



UNITED NATIONS
SUPPORT MISSION IN LIBYA



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

**UPDATE ON VIOLATIONS OF INTERNATIONAL HUMAN
RIGHTS AND HUMANITARIAN LAW DURING THE ONGOING
VIOLENCE IN LIBYA**

(REVISED)*

23 December 2014

United Nations Support Mission in Libya

Office of the United Nations High Commissioner for Human Rights

UPDATE ON VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW DURING THE ONGOING VIOLENCE IN LIBYA

23 December 2014

1. Introduction

This briefing is an update on human rights and humanitarian law concerns in Libya following the report published on 4 September 2014 by the United Nations Support Mission in Libya (UNSMIL), in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), which highlighted concerns arising from the violence between armed groups since mid-May to the end of August 2014. This update covers the period until mid-December 2014. Libya continues to experience armed conflicts and other violence across the country, and violations and abuses of international human rights and humanitarian law persist, causing hundreds of deaths, mass displacement and a humanitarian crisis in many areas.

At the end of August, the coalition led by Misrata-based armed groups that had launched Operation Libya Dawn (*Fajr Libya*) the previous month, took over control of Tripoli, evicting Zintan-affiliated armed groups from the international airport and other areas of the capital. The Libya Dawn coalition then spread its operations to the Warshafana region west of Tripoli, in the direction of Zintan, with the participation of further armed groups from al-Zawiya and other towns. By the end of September, much of the fighting in Warshafana had ended.

On 11 October, serious fighting erupted in the Nafusa Mountains, south-west of Warshafana, when Zintan armed groups shelled and laid siege to the towns of Kikla and al-Qal'a. Zintan fighters are reported to have gained control of Kikla in late November. Also in late November, airstrikes were carried out by air force aircraft affiliated with General Khalifa Haftar against Mitiga airport in Tripoli and other areas in the west of the country.

In Benghazi, fighting has continued between General Haftar's forces conducting Operation Dignity (*al-Karama*), and the Benghazi Revolutionaries' Shura Council (BRSC), an alliance of armed groups including *Ansar al-Shari'a* and Libya Shield units. In a major operation announced on 15 October, Dignity forces broke the siege of Benina airport and reportedly took control of several neighbourhoods in Benghazi previously occupied by BRSC forces. By mid-December 2014, fierce battles were continuing, involving ground operations as well as airstrikes by Dignity forces.

The south of Libya also experienced violence, particularly in early October, when fighting broke out in Awbari mainly between armed groups from the Tuareg and Tabu communities. General security in the country also deteriorated with car bomb attacks in al-Baida and Tobruk, including in the vicinity of a visiting UNSMIL delegation in al-Baida, on 9 November, and further car bombings in both cities on 12 November. In addition, armed men have vandalised mosques in Tripoli, including the Othman Pasha madrasa, which serves the Sufi community, as well as the Kamanli, Shaib al-'Ain, al-Manara al-Ja'fariya and Shara'a Mizran mosques, and reportedly attempted several times to attack the Darghouth mosque but were repelled by other men from the area.

2. UNSMIL Mandate

Established in September 2011 by the Security Council¹, the UNSMIL mandate was renewed by resolution 2144 of 13 March 2014 which tasked the Mission to provide assistance in a number of areas, including supporting Libyan efforts to “promote the rule of law and monitor and protect human rights, in accordance with Libya’s international legal obligations”, “in full accordance with the principles of national ownership”.² In fulfilment of its human rights mandate, the Human Rights Division of UNSMIL also represents OHCHR.

This report is based on information gathered during a mission to Tripoli conducted by UNSMIL from 17 October to 2 November 2014, as well as information provided by various contacts, such as human rights defenders, medical personnel, journalists and victims' families. Figures and other data contained in this report are the best estimate of the Human Rights Division of UNSMIL, based on information received from members of the UN Country Team in Libya and other sources. In Tripoli, UNSMIL met with members of shura councils, local councils and local crisis committees, as well as members from civil society organisations, internally displaced persons and others affected by the fighting. UNSMIL also visited a number of detention centres, but was not able to visit areas outside of Tripoli due to security conditions and lack of authorisation from Libyan authorities. In this report, the names of some of the victims and other details that may identify them are omitted for their safety and that of those close to them.

3. Key Developments

i. Tripoli

The humanitarian situation in Tripoli has improved since the end of the fighting in late August, and the visible presence of armed groups has reduced. Residents told UNSMIL they felt security had also improved in areas of Tripoli. However, political and human rights activists, media professionals and other public figures have been targeted since the takeover of the city by Libya Dawn forces, and many whom UNSMIL met have described the overall climate as repressive³.

Activists as well as other public figures have been abducted, threatened or had their homes looted or burned. Some human rights defenders have relocated to Tunisia and other countries. For example, one prominent human rights defender received text messages from armed groups warning him to stop his advocacy work or else his children would be abducted and killed. Several human rights and political activists have also been targeted on social media. In one case, an activist was abducted soon after he was threatened on Facebook and remains missing.

During the reporting period, media professionals also continue to be targeted. A journalist in Tripoli left the country after receiving death threats as well as threats against his family on social media. Another was abducted for four days in September. On 5 October, al-Tayeb Isa, founder of Tuareg Tumsat television, was killed on the road between Awbari and Ghat; his

¹ S/RES/2009 (2011)

² S/RES/2144 (2014)

³ “UN rights chief Zeid condemns attacks on human rights defenders in Libya,” 14 October 2014.

car had been set on fire and his body was found riddled with bullets. Several days later, radio presenter Mutassem al-Warfalli was killed in Benghazi, when an armed man fired at him and then drove away. On 10 October, Mua'dh al-Thlib, a journalist with al-Asema television, was abducted in Tripoli and held for two days before being released. He was abducted again in early November at Mitiga airport and released two days later. In November, Amara al-Khatabi, editor of al-Umma newspaper, was sentenced in absentia to five years' imprisonment after conviction on charges of defaming public officials, for the publication of a 2012 article in which he alleged corruption in the judiciary and named over 80 judges and prosecutors.

The National Council for Civil Liberties and Human Rights (NCCLHR), Libya's national human rights institution, has ceased functioning. In mid-October, Council members and staff received threatening calls by persons claiming to be affiliated with Libya Dawn. A group of armed men apparently associated with the Libya Dawn camp then visited the premises of the Council requesting the handover of keys and official stamps. Council staff refused the request. In a separate visit, armed men sought to question some senior staff and members of the NCCLHR who were not there at the time. In late November, the premises of the Council were forcibly shut down. Individual members and staff received threats and some have since left the country⁴. Staff members affiliated with Libya Dawn have reportedly proposed new members of the Council to the GNC.

UNSMIL also received reports that the archives of key governmental institutions in Tripoli were broken into in September and a large number of files taken to Misrata by Libya Dawn forces. They include the archives of the ministries of Justice, Defence and the Interior – including civilian criminal investigation files and those belonging to the military prosecution.

In November, statements attributed to Libya Dawn warned people not to stage any demonstration marking the one-year anniversary of the incidents in Gharghur in Tripoli on 15 November 2013 when armed groups from Misrata fired on protesters and triggered clashes which left around 50 dead and hundreds wounded. There were eventually few demonstrations on the anniversary and UNSMIL is not aware of major disruption.

On 24 and 25 November, aircraft carried out strikes against Mitiga airport in Tripoli, reportedly injuring two women and causing damage to buildings on the airport perimeter. Saqr Gerushi, commander of the Libyan air force affiliated with General Haftar, reportedly claimed responsibility for the airstrikes, declaring that the intention was to cause minimal damage as a warning for the airport not to be used to bring weapons into the country, and that decisive force would be used in the future if weapons kept arriving.

ii. Western Libya - Warshafana

Warshafana is a wide area, mostly farmland, bordering Janzour in the west, al-Zawiya in the east and Gheryan in the south. It is an area perceived to be harbouring many Qadhafi supporters as well as common criminals involved in robberies, carjacking and other crimes. During the fighting in Tripoli, Warshafana-based armed groups, allied to Zintan, fought against Libyan Dawn forces in Tripoli and al-Zawiya.

⁴ OHCHR press briefing notes on Libya and Malaysia, 14 November 2014.

From late August until early October, Libya Dawn forces launched a major operation against Warshafana armed groups. Both sides reportedly engaged in indiscriminate shelling. The number of civilian casualties is difficult to establish as Libyan hospitals or local bodies do not generally distinguish between fighters and civilians when producing their casualty figures. However, UNSMIL received copies of dozens of forensic reports of deaths due to shelling or gunshots, including those of two women and a four-year-old child, and estimates that around 100 persons were killed and 500 injured.

The fighting in Warshafana caused an immediate humanitarian crisis, with at least 120,000 persons estimated to be internally displaced persons in early December in the western area of the country, with acute shortages of food and medical supplies. The United Nations sent an aid convoy to the area on 17 September and further assistance to the displaced was sent specifically by WFP and UNHCR on 21 September for recently displaced people. Many of the displaced have taken refuge in towns, including Bani Walid, Gheryan, Tarhouna and Zintan.

The fighting also resulted in extensive property destruction. UNSMIL received reports of damage to civilian objects such as schools, hospitals and clinics, highlighting the apparently indiscriminate nature of shelling in Warshafana and al-Zawiya by both sides to the conflict. The hospital in al-Zahra was burned and medical instruments reportedly looted or destroyed by fighters from Libya Dawn. Armed groups from both sides reportedly used schools as bases for launching their attacks.

Displaced people from Warshafana told UNSMIL of hundreds of houses, farms and other businesses which were shelled, burnt down, or looted and destroyed by bulldozers. Some individuals provided photographs of the damage to their homes or other property. In mid-October, as UNSMIL drove into Tripoli from the Tunisian border, it observed houses and shops in al-Maya damaged or destroyed, with fires still smouldering. When UNSMIL sought to visit the area later in October, the authorities in Tripoli said that Warshafana had been declared a military zone and remained off-limits to the Mission.

Airstrikes by the Libyan air force affiliated with General Haftar were conducted on 2 and 3 December on Zuwara, reportedly killing eight people – including five migrant workers – as the strikes apparently hit a food warehouse on the first day, and the port area the following day. Further airstrikes were conducted on buildings at or near the Ras al-Jdir border crossing with Tunisia, and against Bir Ghanem, south of al-Zawiya, reportedly killing and injuring civilians.

iii. Western Libya - Nafusa Mountains

Fighting in the Nafusa Mountains has been ongoing since 11 October when Zintan armed groups shelled and laid siege to Kikla and al-Qal'a. Zintan and Libya Dawn fighters reportedly have used schools as military bases. The shelling damaged a number of houses, schools and hospitals. There have been shortages of food and medical supplies, which have reportedly contributed to deaths, and the fighting prevented humanitarian aid to reach the area.

By the end of November, over 170 persons were reported to have been killed, hundreds injured, and over 5,700 families displaced. With an average of six members per family, the majority of displaced families are women and children. Some 5,000 families have been

displaced to different parts of Tripoli, such as resorts, unfinished buildings, schools and parks. The situation of these internally displaced families is extremely difficult especially for those who do not have relatives or support from the host community.

UNSMIL intervened with government, Zintan and Libya Dawn officials to seek their agreement to facilitate the safe evacuation of the wounded, after complaints by Kikla residents that they were being prevented from taking dead and wounded to Yefren and Gheryan by Zintani forces' attacks. Some wounded were eventually evacuated by road from Kikla in mid-November. The local authorities in Zintan have also complained that Libya Dawn fighters had prevented their wounded from being taken by road to Tunisia.

iv. *Eastern Libya - Benghazi*

Fighting in Benghazi escalated in mid-October, with General Haftar's Operation Dignity attempting to establish control over the city by defeating the coalition of armed groups under the BRSC. UNSMIL has received reports of indiscriminate shelling by both sides, as well as indiscriminate airstrikes by the air force aligned with Dignity. Around 450 people have reportedly been killed from mid-October to mid-December.

Increasingly, inhabitants in Benghazi are facing serious shortcomings in medical care and a shortage of medicines. Garbage collection has also been severely disrupted in Benghazi creating a health hazard.

Among the buildings damaged by the fighting is the Hawari General Hospital, which was hit by a rocket on 18 October, and temporarily evacuated, along with the nearby Hawari Mental Hospital. In early November, four medical staff were reportedly abducted from the General Hospital but managed to escape, while another was shot dead. As a result, many medical staff have stopped working there. *Ansar al-Shari'a* is reported to have taken control of the facility and at one point to have placed snipers on top of the roof. On 20 November, armed men are reported to have broken into the Hawari Medical Centre – close to the General Hospital – and vandalised it, in addition to threatening the staff. In November, al-Jumhuriya Hospital in al-Sabri neighbourhood was shelled several times and evacuated, as also was the 7 October Hospital in the centre of Benghazi, due to severe clashes in its vicinity. On 7 December a missile attack, reportedly by *Ansar al-Shari'a*, set fire to a wing of the Benghazi Medical Centre. The blood-bank in al-Laythi neighbourhood was closed due to intensive shelling in the area and relocated to al-Salmani.

Dignity forces have detained dozens of men in areas under their control, including on the basis of their political affiliation or nationality, and some were allegedly tortured before being moved to Gernada prison, near al-Baida. On 22 October, the BRSC reportedly moved over 130 inmates from Buhdeima military prison to an unknown destination and declared they were going to be tried in accordance with *shari'a*.

On 18 November, forces loyal to General Haftar occupied the national headquarters of the Libyan Red Crescent Society in the northern neighbourhood of al-Salmani, which had been evacuated two weeks earlier, but left it shortly after following local and international interventions. UNSMIL has also received reports that armed elements aligned with Operation Dignity have deliberately destroyed scores of houses and other property of perceived opponents, including through the use of bulldozers. Over 100 houses have reportedly been destroyed in this way in al-Salmani neighbourhood. These actions have apparently triggered

reprisals against houses of perceived Dignity supporters.

UNSMIL has liaised with both sides and cooperated with the Libyan Red Crescent Society in an effort, in November, to broker a truce to evacuate civilians, retrieve the bodies of the dead and facilitate the removal of garbage. The truce was also meant to allow civilians to attend to the injured and to restock on food and other basic supplies. On 19 November, the negotiations led to a reduction in clashes for the day, but a sustainable truce was not agreed by either side and fighting has continued.

As of 4 December, the Benghazi Crisis Committee reported that over 15,000 families were displaced from the city. While the majority have been taken in by host communities, over 9,000 people – mostly Tawerghans – were seeking shelter in schools, unfinished buildings and open facilities such as parking lots.

Tawerghans have been displaced since they were forcibly displaced in August 2011 by armed groups from Misrata, following allegations of grave human rights abuses committed in Misrata by pro-Qadhafi forces from Tawergha. Since then, they have been unable to return to their homes. On 17 October, residents of the Gar Yunes camp for the displaced were evacuated, re-displacing some 2,500 Tawerghans who sought temporary shelter elsewhere, including along the road to Ajdabiya or in the town itself. Over 5,600 Tawerghans have been re-displaced from five camps in Benghazi since mid-October.

In late November, some 250 families left the al-Hallis displacement camp in Benghazi because of the shelling, while some 200 other families who had remained out of fear of leaving were facing severe food shortage. In mid-December, LibAid and the Local Tawerghan Council were trying to secure a safe corridor for the remaining families to leave the camp.

v. *Southern Libya – Awbari*

The south of Libya has also experienced violence, in particular in early October, when fighting broke out in Awbari, a town mainly inhabited by the Tuareg but also the Ahali and Tabu. Clashes erupted between Tuareg and Tabu armed groups for control of the area, in a context in which both Zintan and Misrata armed groups are seeking to extend their networks of local alliances in the south.

As a result, indiscriminate shelling damaged at least four schools, banks, official government buildings and several private houses. Some 140 people had reportedly been killed by mid-December, including four boys in unclear circumstances: their bodies were handed over to Sabha hospital.

UNSMIL received complaints about continuing shortages of medicines and specialised doctors in Sabha hospital, which already predated the fighting. The humanitarian situation in Awbari has deteriorated as armed groups denied access for relief aid.

As of early December some 3,500 families had been displaced, many to Ghat, Murzuq, Brak al-Shati and Sabha. Men from certain internally displaced populations, such as the Tuareg and Tabu, have been arrested and detained by armed groups on the basis of their suspected association with rival groups, particularly in such areas as Sabha, Muzurq and Ghat.

vi. *Detentions, Abductions, Torture and Executions*

In addition to the detention of fighters or suspected fighters – some of whom were exchanged while others remain detained – UNSMIL has received reports that dozens of civilians were abducted by all sides, solely for their actual or suspected tribal, family or religious affiliation, often as hostages in order to exchange them for others held by the opposing side. In some cases, people have been reportedly abducted on the basis of numbers or other information found in their mobile phones. Some have since been missing and their abduction may amount to enforced disappearances.

Armed groups are holding people in official prisons but also in makeshift detention centres, as during the 2011 conflict. Among those presumed to be held in such unofficial detention centres is Sulayman Zu'bi, aged 71, a member of the GNC from Benghazi, abducted in Tripoli on 20 July by a Zintan armed group, and believed to be held in Zintan.

Migrants, particularly those from sub-Saharan Africa, are also facing arbitrary detention by various armed groups. In Benghazi, 17 Eritrean migrants were reportedly detained since mid-November in Camp 21, where they were reportedly obliged to do physical labour both inside and outside the camp. An additional 15 Eritreans are reportedly being detained near a hotel in Benghazi.

UNSMIL has also received allegations of torture and other abuses which are consistent with earlier patterns of ill-treatment of detainees, but are a cause of even greater concern because of the heightened political tensions and the ongoing active hostilities. UNSMIL documented individual cases of torture carried out by armed groups from Warshafana and al-Zawiya (in particular in al-Jazira and al-Janubi prisons) and in Tripoli (in particular in Mitiga and Abu Salim detention centres).

UNSMIL has documented several cases of abductions reportedly carried out by Warshafana armed groups, by Libya Dawn forces, and by fighters affiliated to General Haftar. In all these cases, the detainees were allegedly tortured, and at least two are said to have died as a result. According to the accounts received by UNSMIL:

- On 7 August, a police officer from al-Zawiya was stopped by an armed group at a checkpoint near Camp 27. When they found his uniform in the trunk of the car he was beaten, blindfolded and taken to a farm. Here he was held with detainees from different regions, including Tarhouna, Suq al-Jum'a, and Misrata, as well as Egyptians and Syrians and other foreigners. He was interrogated for six days. His captors then shot him in an arm and leg, and beat him even as he was taken to al-Zahra hospital. He was subsequently released.
- On 8 August, a father and son were detained at a checkpoint in al-Maya and taken to a farm where they were severely beaten. At one point their captors poured petrol on them and threatened to burn them alive. They were accused of being fighters for a rival group from al-Zawiya. After some days, they were exchanged for Warshafana detainees. Both spent time in the hospital in al-Zawiya and Tunisia, and have filed a criminal complaint in al-Zawiya.
- In the west, two brothers and a friend were arrested in Warshafana on 3 October, the eve of Eid al-Adha. They were taken to al-Zawiya where they were beaten by a crowd. They

were then taken to a prison and tortured. One of the brothers was admitted to al-Zawiya hospital on 8 October where he died six days later; his forensic report states that he died due to torture. The second brother was released on 18 October.

- On 10 October, a man and his cousin were arrested at a checkpoint near al-Hassan area and transferred to al-Zawiya, where they were detained in a building close to Jedayem prison. Both men were allegedly subjected to various forms of torture such as being beaten with electric cables. After two days, both men were transferred to al-Janubi prison. One was released after 10 days and the other after 20 days.
- On 27 November, a man from al-Zawiya was abducted from his work in Tripoli and died in the custody of an armed group in western Libya affiliated with the Libya Dawn coalition. His body was taken to Abu Salim Hospital and the forensic report noted that he was beaten all over, resulting in severe bleeding and he died as a result.
- In the east, members of one family have been abducted – and others had their property destroyed – by fighters loyal to Operation Dignity due to their suspected affiliation with the BRSC. Four family members were abducted from their home in late October and taken to a detention facility. One died in detention in unclear circumstances in late November, while the remaining three were released in early December.
- On 1 December, as fighting intensified near the al-Hallis displacement camp, 27 Tawerghan families left the camp and were stopped at a checkpoint by fighters of the BRSC coalition. On 24 November, 11 Tawerghans were reportedly abducted on suspicion that they supported Operation Dignity, and 13 more were abducted three days later. Ten of them were released by early December. Earlier on 24 November, Bennisir Musa'ed Bennisir, also from al-Hallis camp, was reportedly abducted, also at a BRSC checkpoint in Guwarsha, and found dead two days later in the Tika area of Benghazi.

UNSMIL has also received reports of problems in detention centres which are officially under the Ministry of Justice's Judicial Police, such as al-Jawiya Institution for Correction and Rehabilitation in Misrata, where conditions seem to have deteriorated and prisoners have been allegedly beaten among other violations. Additionally, three detainees were reportedly killed and three others injured in unclear circumstances, apparently in a prison riot in al-Sikt military prison, in Misrata, on 29 August. UNSMIL also received allegations of torture and other ill-treatment in Mitiga and Abu Salim detention centres in Tripoli, and visited those facilities in October, but was not allowed to meet with detainees in confidence.

Allegations of summary executions by all sides have also been reported but are difficult to verify. Particularly disturbing is a video circulating on the internet, posted since mid-November, of a young man, apparently a Dignity fighter named Ahmad Muftah al-Nazihi from Benghazi, in which he warns viewers not to fight against *Ansar al-Shari'a*, after which he was beheaded. Three men in Derna are also reported to have been recently beheaded by *Ansar al-Shari'a* or allied groups.

4. Obligations Under International Law

Parties engaged in the fighting in Libya are bound by relevant provisions of international human rights and humanitarian law. In particular, all parties must respect the prohibition of direct attacks on civilians and civilian objects, as well as the prohibition on indiscriminate attacks and the obligation to adopt precautionary measures in launching attacks. Hospitals, schools, airports, ports and all other civilian facilities not used for military purposes must not be attacked.

In addition, abductions, the taking of hostages, as well as arbitrary deprivations of liberty, including detention on the basis of a person's individual or group identity, are prohibited. All those in custody, enemy fighters or civilians, must be treated humanely, and the wounded in particular must be taken care of, regardless of which side they belong to.

Those committing crimes under international law, as well as political leaders and commanders of armed groups who order the commission of such crimes or fail to take reasonable and necessary measures to prevent or punish their commission, are criminally liable including before the International Criminal Court. Many of the violations and abuses described within this report potentially fall under the jurisdiction of the International Criminal Court, which is continuing to investigate the situation in Libya.

Under resolution 2174 (2014), adopted on 27 August 2014, the Security Council decided that targeted travel ban and asset freeze measures shall apply on, inter alia, individuals or entities “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”.

5. Recommendations

UNSMIL and OHCHR reiterate their appeals to all sides of the conflict to cease all armed hostilities and engage in an inclusive political dialogue, seeking to build a State based on democracy, and respect for human rights and the rule of law.

The Libyan authorities must hold accountable, in accordance with international standards, all parties responsible for serious violations and abuses of international human rights and humanitarian law regardless of affiliation. The authorities should resume building state institutions as soon as feasible, particularly law enforcement agencies and the overall justice system.

UNSMIL and OHCHR also urge all fighters and their leaders to:

- Desist from violations of international law, in particular all acts that may amount to war crimes or crimes against humanity, including indiscriminate attacks; attacks on medical facilities and ambulances; enforced disappearances; murder; hostage-taking; torture and other ill-treatment; and destruction of property.
- Declare publicly that acts amounting to violations and abuses of international human rights and humanitarian law will not be tolerated. All armed groups must remove from active duty those among their members suspected of having committed such acts.

- Treat detained people humanely and release them or hand them over to the justice system. Release all hostages immediately. Armed groups must also account for the fate of those detained and under their control who are presumed missing. Families should be immediately informed of the fate and whereabouts of those detained.
- Return in full and without delay, the files removed from the archives of various ministries in Tripoli.

** Revised version incorporates clarification issued on 26 December 2014.*