for Dr Suleiman Zobi's safety and believes that he may have been subjected to abuse. The organization's concerns are compounded by the murder of Dr Suleiman Zobi's son, Bousseif Suleiman Zobi, by an unknown group in Benghazi on 25 July.

In Tripoli, individuals of Zintan origin, supporters of Operation Dignity, perceived opponents of Libya Dawn or those considered to hold liberal views, have been particularly targeted after the Libya Dawn coalition gained control of strategic infrastructure and state institutions on 23 and 24 August 2014, prompting Zintan militias to withdraw from the capital. According to the Mayor of Zintan, approximately 5,650 people have fled Tripoli to Zintan between 23 August and 1 September out of fear or as a result of reprisal attacks. Many had heard reports that Libya Dawn militias were carrying out door to door searches to seize those they perceived to be of different tribal or political affiliation. Amnesty International has received a list, compiled by the Crisis Committee in Zintan, a body established to address the situation of all those affected by the current conflict, of 80 individuals who have been abducted, detained or have gone missing between mid-July and the end of August 2014. Some have since then been released in prisoner exchanges. For example, on 2 October, a deal was negotiated in which Zintan authorities released 22 detainees of Misratah origin, in exchange for 34 detainees, held in Misratah. Of these, 22 were of Zintan origin, while others were originally from Warshafana, Benghazi or other cities. Civilians and fighters were included in both groups of exchanged detainees.

Unable to find those they were looking for, in some cases, forces affiliated with Libya Dawn have conducted attacks against civilian homes. According to the Zintan Crisis Committee, at least another 80 individuals of Zintan origin living in Tripoli have had their property destroyed, damaged or looted between 25 August and 1 September. Such property includes mainly homes, but also farms and businesses. At times, houses have been set ablaze.

For example, the owner of a car mechanic garage from Zintan, fled Tripoli on 25 August 2014 after militias apparently affiliated with the Libya Dawn coalition burnt his house and his business in the area of Ghot Shaal of the capital. According to his account, on 25 August a group of heavily armed men approached his house in about 15 cars and broke down the door. Out of fear of abduction and abuse, the man jumped over the wall of his property and escaped. He told Amnesty International that, as he was leaving, he saw how the armed men first looted his house and business and then set them both on fire. Reportedly 10 cars were stolen from his garage. On the same day, he fled Tripoli to Zintan.

Despite some prisoner exchanges and the cessation of clashes in Tripoli, abductions of civilians continued. In one case documented by Amnesty International, two men originally from Zintan, Hamza Omar Annakou, a business administration student aged 25 who suffers from diabetes and his uncle Abdulkarim Ahmed Nakua, aged 30, were abducted from their family home in Tripoli on 15 September 2014. A relative told Amnesty International that a group of masked men came to the house and took both men as they were sleeping. They are believed to have been abducted by a militia from Gharyan, the Gharyan Shield, solely for the purpose of securing a prisoner exchange with Zintan. The relative told Amnesty International

that neither man took part in the recent fighting in Tripoli or elsewhere in western Libya. *"They were only targeted because the family is from Zintan", he said.*

As of the beginning of August, retaliatory abductions of civilians on account of their identity have also been perpetrated west of Tripoli in the context of armed clashes over the control of Military Camp 27 between several small armed groups from the area of Warshafana, allied with the Zintan coalition, and militias aligned with Libya Dawn, mainly from Zawiya, but also from Sabratah and Zuwara. In most cases, individuals were abducted at checkpoints on the main coastal road linking Tripoli to the Tunisian border, in Zawiya or the Warshafana area, or at times, on the main highway in the Nafusa Mountains, near the Wazen-Dehiba border crossing.

The Head of the Zawiya police station told Amnesty International that, between mid-July and 10 September, his office had received 153 complaints from Zawiya residents against armed groups in Warshafana, including cases of torture, abduction, or theft of cars. Amnesty International has received reports of at least ten such cases.

Testimonies collected by Amnesty International from individuals released following their abduction by armed groups from Warshafana point to a clear pattern of abuse. Civilians from tribes or cities such as Zawiya, Gharyan, Nalut or Qalaa, which are perceived to support Libya Dawn, have been stopped and abducted at checkpoints in the Warshafana area on or near the coastal road linking Tripoli with the Tunisian border. They have been held and transferred between several unofficial detention centres such as private homes, farms and military compounds. In some cases, their cars, money, mobile phones and other personal possessions have been stolen. Additionally, at times, the armed groups have confiscated personal documents, preventing individuals from travelling abroad, or moving freely within the country, following their release. In most cases, individuals appear to have been abducted in order to secure a prisoner exchange with both detained fighters and other abducted civilians, or for ransom.

Members of the Shura Council of Warshafana told Amnesty International that, since the start of the conflict, several prisoner exchanges have taken place. On 10 August, 28 detainees of Warshafana origin were reportedly exchanged for 10 detainees from Nalut, a town in the Nafusa Mountains. Warshafana residents had allegedly been abducted near the Dheiba-Wazen border crossing with Tunisia, while those originally from Nalut were abducted on the main coastal road. According to press reports, on 12 September, 11 civilians originally from Gharyan who had been abducted by Warshafana groups were exchanged for 15 detainees of Warshafana origin held in a detention centre in Gharyan.¹⁴ The exchange was negotiated by the Council of Elders of Libya.¹⁵

In one case documented by Amnesty International, **four brothers** were detained by the Abu Surra Martyrs' Brigade near Zawiya, some 50km west of the capital, on 16 August, allegedly solely because they come from Zintan. The brothers were driving from Sabrata, near the Tunisian border, towards Tripoli when they were stopped by armed men. One of the brothers recounted his experience to Amnesty International:

"They stopped us and asked us where we were from. We told them that we are originally from Zintan, but that we live in Sabrata. They took our documents and asked us to wait. A while

later, a Toyota Hilux pulled up with other men. They divided us into pairs and took us in two different cars to their compound located in what looked like an old police station. There must have been around 50 armed men there. Some of them were wearing uniforms; others were wearing civilian clothes. They took us into a room and started accusing us of being from Zintan and against the "17 February Revolution". They took away our shoes and started beating us all over the body with metal bars and plastic pipes - we call them PPR tubes in Libya. They were also hitting us with their hands. One man tried to shoot my brother in the leg, but he missed and the bullet hit the floor. The beating lasted almost non-stop from the time they detained us at around 2:30pm until 10pm. The treatment improved afterwards – they would shout at us, but no longer beat us. There were other detainees there...I saw at least three. I recognized a former officer who served under al-Gaddafi – I knew him from Zintan. He said that he had been held there for 10 days. He was tortured as well – they even shot him in the leg. They released me because I am an amputee."

Amnesty International reviewed photos showing bruises and scars on the man's forehead, right eye and back. Two out of the four brothers were released four days later, while the other pair were released on the sixth day of their abduction. They believe that they were released only through the intervention of acquaintances who confirmed that they did not have any relation to the current conflict. Although the men were released, the brigade confiscated their car and failed to return some of their personal documents. Immediately after the brothers fled to Zintan out of fear of reprisals. They told Amnesty International that, while they were in hiding, the group of armed men came looking for them in their homes in Sabratha.

Around the same time, a 29 year-old truck driver and his cousin, aged 30, both originally from Warshafana, were abducted by a militia from Zawiya as they were on their way back from Tunisia, each driving his own vehicle, with a load of fruits. They were stopped by eight armed cars on the Bir al-Ghanem road south of Zawiya, blindfolded and taken away to a farm, where they were held for six days in a basement together with five other detainees from Warshafana. One of the cousins told Amnesty International, "*It was completely dark down there. We could hardly see anything. They would come sometimes and hit us with a whip. They did not give us any food during this time; only water. They took away my phone, my truck, my products and my papers. On the sixth day, they blindfolded us again and took us to another place in preparation for a prisoner exchange. We were released two days later. I have no idea where I was held during this time*". Following his release, he fled to Tunisia after he was hit by shrapnel in his house in al-Hashan area of Warshafana.

TORTURE AND OTHER ILL-TREATMENT

“It is only after my release that I realized that my entire body was blue and swollen. While I was detained, I would just take the punches and cry. There was not one part of my body that they did not beat.”

A 31-year old man describing his treatment while abducted by an armed group in Warshafana in August 2014

Amnesty International has interviewed 15 individuals following their release by militias and armed groups who gave accounts of torture and other ill-treatment in detention. Most frequently, detainees were subjected to prolonged beatings with plastic tubes, sticks, metal bars or cables. In some cases, they were subjected to electric shocks, suspended in contorted positions for hours, kept continuously blindfolded and shackled with their hands tied behind their backs or deprived of food and water and denied access to washing and sanitary facilities for periods of up to three days. Such abuses were perpetrated by all sides of the conflict.

Amnesty International has documented acts of torture and ill-treatment perpetrated by groups loosely affiliated with Libya Dawn such as the Fursan Janzur Brigade, the Nawasi Brigade, the Joint Security Room in Abu Salim (Axis 11), the Libya Shield Forces for the Central Region, Libya Shield forces for the Western Region, a militia in Mitiga Airbase in Tripoli, and militias from Misratah and Zawiya such as the Abu Surra Martyrs' Brigade, as well as by several armed groups from Warshafana and the Barq an-Nasser Brigade from Zintan

Amnesty International interviewed **Mabrouk Saad al-Mabrouk**, an officer with the Ministry of Interior originally from Zintan who was held for two months and 12 days in a detention facility run by the Joint Security Room in the Abu Salim area of Tripoli, a militia affiliated with the Libya Dawn coalition. **Mabrouk Saad al-Mabrouk** was detained on 28 June 2014 allegedly only because of his association with his cousin who was the official spokesperson of “Operation Dignity” in Tripoli. He reported to Amnesty International that, during this time, he was beaten on a number of occasions with a metal bar and plastic pipes. On one occasion, he was taken onto the courtyard and kept in a stress position. For five hours, he was left suspended in the sun while his hands were shackled to a post without his feet touching the ground. Mabrouk Saad Mabrouk also reported that he and his fellow detainees were given insufficient quantities of water and food. At one point, he was kept in solitary confinement

and had electric shocks applied onto his body after it was made wet with water. He told Amnesty International, *"They would beat us every day. On Fridays especially, they would bring new detainees that they would arrest after demonstrations. We used to hear them shooting at night all the time. Once, they kept us without water for three days. I managed to escape from them when they took me to search my house. They opened fire at me, but I was not hurt. So they burnt my house out of revenge"*. Mabrouk Saad al-Mabrouk confirmed to Amnesty International that at least 11 individuals from Zintan were being held in the facility, including both combatants and civilians, and that other fighters affiliated with the Zintan coalition were also being held there at the end of August.

A detainee who was held by a militia affiliated with Libya Dawn in a detention facility located at the Mitiga airbase in Tripoli in August 2014 told Amnesty International that detainees were routinely beaten all over their bodies with sticks, PPR plastic pipes; kicked or otherwise punched. Those that suffered gunshot wounds either in combat, or after being shot at in their limbs once detained, were allegedly being denied appropriate medical care.

Detainees held by armed groups from Warshafana have been subjected to prolonged beatings with objects, deprived of food and water for up to three days, shackled and blindfolded for prolonged periods, threatened with death and rape, and subjected to insults.

In one such case, **W., a man originally from Qalaa**, an Amazigh town in the Nafusa Mountains, was detained at one point during the first week of August 2014 by a militia in the Warshafana area. W. told Amnesty International that he fled Tripoli around 22 July when clashes broke out in Serraj area and both sides launched indiscriminate attacks. Since then, he had been living in his hometown of al-Qalaa, but regularly travelled back to Tripoli to bring assistance to his brother and neighbours who refused to leave their homes. He was held for three days by members of a militia, blindfolded and cuffed, without food or water. W. believes that he was targeted because he comes from Qalaa, an Amazigh town in the Nafusa Mountains that rose up against al-Gaddafi during the 2011 armed conflict, which is currently allied with Libya Dawn. He described his experience to Amnesty International:

"The situation in Tripoli was very difficult. There was a shortage of food, fuel, water, milk and so I would regularly come down from the mountains to help my brother and neighbours. Around the first week of August, I was driving to Tripoli with my car filled with essential supplies. I was on the main coastal road, past Military Camp 27 in Sayad when someone opened fire with rifles and anti-aircraft guns at all cars driving by. One of my tyres was hit, but I was scared so I continued on as did the other cars. Soon after we were stopped on the road by men in military cars and tanks. A group of armed men told us to get out of our cars and started searching them. I don't know who they were, but they were supporters of al-Gaddafi.

When they found the Independence flag [adopted in 2011 as the national Libyan flag] and the Amazigh flag in my car, they started cursing and calling me a rat. They told us to get in our cars and follow them. They took us to an area called Hashan where they started searching us again. They took away my passport and my mobile phones when they saw that I was from Qalaa. There, we were all divided. I was brought into a secondary school where I was told that I would be given my passport and my phones back, but inside, armed men started insulting me. They took away my car keys and told me to "stay and wait for us like a dog". They kept

calling me, “You Amazighi, you Jew”. They accused me of being against Operation Dignity, against Zintan. I told them that I have no relation to the war, and that I am the father of a baby girl. They were calling me a rat and slapping me on my face. Then two armed men made me get into the backseat of my car. As we were driving, they blindfolded me, and started playing mind games with me. They kept debating aloud whether they should kill me or just detain me [...] I think what saved me is that I kept saying I have a daughter.

Eventually, they took me to a guest house in an area known as Ghot Bou Saq in Warshafana. They forced me to take off my shoes and undress down to my underwear, and then made me kneel. They brought me the Amazigh flag and the Independence flag, and asked me what they were. I told them that this was my culture, my heritage. They started insulting me, saying that Muammar’s fall [Colonel al-Gaddafi] had brought destruction and chaos to the country. They then placed my undershirt on my face and brought a long metal tool, and started hitting me on the back of my thighs. They would also beat me with an electric cable. They kept accusing me of taking part in the fighting, but I kept denying. They would slap me on the face, and tell me that they would take revenge on us, those that supported the ‘revolution’. Then, they took me to a small room. They tied my hands behind my back and my legs with a cable. They kept the blindfold on my face and pushed me onto the ground on my stomach. Six or seven men must have been beating me on my body. They asked me for a ransom of 200,000 LYD [approximately 162,700 USD].. They left me blindfolded with both my legs and hands tied for about three days. They did not give me any food or water. Each time I asked to go to the bathroom, the beatings would intensify. The worst beating I got was when I asked to go pray. On the third day, someone opened the door and asked if I had eaten or had any water. He untied my legs and hands. My hands were so swollen I could not move them – until today, I don’t have full mobility. He brought me something to eat and drink. An older Syrian man was held in the same room with me. They had broken his arm and one of his ribs during the beatings, and even burnt his beard. His arm was completely blue. He said that he was abducted by Zintan militias when they entered Serraj area in Tripoli. This was the first time I saw his face”.

W. was released on the fourth day of his abduction but was not returned his car nor the supplies that he was carrying. A month after the abuse, W. was still complaining of pain in his legs and hands from the tightness of the shackles. Amnesty International has reviewed photographs of W., which show marks of abuse on his body consistent with his account.

In a similar incident, a **Tripoli resident of Amazigh origin** was abducted in the area of Warshafana around 15 August. **M.**, aged 31, was driving back to Tripoli from the Libyan-Tunisian border on the main coastal highway, but was forced to take a detour through the area of Warshafana due to the closure of the road by militias. When he reached the town of Zahra at about 10:30pm, his car was stopped by a group of armed men whom he alleged were wearing green masks and military trousers. “*They were dressed like in the times of al-Gaddafi*”, he said. The men were inspecting cars at the checkpoint, and were checking everyone’s identity cards. They opened fire in the air with machine guns and Kalashnikovs. Upon saying that he was originally from Nalut, an Amazigh town in the Nafusa Mountains that rose up against Colonel al-Gaddafi’s rule in 2011, M. was blindfolded and beaten. He was then taken to an unknown location, where he remained held for approximately two and a half days. For the entire time of his abduction, he was blindfolded with a piece of fabric and his own shirt. He told Amnesty International that he was beaten all over his body, including

on his head with a plastic tube. He said, *"It is only after my release that I realized that my entire body was blue and swollen. While I was detained, I would just take the punches and cry. There was not one part of my body that they did not beat"*. Following his release M. was unable to walk for about a week. His cousin, also originally from Nalut, was abducted on 1 September as he was driving to check on his land and house in Ghot Bou Souq, located near Warshafana. He was released a few days later in a prisoner exchange.

Hussein al-Fitouri, a truck driver aged 38, and a colleague were detained by an armed group from the Warshafana region as they were driving on the main coastal road towards the port in al-Khoms. At about 5:30pm on 9 August, they were ambushed by a group of five men armed with rocket propelled grenades and heavy machine guns. The armed men asked Hussein and his colleague where they were from. Once they said they were from Zawiya, the men forced Hussein and his colleague out of the truck, called them "rats", covered their eyes, tied their hands with a metal wire and took them to a farm. Hussein told Amnesty International, *"We were held for six days. During this time, they must have taken us to four different places. In each place, they beat and tortured me. They would hit me with a metal bar all over my body. They applied electric shocks onto my back asking me 'are you with or against the rats?' [referring to anti al-Gaddafi fighters]. They hit me with a rifle on my head. At one point, they poured fuel on my entire body from top to bottom, and told me that they would set me on fire if I even try to move my hand. You can't imagine the pain of fuel on open wounds. In one of the places we were held, there were about 11 detainees. The only reason that they were detained is because they are from Zawiya. A man who was held in a room next to mine died as a result of the torture. I never held a gun, I am just an ordinary citizen"*. Hussein and his colleague were eventually released following negotiations by tribal leaders. Following his release, he went for nine days to Tunisia for medical treatment. His leg was broken as a result of the beatings he was subjected to.

Around the same time **Hamza Mohamed al-Salouqi**, aged 27, was abducted with his 61 year-old father as they were driving on the coastal road from Zawiya to Tripoli. They were stopped at a checkpoint near al-Maya in the Warshafana area at about 11:00am, and told to get out of their car after they said they were originally from Zawiya. They were placed in another vehicle and taken to a side road. They were then hooded with a piece of dark fabric, beaten, transferred into their own car and driven to a military compound where they were kept for one day. The following day Hamza and his father were taken to a private house, where they remained held until their release four days later. During their detention, both men were kept in a small room measuring 2 square meters, and were taken outside one by one, and subjected on a number of occasions to prolonged beatings with sticks, cables and metal bars. At one point, they were threatened with dogs.

Hamza Mohamed al-Salouqi was subjected to particularly harsh treatment. He recounted to Amnesty International how, at one point, he was taken out of the room, beaten by six men all over his body with a metal tool, after which his head was submerged in a water basin three times. His captors forced Hamza to take off his shirt, tied his hands behind his back and poured cold water on his body. They then applied electric shocks to his back and his hands four times. Hamza reported to Amnesty International that the men cut his flesh with pliers and a knife. He was eventually released on the fifth day of his abduction following the negotiation of a prisoner exchange. The beatings with electric cables, sticks and metal bars continued in the car during the transfer, while both father and son were allegedly told *"You*

are now in the Jamahiriya” [referring to the Colonel al-Gaddafi’s regime] and forced to constantly repeat Colonel al-Gaddafi’s name. Following his release, Hamza Mohamed al-Salouqi was hospitalized in Tunisia. A medical report reviewed by Amnesty International indicates that Hamza suffered from muscular pain, multiple haematomas and wounds and acute renal failure as a result of physical assault and electric shocks. He spent 11 days in intensive care during which he had to undergo five dialysis sessions. Amnesty International has also reviewed photos showing marks on his body consistent with the abuse he has described.

ALLEGATIONS OF SUMMARY KILLINGS

Amnesty International has also received reports of summary killings of abducted civilians and captured and wounded fighters. International humanitarian law applicable in non-international armed conflicts, as is the case in Libya, prohibits the deliberate killing of those who do not – or who are no longer – directly participating in hostilities. Fighters who are *hors de combat*, that is those who have surrendered, been captured, injured or otherwise incapacitated must be treated humanely. Killing such individuals is a serious violation of IHL and a war crime.

In one case, **Ahmad Jweida**, a wounded fighter from the area of Warshafana, aged 25, was abducted from an ambulance at a checkpoint manned by a militia from Nalut, transferred to Zawiya, and allegedly summarily killed. Amnesty International interviewed the ambulance driver who gave an account of the circumstances surrounding the abduction. The driver said that towards the end of August, he was driving two patients from Zintan Hospital to Tunisia for medical treatment. Ahmad Jweida, a wounded fighter originally from the Warshafana area, suffered a gunshot injury to one of his legs and needed an operation. The other patient named Khaled al-Bakoush was injured in a car accident. The patients were accompanied by a relative from Warshafana. Before arriving at the Wazen-Dehiba border crossing, in an area known as al-Marbah, the ambulance was stopped by three vehicles reportedly belonging to the Nalut Support Task Force, a militia from Nalut. Following an identity check, members of the militia prevented the ambulance from continuing its journey despite the driver’s pleas that patients needed medical care. They forced the driver to go to Nalut Hospital telling him that the patients would be provided with painkillers. Two armed vehicles accompanied the ambulance to ensure it did not escape. Upon arrival at the hospital, the patients were given an anaesthetic by nurses, and forcibly taken out of the ambulance, while the driver and the relative were detained and taken to the militia compound. Two days later, the ambulance driver was released while the other man remained detained waiting for a member of his family to bring him home. Upon his release, the driver learnt that Ahmad Jweida and Khaled al-Bakoush had been transferred to Zawiya in his ambulance. Days later, Ahmad Jweida’s family was informed that he had been killed. Amnesty International has reviewed several photographs of Ahmad Jweida’s dead body, which show a devastating head wound with loss of most of the cranial vault. According to an independent forensics expert who reviewed the photographs of Ahmad Jweida’s dead body on Amnesty International’s behalf, the injuries caused “are almost certainly the result of a high velocity gunshot wound, probably to the back of the head”¹⁶. Amnesty International believes that he may have been summarily killed.

ATTACKS AGAINST JOURNALISTS, CIVIL SOCIETY ACTIVISTS AND HUMAN RIGHTS DEFENDERS

Mounting attacks against journalists and media professionals by militias and armed groups involved in the conflict have become a hallmark of Libya. Militia attacks, including assassinations, assassination attempts, abductions and physical assaults against journalists who write about what are deemed to be politically-sensitive topics have been on the rise since 2013, pushing many into self-censorship, and forcing some to abandon their profession, go into hiding or leave the country for their own safety. Amid growing political polarization, the media have increasingly been targeted by militias accusing it of supporting one political camp against the other. In particular, reporting on topics such as the Political and Administrative Isolation Law adopted in 2013, which bars Gaddafi-era officials from public life for a period of ten years, demonstrations in support of, or against, the GNC or those in favour, or against, Operation Dignity in Benghazi have put journalists at risk of attack. The non-governmental organization Reporters without Borders counted at least 93 violations against media workers in Libya between 1 January and 15 September 2014, including abductions, arbitrary arrests, assassinations, assassination attempts and assaults, in addition to numerous threats. The actual number of such violations is likely to be higher.¹⁷

Over the last three years, human rights defenders and civil society activists have also faced mounting threats and attacks by militias and other armed groups, including abductions and, in the case of individuals based in Benghazi, assassinations.¹⁸ Due to pressure from Islamist-leaning militias in particular, women's rights activists have been forced to withdraw from public roles or abandon activities amounting merely to the peaceful exercise of their rights to freedom of expression or assembly, including the organising of demonstrations calling for gender equality or an end to gender-based violence. Among other things, they have reported to Amnesty International threats with murder, harm, abduction, rape or harm to a relative.

These threats and attacks have intensified since the start of the current conflict. Once they gained greater control of Tripoli on 23 August, Libya Dawn forces appear to have systematically persecuted media professionals perceived to be supporting the Zintan alliance, liberal political parties or the June-elected House of Representatives. They have also harassed, intimidated, threatened and at times abducted civil society activists and human rights defenders, who have been documenting and speaking out against militia abuses. Amnesty International has received allegations that militias affiliated with Libya Dawn coalition have been carrying door-to-door searches in Tripoli based on lists of targeted journalists and human rights defenders.

These attacks and recurrent threats from armed groups have prompted many journalists,

human rights defenders and activists to leave Libya as their lives became increasingly endangered. In some cases, journalists were able to relocate to other parts of the country, including the Nafusa Mountains and the eastern city of Tobruk, which hosts the elected House of Representatives. Those who remained in western Libya have continued to come under pressure from militias, in particular those affiliated with the Libya Dawn coalition.

On 10 October 2014, the UN High Commissioner for Human Rights condemned attacks against human rights defenders, political activists, bloggers and media professionals, perpetrated since mid-May in Benghazi and in Tripoli in the context of the current armed conflict stating that his office had received “numerous reports of intimidation, harassment, abductions and murder of members of civil society” and expressing particular concern for women activists.¹⁹ Amongst those targeted by forces affiliated with the Libya Dawn coalition are staff of the National Council for Civil Liberties and Human Rights (NCCLHR), who have been threatened and intimidated on 13 and 14 October 2014, according to the UN High Commissioner for Human Rights.²⁰

Amnesty International has interviewed ten media workers who said they have been forced to relocate from Tripoli to other parts of the country, or flee abroad out of fear for their lives since the beginning of Libya Dawn. Jumaa al-Usta, the Chairman of the Board of al-Assema TV, a privately owned channel perceived to take a liberal editorial line, told Amnesty International, that most of the station’s presenters and correspondents, have fled to Zintan and Tobruk, or in some cases have left the country altogether after the station was attacked. Indeed, on 23 August members of militias affiliated with Libya Dawn, including allegedly the Nawasi Brigade, attacked the station while three of its employees were assaulted and abducted a day later. Jumaa al-Usta was himself briefly abducted by a militia in March 2013 and has fled abroad after receiving treats prior to Fajr Libya’s seizure of strategic institutions and locations in Tripoli. Some of those who have stayed told the organization that they were taking extra precautions and were sleeping in different places every night. The attack of 23 August was the fourth attack against the TV station since March 2013.²¹

According to **Fawziya Bel’azi**, the station’s Executive Director who is currently residing abroad for her own safety, threats against Al-Assema TV employees started around the beginning of August 2014. They related mainly to the station’s coverage of the conflict in Tripoli and demonstrations in support of Operation Dignity and the reactivation of the national army. On 1 August, an Al-Assema TV reporter and cameraman were abducted while covering a demonstration. The men were reportedly held in Mitiga Airbase and released several days later. Around 20 August, a list of the channel’s senior staff was posted on a social media site threatening them with detention. Immediately after, Fawziya Bel’azi started receiving threats, including death threats, on her phone. The threats kept coming for three consecutive days. On 23 August, the day of Libya Dawn’s takeover of Tripoli International Airport, she received a phone call saying: *“We’ve entered the airport. We’re coming to get you”*. Fawziya fled the country after she learnt that armed men were looking for her at her home. Other senior staff confirmed to Amnesty International that they had also been threatened over the phone in the days leading up to the attack. A board member told Amnesty International that he was threatened with the abduction of his son. Another senior staff member who did not wish to be named told the organization: *“Since the conflict began in Tripoli, we were being threatened. We were expecting to be detained or attacked at any time. We knew that the station’s security guards would be helpless and would not prevent the attack”*.

Al-Assema TV station was attacked immediately after Libya Dawn forces gained control of Tripoli International Airport on 23 August 2014. According to another senior staff member interviewed by Amnesty International, a group of armed men entered the building, broke most of the studios, vandalized and looted the offices, after which they set it on fire. Allegedly, in addition to militia members, people from the area partook in the looting. The next morning, a group of senior directors went to inspect the premises to check the extent of the damage and collect important documents and archives. Three of the station's employees, including Saad Zaghoub, Deputy Editor-in-Chief; Tareq al-Drisi, Head of Graphics; and Hossam al-Ashur, an Egyptian national in charge of the IT department, were abducted by armed men as they were standing outside of the building. According to an Al-Assema TV staff member who was present at the scene, armed men approached the three employees and asked them what they were doing. When they realized that they were working for Al-Assema TV, they started beating them, and then detained them. After four days of detention at the Military Police in Swani, they were transferred to a detention facility in Misratah under the authority of the Military Intelligence, where they were allowed to inform their families of their whereabouts. Hossam al-Ashur was eventually released on 31 August, while the other two staff members remained detained until 2 October when they were released in a prisoner exchange between the cities of Misratah and Zintan.

Immediately following the second attack on Al-Assema TV and the abduction of three of its staff members, the militia headed to Hayy al-Andalous where they forced their way into the house of Jumaa al-Usta and ransacked it, stealing personal items and memorabilia including family photos. The armed men are reported to have assaulted the housekeeper, pushing a rifle butt into his stomach. The militia also looted and vandalized the house of Jumaa al-Usta's brother located in the vicinity. Afterwards, armed men headed towards a neighbourhood near the Airport Road where they forced their way into Jumaa al-Usta's farm, beat and ill-treated a Sudanese man working on the farm, including by extinguishing cigarettes on his body, and occupying the property. They are also said to have taken over the farm of Jumaa al-Usta's brother.

According to Al-Assema TV management, the premises of the TV station have been taken over by the Nawasi Brigade and allegedly turned into a detention centre. Al Assema TV has stopped broadcasting since then.

Amnesty International has also received information that 12 employees of a medical equipment company belonging to a board member at Al-Assema TV were abducted by armed men on 25 August, detained and ill-treated inside the compound of the Nawasi Brigade in Tripoli. Their phones were confiscated and their Facebook accounts were taken over. Of these, 10 individuals were released on the same day, while two individuals have remained detained for interrogation. The owner of the company told Amnesty International, *"I believe that the idea behind this detention was to terrorize my employees so that they would not come back to work"*.

Jumaa al-Usta, Al-Assema TV's Chairman of the Board, told Amnesty International: *"Everyone is targeted even to the point that one of our drivers was stopped and beaten in Zawiya only because he had an al-Assema TV identity card"*. The house of Hossam al-Din al-Tayeb, a presenter for Al-Assema TV, was reportedly looted and burnt on 23 August in another reprisal attack against the editorial line of the station.

Journalists working for other media outlets have also been attacked. **Mahmoud al-Ferjani**, correspondent for Al-Arabiya TV and spokesperson of the Constitution Drafting Assembly, told Amnesty International that forces belonging to Libya Dawn entered his apartment on 25 August, looting and destroying his possessions. They were allegedly about to set the apartment on fire but were stopped by neighbours concerned that the fire would spread to other apartments in the building. At about 10:30 – 11:00 on the same day, forces allegedly belonging to Libya Dawn attacked the premises of Mahmoud al-Ferjani's company, located in al-Dahra district of Tripoli, destroying most of its offices, studios, computer screens and cameras. The attackers allegedly also caused damage by firing weapons inside the premises. Two of the company's employees, including a Filipino and Egyptian nationals, were abducted and held for a short time. Mahmoud al-Ferjani told Amnesty International, *"I heard that they attacked the houses of other journalists. It seems like they have a list and are targeting people according to it. They have also entered the houses of people from Zintan. It is like they are driven by revenge. Everyone has fled Tripoli. There are no journalists left"*. He believes that he was targeted because his reporting is perceived as pro-liberals.

Mahmoud al-Ferjani had been abducted on 28 April 2013 by a militia as he was reporting live on the militia siege of the Ministry of Foreign Affairs in relation to the Political Isolation Law. He was released the same day after being threatened and intimidated.

Amnesty International has also documented attacks against the staff of Libya International TV, a privately owned channel perceived to be pro-liberals. The premises of **Libya International TV** were reportedly set on fire on 23 August, leading its staff to relocate to Zintan. The station had also been under indiscriminate fire during the clashes in Tripoli, resulting in partial damage to the administrative building.

Mohamed al-Tayyari, a presenter with Libyan International TV who hosts a talk show on political and socioeconomic issues called "Huna Libya" survived an apparent politically motivated assassination around 23 July [on the 26th day of Ramadan] shortly after appearing on air that day. Mohamed al-Tayyari told Amnesty International that, as soon as he left the channel's studio near the Airport Road, minutes after midnight, he was followed by an unmarked car carrying masked men. At one point, the men approached the right side of his car and opened fire at him. Three bullets were shot through the backseat door hitting the back of Mohamed al-Tayyari's seat and the left hand side pillar at the level of his head. He managed to escape from the attackers and sought refuge at a relative's house after his brother warned him that armed men came looking for him. Two days later, he fled abroad. Following the withdrawal of Zintan-affiliated forces from Tripoli, a group of armed men came looking for Mohamed al-Tayyari at his family house. When they were unable to find him, the armed men abducted Mohamed al-Tayyari's brother and held him for a day and a half for interrogation. The militia also tried to set Mohamed al-Tayyari's family house ablaze, but were prevented from doing so by neighbours. Later, Mohamed al-Tayyari received reports that his own house was set on fire. Mohamed al-Tayyari had been abducted in 2012 in relation to his work with al-Rasmiya TV.

In another incident, members of the Fursan Brigade allied with Libya Dawn abducted two producers for Libya International TV. On 16 August both men were driving their car in the area of Janzour on the western outskirts of Tripoli. According to the account of one of the

producers, two men approached their car and ordered them to stop. “*They called us traitors, dogs because we worked for Libya International TV*”. They forced the two men into the car and took them to the compound of the Fursan Brigade [allied with the Libya Dawn coalition] in Janzour to question them about their work. The men were held in the militia compound for three days and were eventually released due to public pressure. One of the producer told Amnesty International that during his detention he was slapped, insulted and threatened with the torture and killing of his family members. While he was detained, members of the militia also went to his house and set it on fire after taking away his passport, money, laptop computer and other equipment such as cameras and lenses. He believes that his abduction was related to his coverage of the clashes between 11 and 12 July on the Airport Road.

ATTACKS ON THE DISPLACED PEOPLE OF TAWARGHA, ABDUCTIONS AND ILL-TREATMENT

Since the beginning of August, at least 22 men from the Tawargha community have been abducted by several armed groups in and around Tripoli.²² By mid-September, eight had been released according to Tawargha activists. Three others were released on 2 October in a prisoner release of 47 Tawargha held in Misratah since the 2011 armed conflict. Others have been detained and questioned at checkpoints for hours following identity checks.

One Tawargha activist was detained twice. First on 23 August at a checkpoint manned by the Fursan Janzour Brigade. Then on 26 August by members of the Libya Shield forces for the Western Region near Military Camp 27, west of Tripoli. He told Amnesty International that, each time, he was released after several hours following the intervention of influential contacts. During the first incident, he was threatened with death, and repeatedly insulted. *"They called me a slave and a mercenary. They accused me of supporting Warshafana and threatened that they would come and find me in the Tawargha camp in the Naval Academy. They said that the Tawargha do not deserve to live"* – he recounted his experience to Amnesty International.

In the early hours of 30 August, members of Libya Shield Forces allied with the Libya Dawn coalition attacked a camp for internally displaced Tawargha located in al-Fellah area of Tripoli. Rheel Abdallah Abd al-Salam was shot in the back and died on the spot. Three other Tawargha men were injured by gunfire in the attack. Militia members also abducted five men during the attack, and took them to the militia compound in Yarmouk. The men were ill-treated at the compound before their release was negotiated by the Tawargha Local Council.

According to residents of the camp who witnessed the attack, at about 2:30am, two men attempted to enter Al-Fellah Camp and seize the car of one of the residents. Faced with resistance from the community, they left. They came back a while later and shot at two men smoking cigarettes near the camp's entrance, wounding one man in the leg and the other in the stomach. Following the shooting, they retreated once again. After a short while, the men came back with a large number of vehicles with mounted heavy anti-aircraft machine guns and anti-tank rifles. They were shooting in the air with their rifles and machine guns. Eyewitnesses estimated the number of cars at between 20 and 50.

According to one account, about 100 men armed with Kalashnikovs got out of the vehicles and went inside the prefab containers used as accommodation by the displaced people of Tawargha, telling everyone to go outside. Inside, they shot Rheel Abdallah Abd al-Salam in the back who reportedly died immediately. After being startled by shotguns, Salem Irqea, another resident, was shot in the right shoulder as he left his room. Five Tawargha men were

then told to carry the dead body of Reheel Abdallah Abd al-Salam into a vehicle after which they were forced to get inside as well. Amnesty International interviewed one of the men following their release who recounted the ill-treatment he and the other men were subjected to during their transfer to Yarmouk Military Camp: *“Once in the car, we were made to put our feet up on Reheel and sit on him even though he was already dead. We were insulted and beaten in the car before even arriving to Yarmouk Camp. The men hit us with their hands and weapons. We were treated like less than humans. Even animals would have been treated better. Once we were taken inside Yarmouk Camp, the treatment improved”*. The five men were released in the late afternoon of 30 August following negotiations led by the Tawargha Local Council.

The Libyan authorities have failed to protect the displaced community of Tawargha from retaliatory attacks by militias since they were driven out of their homes in August 2011 by armed groups from Misratah who accused them of supporting Colonel al-Gaddafi’s rule and of committing crimes on his behalf. For months after the conflict, the Tawarghas were hunted down by militias and suffered arbitrary arrests, torture and killings. Since 2011, their camps, mainly in Tripoli, have been attacked on a number of occasions with live ammunition. Amnesty International has documented two previous attacks against al-Fellah Camp, which resulted in the death and injuries of ordinary residents uninvolved in military activities. On 15 and 16 November 2013, one man was killed as a result of gunshot injury, while three others were injured, when members of a Misratah militia attacked al-Fellah camp with live ammunition²³. On 25 July 2013, a taxi driver was fatally wounded after a group of men driving by the camp in an unmarked car opened fire at him while he was parked near the camp’s entrance.²⁴ In February 2012, a militia raid on the Janzour resulted in the killing of seven people, including three children. Thirteen others suffered gunshot wounds.

CONCLUSION AND RECOMMENDATIONS

Militias and armed groups are responsible for gross human rights abuses and serious violations of international humanitarian law as part of the armed conflict in western Libya, including possible war crimes. Those who commit, order or have command responsibility for war crimes are liable for prosecution, including by the International Criminal Court, which has jurisdiction over the situation in Libya. Under UNSC Resolution 2174 adopted in August 2014, individuals responsible for “planning, directing, or committing, acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in Libya” are subject to UN sanctions, including travel bans and asset freezes.

Amnesty International is calling on all commanders of armed groups and militias involved in the conflict to:

- Condemn publicly, and take action to stop, all human rights abuses and violations of international humanitarian law, in particular abductions, torture and other ill-treatment, the looting and destruction of civilian property, and make clear to everyone under their command that such acts will not be tolerated under any circumstances;
- Inform families of the fate of abducted relatives, including those who have died, disclosing the circumstances of their deaths and the location of their burial;
- Immediately release any person held solely on the basis of their place of origin or political opinion;
- Treat all detainees, including captured fighters, humanely, protect them from torture and other ill-treatment and allow them to communicate with their families;
- Remove from their ranks any member suspected of involvement in torture and other violations;
- Immediately end direct attacks on civilians and on civilian objects, such as medical facilities, and indiscriminate attacks;
- Respect medical personnel, ambulances and other medical transports used solely for humanitarian purposes, and ensure injured fighters receive the medical care and attention required by their condition without discrimination;
- Co-operate fully with investigations into human rights abuses and violations of IHL.

ENDNOTES

¹ Militias that formed during and after the 2011 armed conflict have ostensibly refused to give up their arms until their demands of cleansing all institutions, including security forces, from “remnants of the former regime” were met. For example, militias allied with the Libya Dawn coalition have accused Zintan-based militias such as al-Qa’aqaa of integrating former members of al-Gaddafi brigades into their structures.

² This briefing only focuses on violations perpetrated in Tripoli and other areas in western Libya between 13 July and the end of September 2014.

³ Warshafana is one of Libya’s largest tribes. Its members live in areas located southwest of Tripoli. The tribe was accused of siding with Colonel Muammar al-Gaddafi’s armed forces during the 2011 armed conflict, and, as a result, many members of the community have been detained by state affiliated militias since then. Arrest campaigns have led to a growing resentment by the community and eroded its trust in the central authorities leading to intermittent armed clashes between small armed groups from Warshafana and state-affiliated militias, predominantly from Zawiya, Souq al-Jumaa area of Tripoli, and others. . In January and February 2014 ordinary residents in Warshafana were wounded and killed, while their homes were damaged as a result of reckless fire with anti-aircraft machine guns, mortars, artillery and rocket-propelled grenades by state-affiliated militias.

⁴ See UNHCR, Over 100,000 people displaced in Libya over the past three weeks, 10 October 2014, available at: <http://www.unhcr.org/5437b1a3746.html>; See also United Nations Office for the Coordination of Humanitarian Affairs, Flash Update 2, Humanitarian Agencies launch appeal to respond to a large-scale displacement in Libya, 8 October, available at: <http://reliefweb.int/report/libya/ocha-flash-update-2-humanitarian-agencies-launch-appeal-respond-large-scale>

⁵ See Amnesty International, press release, *Libya: indiscriminate shelling of civilian areas in Tripoli and in Benghazi amounts to war crimes*, 6 August 2011.

⁶ The ICRC and the Libyan Red Crescent Society (LRCS) were able to deliver urgent medical supplies for the first time on 17 September. International Committee of the Red Cross, *Libya: ICRC and Libyan Red Crescent deliver urgent medical aid*, 17 September 2014, available at: <https://www.icrc.org/en/document/libya-icrc-and-libyan-red-crescent-deliver-urgent-medical-aid#.VCwC5PldWd4>

⁷ The Warshafana Shura Council is a body, which gathers elders and other prominent figures of the town to deal with various issues affecting the community, including at times, arrests, armed clashes and tribal negotiations.

⁸ Rome Statute of the International Criminal Court, Articles 8(2)(c)(i), c(iii) and (e)(xii)

⁹ Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, in relation to the escalating violence in the Situation in Libya, 25 July 2014, available at: http://www.icc-cpi.int/en_menus/icc/structure%20of%20the%20court/office%20of%20the%20prosecutor/reports%20and%20statements/statement/Pages/otp-statement-12-06-2014.aspx

¹⁰ Security Council Resolution 2174 (2014), available at: <http://www.un.org/News/Press/docs/2014/sc11537.doc.htm>

¹¹ There has been an increase in assassinations in Benghazi, including of activists and other civilians, in August and September 2014.

¹² Military Councils were formed during the 2011 armed conflict by communities that rose up against Colonel al-Gaddafi to coordinate efforts of local armed brigades. In the absence of an army, these brigades came under the authority of such military councils to perform a variety of security-related tasks such as policing and combatting crime. In some cities, such as Zintan, military councils have operated until today.

¹³ The Zintan Shura Council is a body which gathers elders and other prominent figures of the town to deal with various issues affecting the community, including at times, arrests, armed clashes and tribal negotiations. Other communities in Libya have also formed their own shura councils.

¹⁴ See <http://www.alwasat.ly/ar/mobile/article?articleid=36593>

¹⁵ The Council of Elders has played a mediating role between rival militias since the end of the 2011 armed conflict.

¹⁶ Opinion by Dr Derrick Pounder

¹⁷ Amnesty International correspondence with Reporters Without Borders, 16 September 2014

¹⁸ For example on 19 September 2014, 10 individuals were assassinated in Benghazi, including two young civil society activists, named Tawfik Bensaud, aged 18, and Sami al-Kawafi, aged 17. These assassinations followed the murder of human rights lawyer and women's rights activist Salwa Bughaighis on 25 June 2014. See Amnesty International, *Libya must ensure proper investigation after prominent lawyer shot dead*, 26 June 2014 available at: <http://www.amnesty.org/en/news/libya-must-ensure-proper-investigation-after-lawyer-salwa-bugaighis-shot-dead-2014-06-26>

¹⁹ See United Nations Office of the High Commissioner for Human Rights, *UN rights chief Zeid condemns attacks on human rights defenders in Libya*, 14 October 2014, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15168&LangID=E>

²⁰ See OHCHR, Briefing notes, 24 October 2014

²¹ See Amnesty International press release, *Libya: Media attacked as tensions rise over Political Isolation Law*, 8 March 2013.

²² The Tawargha, a community of approximately 40,000 black Libyans, were forcibly displaced from their hometown of Tawargha in August 2011 by militias from Misratah who accused them of supporting Colonel Muammar al-Gaddafi and on committing war crimes on his behalf. They have been displaced since then and have, for the most part, been living in poorly resourced camps in Benghazi and in Tripoli.

²³ See Amnesty International, *Libya: The day militias shot at protesters*, 21 November 2013, (Index: MDE 19/012/2013)

²⁴ See Amnesty International, *Libya: Barred from their homes, The continuous displacement and persecution of Tawarghas and other communities in Libya* (Index: MDE 19/011/2013).

RULE OF THE GUN

ABDUCTIONS, TORTURE AND OTHER ABUSES IN WESTERN LIBYA

Since the start of the conflict in western Libya in July 2014 between the Libya Dawn coalition of militias and their rivals predominantly from the town of Zintan and area of Warshafana, militias and armed groups on all sides have committed serious human rights abuses and violations of international humanitarian law some of which amount to war crimes.

This briefing, based on Amnesty International interviews conducted in August and September 2014, describes the range of abuses perpetrated by all parties to the conflict, including indiscriminate shelling, abductions and hostage-taking of civilians, torture and other ill-treatment and summary killings. Militias and armed groups have also burnt, destroyed and looted civilian property, and attacked media professionals, civil society activists and internally displaced persons.

Amnesty International is calling on all militias and armed groups to immediately and unconditionally release anyone abducted purely on the basis of their background or political loyalties. All detainees, including captured fighters must be treated humanely under international humanitarian law. Commanders must make it clear that torture and other ill-treatment will not be tolerated, and remove from their ranks any individuals suspected of involvement in such acts.

Those who commit, order or have command responsibility for war crimes are liable for prosecution, including by the International Criminal Court, which has jurisdiction over the situation in Libya.

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Index: MDE 19/009/2014
October 2014

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