



# BENGHAZI'S DESCENT INTO CHAOS

ABDUCTIONS, SUMMARY KILLINGS AND  
OTHER ABUSES

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*Cover photo: A member of the Libyan pro-government forces, backed by the locals, carries his weapon during clashes with the Shura Council of Libyan Revolutionaries, an alliance of former anti-Gaddafi rebels who have joined forces with Islamist group Ansar al-Sharia, Benghazi, January 21, 2015. ©Reuters / Esam Omran Al-Fetori*

# CONTENTS

Introduction .....	5
About this briefing .....	11
Humanitarian consequences of the conflict .....	12
Direct attacks on civilians and civilian property .....	16
Abductions and summary killings by groups affiliated with the SCBR .....	21
Allegations of abductions of detainees .....	22
Summary killings .....	23
Detentions and summary killings by operation dignity forces.....	27
Summary killings .....	30
Politically motivated assassinations and assassination attempts .....	35
International humanitarian law and obligations of warring parties.....	38
Conclusion and recommendations.....	39



# INTRODUCTION

Four years since Libyans rose against the ruthless rule of Colonel Mu'ammarr al-Gaddafi, the country is on the brink of collapse. Two governments and two parliaments are fighting for legitimacy and power through various coalitions of militias and armed forces, and are supported by a set of regional and international actors.<sup>1</sup> Across the country, political, ideological, tribal and regional fault lines have opened up to become seams of intense fighting in the west, east and south of the country.<sup>2</sup> Benghazi, Libya's second largest city and the birthplace of the 2011 uprising, is experiencing the worst of the violence. Street battles, assassinations and abductions have become the daily norm. Many of those that once took to the streets in the hope of a better future, have now been forced into exile.

In mid-January 2015, UNHCR, the UN Refugee Agency, estimated that some 400,000 people were displaced across Libya as a result of the fighting and other violence in several areas of the country. Such areas include Benghazi and Derna in the east, near the Gulf of Sidra, around Tripoli in the west and in the south-western town of Obari. Many have experienced a fourth or fifth displacement since the start of the fighting in mid-2014, and are unable to access schools, hospitals and adequate shelter.

Since the start of the armed conflict in eastern Libya between a coalition of Islamist militias and armed groups known as the Shura Council of Benghazi Revolutionaries (SCBR) and forces loyal to Operation Dignity, a military campaign launched in mid-May 2014 by General Khalifa Haftar - allied with the elected parliament and UN-backed government based in Tobruk - all sides appear to have committed serious human rights abuses and violations of international humanitarian law, some of which may amount to war crimes.

The fighting pushed some 90,000 people to flee their homes in Benghazi alone, according to

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<sup>1</sup> The UN-backed government, which was appointed by the elected House of Representatives, is based in the eastern city of Tobruk. It was driven out of Tripoli on 24 August 2014 after Libya Dawn, a coalition of militias predominantly from Misratah, Zawiyah and Tripoli took over strategic infrastructure and ministries there. The self-declared National Salvation Government is based in the Libyan capital and is backed by some members of the former parliament, the General National Congress (GNC), which was reconvened following Libya Dawn's takeover of Tripoli.

<sup>2</sup> Amnesty International published its findings on serious human rights abuses and violations of international humanitarian law perpetrated during the fighting in western Libya between the Libya Dawn coalition and Zintan-Warshafana based militias in a briefing issued last October. See Amnesty International, *Libya: Rule of the gun, abductions, torture and other militia abuses in western Libya*, 30 October 2014, (Index: MDE 19/009/2014), available at: <http://www.amnesty.org/en/library/asset/MDE19/009/2014/en/57d72884-d2a4-4a4d-b6cb-317f82595823/mde190092014en.pdf>

estimates of the Benghazi Local Council reported by UNHCR on 16 January 2015.<sup>3</sup> Among those who have been forced to leave their homes are scores of prosecutors, judges, activists, human rights defenders and journalists who have opposed the grip of the Islamist militias on Benghazi, and the systematic attacks against state institutions over the last three years. Most have fled abroad after receiving numerous death threats and following a sharp increase in assassinations. The murder of human rights lawyer Salwa Bugaighis, one of Benghazi's most prominent figures, on 26 June 2014, was particularly shocking to Libyans, both because of her respected status in the local community, and because such killings had previously targeted men exclusively.

The current battle for Benghazi was launched on 15 October 2014 by the leader of Operation Dignity, General Khalifa Haftar. Under the banner of counter-terrorism, and with the stated aim of retaking the city from SCBR forces and imposing the rule of law, Haftar's offensive on the city led to weeks of intense fighting in several residential areas considered to be Islamist strongholds. These areas include al-Lithi, Bel'oun, Sabri, the area around Qar Younes University, as well as in Qawarsha and al-Hawari districts located on Benghazi's outskirts. In many cases, SCBR members appear to have taken positions in residential areas, leading to weeks of street battles. Forces aligned with the SCBR gained control over Benghazi at the end of July 2014 after they captured the military compound of Sa'iqa Special Forces in Bou 'Atni, prompting the withdrawal of Operation Dignity forces. On 30 July 2014, members of Ansar al-Shari'a, one of the armed groups forming the SCBR, declared that Benghazi was an Islamic Emirate in a video posted online.<sup>4</sup> Armed clashes continued in the Benina area near Benghazi over the control of the civilian and military airport located there.

According to Benghazi residents interviewed by Amnesty International, both army units under General Khalifa Haftar's command and fighters of the SCBR have been operating in, and launching indiscriminate attacks from, residential areas in Benghazi. This has increased the risks to civilians and civilian buildings and infrastructure in the area. Forces loyal to General Khalifa Haftar have additionally carried out airstrikes on residential areas. Those forces have occasionally issued warnings on the Libya Awalan and al-Karama TV channels and through social media urging civilians to evacuate their homes prior to attacks, while members of the SCBR have issued similar warnings via al-Nabaa TV. Nonetheless, civilians have continued to remain caught up in the violence.

Under international humanitarian law, warring parties have an obligation to take all measures to spare civilians and civilian objects. The presence of fighters in residential areas does not absolve parties from their obligation to minimize harm to civilians. Under IHL each party must, to the extent feasible, avoid locating military objectives within or near densely populated areas.

## **PARTIES TO THE CONFLICT IN EASTERN LIBYA**

The Shura Council of Benghazi Revolutionaries (SCBR) was formed in June 2014 as a coalition of Islamist

<sup>3</sup> See UNHCR, the UN Refugee Agency, Upsurge in Libya fighting triggers new displacement, Briefing notes, 16 January 2015, available at: <http://www.unhcr.org/54b8f3389.html>

<sup>4</sup> See video available here: <https://www.youtube.com/watch?v=aiBM1ifbQSI>

militias and armed groups in response to Operation Dignity launched by General Khalifa Haftar on 16 May 2014. Allied with the Libya Dawn coalition fighting predominantly in the west of Libya, the SCBR includes the armed group Ansar al-Shari'a, which was listed in November 2014 by the UN Security Council as a terrorist organization, Libya Shield One, and other associated militias such as the Rafallah Sahati Company and the 17 February Martyrs' Brigade. These and other militias formed during and after the 2011 armed conflict and since the ousting of Colonel al-Gaddafi, operated nominally under the authority of the state, while maintaining their own command structures and political agendas. Ansar al-Shari'a, which aims at enforcing a strict interpretation of Islamic law and is considered to be the most extreme amongst the groups forming the SCBR, has been operating independently of the state since the end of 2011. Ansar al-Shari'a is believed to be behind the attacks against the US consulate in Benghazi on 11 September 2012, which led to the killing of four people, including the then US ambassador to Libya.<sup>5</sup> SCBR forces are also allied to Islamist groups controlling the city of Derna, located about 300 km east of Benghazi. These include the Shura Council of Islamic Youth, which pledged its allegiance to the armed group calling itself the Islamic State, an armed group fighting in Syria and Iraq put on the United Nation's list of terrorist organization; the Abu Salim Martyrs' Brigade and Ansar al-Shari'a.

Operation Dignity was launched by a coalition of rebel army officers, some of whom were excluded from official positions post-2011, under the leadership of General Khalifa Haftar - himself a retired officer at the time. In 2011, General Khalifa Haftar, returned to Libya after 20 years of exile to lead units of anti al-Gaddafi fighters during the conflict. Operation Dignity forces are made up of several former army units, including the 21<sup>st</sup> Sa'iqa Battalion (Special Forces), the 36<sup>th</sup> Battalion, the Air Force, Naval Force and the 204<sup>th</sup> Tank Battalion, most of whom had defected from the al-Gaddafi army in 2011 and entered the ranks of the nascent Libyan army, which was in the process of being rebuilt.<sup>6</sup> They pledged their support to Operation Dignity mainly due to the marginalization of the army and the exclusion of some of its members<sup>7</sup> in the post-2011 period as well as the authorities' inability to end waves of systematic assassinations of security officers, including those amongst their ranks. In addition to trained officers and soldiers, they are made up of volunteer fighters, including some who volunteered with the al-Gaddafi army in 2011. Initially denounced by the central authorities, Operation Dignity gained recognition from the UN-backed interim government based in Tobruk. In

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<sup>5</sup> See U.S. Department of State, *Terrorist designations of three Ansar al-Shari'a organizations and leaders*, office of the Spokesperson, 10 January 2014, available at: <http://m.state.gov/md219519.htm>

<sup>6</sup> The al-Gaddafi era regular army effectively disintegrated during the 2011 armed conflict. For an analysis of the security sector in Libya, see Wolfram Lacher and Peter Cole, *Politics by other means, Conflicting Interests in Libya's Security Sector*, Small Arms Survey, October 2014, available at: <http://www.smallarmssurvey.org/fileadmin/docs/R-SANA/SAS-SANA-WP20-Libya-Security-Sector.pdf>

<sup>7</sup>As one of the officers that took part in the 1969 military coup, which brought Colonel Mu'ammār al-Gaddafi into power, General Khalifa Haftar fits the criteria for political and administrative isolation as per Law 13 of 2013, which bars Gaddafi-era officials from officials from holding positions of responsibility within public institutions for ten years. Similarly, in January 2013, the Ministry of Defence dismissed General Saqr al-Jeroushi, another high-ranking officer leading Operation Dignity, from his position as the head of the Libyan Air Force following a decision by the Integrity Commission, a body established prior to the adoption of the Political and Isolation law. See, Ministry of Defence, <http://www.defense.gov.ly/modules/publisher/item.php?itemid=122>. On 17 January 2015, the Libyan press reported that Saqr al-Jeroushi would be promoted to the rank of Brigadier-General and appointed as the Chief of Staff of the Libyan Air Force.



October 2014, the House of Representatives, Libya's elected parliament, endorsed Operation Dignity as an operation under the General Chief of Staff of the Libyan army.<sup>8</sup> In November 2014, General Khalifa Haftar was reinstated into the Libyan army together with other officers by the elected government, and recognized the authority of the elected House of Representatives in Tobruk.

The fighting in and around Benghazi has resulted in civilian deaths and injuries and damage to civilian buildings and infrastructure in indiscriminate attacks with anti-aircraft machine guns, artillery and rockets. Forces loyal to Operation Dignity additionally used tanks and launched airstrikes against alleged SCBR positions in residential areas without taking the necessary precautions to protect civilian objects and life, while SCBR forces took positions in civilian areas. In certain neighbourhoods, considered to be SCBR strongholds, the damage to homes, mosques, cars and other civilian objects, was extensive. Violations of international humanitarian law were also committed elsewhere in the country during battles conducted in the south and the west, which involved airstrikes carried out by Dignity forces in addition to fighting on the ground.

Amnesty International is alarmed at numerous reports of abductions of civilians, summary killings, torture, and attacks against civilian property, allegedly perpetrated by all parties and their allies.

At least 267 individuals, including civilians and fighters, have been reported missing in Benghazi between June and the end of November 2014, according to the Libyan Red Crescent Society (LRCS). Of these, only three individuals had been successfully found. In recent months, numerous notices have appeared on social media posted by families desperately looking for their missing relatives who had disappeared in unclear circumstances. Amongst those missing is at least one woman. Amnesty International believes that many of these individuals may have been captured or abducted and possibly summarily killed.

The organization's concerns are heightened by reports of dead bodies found dumped every week in and around Benghazi, including in and around al-Marj, a town located approximately 90 km east of Benghazi, which is under the control of Operation Dignity forces. Terrorized by months of violence, Libyan refugees interviewed by Amnesty International in December 2014 in Cairo spoke of bodies being frequently found in car trunks, abandoned construction sites, on the side of roads or near mosques, sometimes with their throats slit or bullet wounds on their heads and bodies. According to its media office, the LRCS recovered at least 119 dead bodies between 15 October and the end of November 2014, often from areas where armed confrontations had not taken place, and following reports by local residents. In some cases, the corpses showed signs of binding and abuse or were found decapitated. According to information available to Amnesty International, approximately 10 decapitated bodies were brought to the Benghazi Medical Centre in the first month of the current offensive, suggesting they were unlawfully killed following capture or abduction.

Videos that have appeared in recent months on social media, which appear to show evidence that forces operating under the SCBR, including the armed group Ansar al-Shari'a, have

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<sup>8</sup> The legitimacy of the House of Representatives was disputed following a Supreme Court decision issued on 6 November 2014, which invalidated the June 2014 parliamentary elections.



carried out execution-style killings of captured fighters and abducted civilians, including at least one beheading. In November 2014, the report of the beheading of three activists in Derna shocked and outraged the Libyan civil society. While no one claimed responsibility for the beheadings, Derna residents blamed Islamist armed groups. They believed that the activists were beheaded in relation to their activism against armed groups controlling the city, who had recently pledged their allegiance to the Islamic State.<sup>9</sup> Reports of assassinations of current and former security officers, state employees, activists and religious leaders continue to emerge. Similarly, as forces under Operation Dignity took control of areas in and around Benghazi, they detained fighters from the SCBR forces and civilians, merely on account of their real or perceived political affiliation or opinion. Operation Dignity forces have also carried out such detentions in al-Bayda and al-Marj in the name of fighting terrorism. In several cases, detainees were held incommunicado, tortured and summarily killed, and their bodies dumped in the area. Days or weeks later, their families would find out about the killings while browsing through photos of unidentified dead bodies on various Facebook websites.

Amid rampant lawlessness, chaos and proliferation of arms, ordinary people have increasingly taken the law into their own hands. Supporters of each side of the conflict have carried out numerous vigilante attacks involving abductions, unlawful killings and attacks against civilian property, often following incitement by individuals affiliated with the warring parties. Unless action is immediately taken by all sides to restore the rule of law, the cycle of revenge and abuse is likely to continue.

Some of the abuses are said to have been carried out by self-described neighbourhood defence armed groups, known as “neighbourhood youths”, which have emerged following Operation Dignity’s calls for an armed uprising on 15 October 2014. The “neighbourhood youths”, also referred to as *sahawat* (awakening groups) by pro-SCBR supporters, are said to have facilitated the army’s operations in residential areas, including by providing intelligence on the location of military targets, and to be fighting alongside Operation Dignity forces. Amnesty International has received numerous reports that these groups are armed by Dignity forces, but was unable to independently verify these allegations.

Abuses were also reportedly perpetrated by groups known as the “Guardians of blood” - the name given to families who have lost relatives in assassination attacks since 2011. According to activists, the number of such assassinations had reached over 500 even before the start of Operation Dignity in mid-May of 2014. Many cited the Libyan authorities’ inability to carry out meaningful investigations into these crimes and bring the perpetrators to justice as the reason for their actions. While the identity of perpetrators remains unknown, many in Benghazi believe that these killings were perpetrated by Islamist armed groups such as Ansar al-Sharia.

Amnesty International calls on all parties to immediately stop the indiscriminate shelling of

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<sup>9</sup> See for example BBC News, *Activists beheaded in Derna*, 11 November 2014, available at: <http://www.bbc.co.uk/news/world-africa-30011640>; See also Human Rights Watch, *Libya: Extremists Terrorizing Derna Residents*, 27 November 2014, available at: <http://www.hrw.org/news/2014/11/27/libya-extremists-terrorizing-derna-residents>

civilian areas; cease direct attacks against civilians or their property and other reprisals against civilians and detainees protected under the laws of war, to publicly condemn such acts and take measures to repress violations of IHL. The organization further calls on all parties to immediately stop the abduction of civilians and unconditionally release anyone held on account of their political affiliation or origin. All parties to the conflict must 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. Commanders and other superiors who fail to repress torture and other war crimes by their subordinates can be held criminally responsible.

In light of the seriousness of the abuses, some of which amount to war crimes under the Rome Statute, the International Criminal Court (ICC) should expand its investigations into crimes under international law committed by all armed groups and militias in Libya from February 2011 until the present.<sup>10</sup> The ICC continues to exercise jurisdiction over war crimes and crimes against humanity perpetrated in Libya following a United Nations Security Council referral on 15 February 2011.

In August 2014, the UN Security Council adopted Resolution 2174, which decided that “the supply, sale or transfer of arms and related materiel, including related ammunition and spare parts, to Libya” must be subject to advance approval by the Sanctions Committee, and expanded existing sanctions on Libya to include individuals or entities engaged in “acts that threaten the peace, stability or security of Libya, or obstruct or undermine the successful completion of its political transition”. The resolution further decided that such acts include the “planning, directing, or committing, acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses”. In a statement made on 17 January 2015, members of the UN Security Council called on all parties to “cease hostilities to create a peaceful and conducive environment for an inclusive dialogue” and recalled that the Sanctions Committee is prepared to sanction those that threaten Libya’s peace.<sup>11</sup> Amnesty International welcomes the statement and calls on the UN Security Council to immediately impose targeted sanctions, including travel bans and asset freezes, against individuals and entities involved in “planning, directing, or committing, acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses” in accordance with UN Security Council Resolution 2174. In light of the scale and gravity of abuses, Amnesty International further calls on all states to fully cooperate with the Sanctions Committee in view of enforcing the arms embargo in Libya.

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<sup>10</sup> Amnesty International previously called on the office of the Prosecutor of the International Criminal Court to undertake investigations into crimes under international law allegedly committed by militias and armed groups in Libya in a letter addressed on 17 December 2014.

<sup>11</sup> UN News Centre, Security Council welcomes first round of Libyan talks, commends participants in dialogue, 17 January 2015, available at:  
<http://www.un.org/apps/news/story.asp?NewsID=49828#.VL0LvCusV-E>

## ABOUT THIS BRIEFING

This briefing is based on 40 interviews conducted by Amnesty International between 1 November 2014 and 7 January 2015, as well as the organization's review of official statements made by parties to the conflict and audio-visual material available online. It is supported by Amnesty International's review of satellite images of specific areas of Benghazi taken between 6 May and 10 November 2014. The briefing focuses on serious abuses perpetrated by all sides of the conflict in and around Benghazi since mid-May 2014. These abuses include abduction of civilians, direct attacks on civilians and civilian property, torture and other ill-treatment, and summary killings. In addition to interviewing victims, their families and eyewitnesses, Amnesty International spoke with activists, medical professionals in Benghazi and in al-Marj, members of the Benghazi Crisis Committee and humanitarian organizations such as the Libyan Red Crescent Society [LRCS].

# HUMANITARIAN CONSEQUENCES OF THE CONFLICT

**“Every day there is shelling, every day there are clashes. People don’t leave their homes. They’re scared. We’re neither with Dignity nor with Ansar al-Shari’a. We’re stuck in the middle.”**

Benghazi resident interviewed by Amnesty International, 30 November 2014

Weeks of prolonged fighting in residential areas have had dire humanitarian consequences on the city's civilian population, disrupting access to medical care, education and services, and causing extensive damage to protected civilian objects and infrastructure, including hospitals. Schools and universities have been effectively closed since mid-May 2014, according to the Benghazi Crisis Committee. Since mid-October, the fighting led to the closure and temporary evacuation of patients and staff from four major hospitals, placing an additional burden on public hospitals and private clinics that have remained open.<sup>12</sup> On 18 October, the Hawari General Hospital was hit by a rocket. On 7 December 2014, a missile, allegedly fired from a residential area by Ansar al-Shari'a, hit the sixth floor of the Benghazi Medical Centre – the main hospital receiving wounded fighters and civilians for treatment. The shell is said to have caused a fire in parts of the building. The following day, a shell fell near the Children's Hospital, but caused no material damage or casualties. Access to medical care has been additionally disrupted due to the shortage of medical supplies and staff, in part as a result of the shelling of Benghazi's main medical warehouse in August 2014, but also due to difficulties faced by Libyan doctors to reach their workplace as well as the departure of foreign medical workers.<sup>13</sup> Those who have been unable to pay for their flights home, including a group of Indian medical staff, have remained stranded in Benghazi and

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<sup>12</sup> The medical institutions that were evacuated include the 7<sup>th</sup> October Hospital, Jumhuriya Maternity Hospital, and the Mental Illnesses hospital. Satellite image of the 7<sup>th</sup> October Hospital taken between on 10 November 2014 shows a significant decrease in vehicles parked in and around the facility suggesting a militarization of the area.

<sup>13</sup> See UN Support Mission in Libya and UN Human Rights Office of the High Commissioner, *Update on violations of human rights and humanitarian law during the ongoing violence in Libya*, 23 December 2014, available at: [http://www.ohchr.org/Documents/Countries/LY/UNSMIL\\_OHCHRJointly\\_report\\_Libya\\_23.12.14.pdf](http://www.ohchr.org/Documents/Countries/LY/UNSMIL_OHCHRJointly_report_Libya_23.12.14.pdf)

were forced to work in public hospitals for free by their employers. Satellite images obtained by Amnesty International of medical institutions such as al-Jalaa Hospital and Ibn Sina clinic show a decrease in vehicle traffic near the two facilities between 1 and 20 October 2014 and a possible roadblock, suggesting increased insecurity in Benghazi, which has resulted in the disruption of healthcare. On 11 December 2014, the International Committee of the Red Cross (ICRC) expressed its concern at severe disruptions of hospital services, caused by heavy fighting in Benghazi.<sup>14</sup>

The exact number of civilian casualties remains unknown. According to medical sources in Benghazi, around 600 people were killed by 18 January 2015.<sup>15</sup> While fighters appear to constitute most of the casualties, doctors interviewed by Amnesty International said that some civilians, including children, have been killed and injured since the start of the hostilities. Despite low civilian casualties, the fear caused by indiscriminate shelling and by direct attacks on civilians has been great. Children in particular have been greatly affected, according to local residents, with many experiencing sleep disturbances and feeling traumatised.

Between mid-October and the end of November, the Libyan Red Crescent Society (LRCS) evacuated close to 1,400 civilians trapped in their homes from areas where street fighting was raging, including Libyans and foreign migrant workers. For weeks, intense street battles in al-Sabri prevented the LRCS from entering the neighbourhood despite some notifications of stranded civilians made by relatives.<sup>16</sup> Footage of one area in the Sabri district reportedly taken by members of Operation Dignity forces on 26 December 2014 and reviewed by Amnesty International shows extensive damage to houses, alleging that it was caused by explosives planted by SCBR members. Sections of some of these houses have been completely destroyed. Some of the damage appears to have been caused by incoming projectiles. In other places, blackened walls suggest that some of the damage was caused by explosions. However, Amnesty International was unable to determine whether these explosions were caused by incoming projectiles or by explosives planted in the buildings. By the beginning of November, the LRCS itself was forced to evacuate its headquarters in the Sidi Hussein area due to the proximity of the clashes.<sup>17</sup> In the months preceding the latest military offensive on 15 October 2014, indiscriminate shelling damaged civilian farmhouses,

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<sup>14</sup> See International Committee of the Red Cross, *Libya: Tens of thousands affected by fighting*, 11 December 2014, available at: [https://www.icrc.org/en/document/libya-tens-thousands-affected-fighting#.VK\\_O8CusV-E](https://www.icrc.org/en/document/libya-tens-thousands-affected-fighting#.VK_O8CusV-E)

<sup>15</sup> See Reuters, *Three months of fighting in Libya's Benghazi kills 600, say medics* available at: <http://www.reuters.com/article/2015/01/18/us-libya-security-idUSKBNOKROGD20150118>

<sup>16</sup> According to its media office, the LRCS received 47 notifications of stranded individuals in al-Sabri area between 15 October and the end of November 2014.

<sup>17</sup> See International Federation of Red Cross and Red Crescent Societies, *Increased violence forces evacuation of Libyan Red Crescent offices, while volunteers continue saving lives*, 25 November 2014, available at: <http://www.ifrc.org/en/news-and-media/news-stories/middle-east-and-north-africa/libya/increased-violence-forces-evacuation-of-libyan-red-crescent-offices-while-volunteers-continue-saving-lives-67618/>

cars, crops and commercial warehouses in Sidi Faraj, al-Qawarshah, and Benina, located near the Benina airbase, which is home to the civilian and military airport under the control of Operation Dignity forces.<sup>18</sup> Most civilians fled these areas and sought refuge in Benghazi's central neighbourhoods.

The fighting also led to damage of civilian infrastructure. Satellite images obtained by Amnesty International show heavy damage to an electrical substation located east of the Sa'iqa Special Forces compound in Bou 'Atni, which occurred between 22 July and 3 August 2014. Two other electrical substations, located east and southeast of Benghazi were damaged or destroyed between May and October 2014. Similarly, the civilian airport in Benina, controlled by Operation Dignity forces, sustained damage during the fighting, reportedly by GRAD rockets fired by SCBR forces. Satellite images show damage to the airport terminal and runway.

For weeks, residents reported to Amnesty International shortages of fuel and cooking gas, an increase in food prices, disruption in garbage collection and water supply, and electricity cuts caused by the damage of electric transmission lines due to the shelling. The mobile phone coverage and internet access have been affected as a result. The closure of banks additionally restricted Benghazi residents' ability to purchase essential goods. By mid-January 2015, some services resumed in the city as the fighting became limited to the commercial port, Sabri, Lithi and al-Hawari areas, while Operation Dignity forces claimed to control 90% of the city.<sup>19</sup> However, lengthy power cuts continued to affect Benghazi's residents with electricity supply available for an average of only four hours a day.<sup>20</sup>

Of particular concern is the situation of the Tawargha community, which has been displaced since August 2011 after their entire town was attacked by Misratah militias.<sup>21</sup> According to UNSMIL estimates, some 5,600 Tawarghas have suffered a second displacement from five different camps in Benghazi, including 250 families who left the al-Hillis camp due to the shelling.<sup>22</sup> Around 510 families were displaced from the Qar Younes Camp after a fire broke

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<sup>18</sup> See Amnesty International, *Libya: Mounting risks for Benghazi residents amid reckless shelling*, 17 June 2014, available at: <http://www.amnesty.org/en/news/libya-mounting-risks-benghazi-residents-amid-reckless-shelling-2014-06-17>

<sup>19</sup> See Reuters, *Three months of fighting in Libya's Benghazi kills 600, say medics*, 18 January 2015, available at: <http://www.reuters.com/article/2015/01/18/us-libya-security-idUSKBNOKROGD20150118>

<sup>20</sup> See Hisham Matar, *What's left in Libya*, *The New Yorker*, 14 January 2014, available at: <http://www.newyorker.com/news/news-desk/whats-left-libya>

<sup>21</sup> 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 prevented from returning to their hometown since then and have, for the most part, been living in poorly resourced camps in Benghazi and in Tripoli. In 2014, they have suffered further displacement as a result of the renewed conflict.

<sup>22</sup> See UNSMIL and OHCHR, *Update on violations of international human rights and humanitarian law during the ongoing violence in Libya*, 23 December 2014, available at:

out there on 17 October 2014, burning 16 out of 45 blocs. The Tawargha Crisis Committee, a body established to address the humanitarian needs of the community in Benghazi, was unable to determine the exact cause of the fire. Some residents claimed that it was caused by the shelling, while others maintained that it had been torched intentionally. After some residents returned to Qar Younes camp to check on their belongings, they found that all their belongings had been looted. With few other options, many were forced to seek shelter in schools, parking lots and unfinished buildings in Benghazi, Ajdabya and other cities. As of January 2015, some 25 families remain living in tents in Ajdabya.

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<http://unsmil.unmissions.org/portals/unsmil/Libya%20Human%20Rights%20update%20Report%20-%202014-12-23%20-%20revised%202014-26-12%20EN.pdf>



# DIRECT ATTACKS ON CIVILIANS AND CIVILIAN PROPERTY

Numerous retaliatory attacks against homes and other property of individuals affiliated with each side of the conflict have been perpetrated since 15 October 2014.

Amnesty International has received reports that scores of family homes, shops and businesses of perceived Islamists, including leaders, current and former members of armed groups affiliated with the SCBR - possibly as many as one hundred in the al-Salmani neighbourhood alone - have been attacked with explosives or direct fire, ransacked, set on fire or demolished with bulldozers.<sup>23</sup> Civilian property belonging to individuals of Misratah origin have also been targeted.<sup>24</sup> Such attacks have been reportedly carried out by "neighbourhood youths" aligned with Operation Dignity forces, reportedly following incitement on social networking sites such as Facebook.

It appears that, in a few cases, houses came under attack that may have been used for military purposes, including for storing ammunition or as a base for launching military attacks, and would therefore (temporarily) lose their immunity from attack under international humanitarian law. However, Amnesty International has gathered evidence showing that in most cases such attacks have been carried out against protected civilian homes of perceived Islamists or members of groups affiliated with SCBR merely in retaliation for their political activities, association to individuals involved in the fighting or origin.

While Operation Dignity forces reportedly have not directly taken part in or ordered the house demolitions and destructions, they appear not to have taken the necessary steps to stop or prevent them from taking place. Indeed, in some cases, field commanders appear to have had direct knowledge of attacks, and condoned the destruction of homes of individuals affiliated with Ansar al-Shari'a or other armed groups operating under the SCBR. For example, in a video circulated on social media on 2 November 2014, Faraj al-Bar'asi, Commander of the Jabal al-Akhdar Region for Operation Dignity, acknowledged that attacks against homes were carried out following Dignity forces' entry to Benghazi. He appeared to justify such attacks and warned that the houses, including all belongings of "any individual suspected of, or involved in, spilling Libyan blood", will be destroyed in the name of

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<sup>23</sup> See UNSMIL and 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*, 23 December 2014, available at:

<http://unsmil.unmissions.org/portals/unsmil/Libya%20Human%20Rights%20Update%20Report%20-%202014-12-23%20-%20revised%202014-26-12%20EN.pdf>

<sup>24</sup>The city of Misratah has largely been supporting militias and armed groups fighting against Operation Dignity and their allies.

safeguarding the "Libyan social fabric".<sup>25</sup> Individuals affiliated with Operation Dignity have also incited to the destruction of businesses and homes of perceived Islamists, especially any residents of Misratah origin, publishing a list of their names and addresses on Facebook sites.<sup>26</sup>

In most cases, the targeted houses and businesses were empty of any civilians at the time they came under attack. However, in some instances, houses were directly attacked with anti-aircraft machine guns, rocket-propelled grenades, explosives and artillery while civilians uninvolved in the fighting, including women and children, were present. The first attacks against homes, which occurred shortly after the start of the offensive on 15 October, have led several thousand families of perceived Islamists and members of forces affiliated with the SCBR, to leave Benghazi out of fear of reprisals. Most have relocated to Misratah, al-Khoms in the northwest of the country, or other towns near Benghazi.

For example, **Amina al-Talhi** told Amnesty International that, at about 2am on 1 November 2014, she was woken up by a loud explosion, which took place outside of her family house located on Asqalan Street in al-Majouri, a neighbourhood in Benghazi. Explosives, which she alleged were placed in a bag outside of her house's front door, destroyed four cars parked on the street and damaged the entrance and front windows. Ten family members were in the house at the time including four women. Amina al-Talhi believes that her family's house was targeted by a group of "neighbourhood youths" from al-Majouri due to one of her brother's past association with Islamist groups and militias. Following the attack, the entire family fled Benghazi for fear of renewed reprisals.

In another case, on 15 October 2014, a group of "neighbourhood youths" allied with Operation Dignity launched an attack at the house of the **Ben Sweid family**, allegedly firing rocket-propelled grenades and anti-aircraft machine guns. The attack was reportedly carried out in reprisal for one of the family members', Abd al-Salam Ben Sweid's, affiliation with SCBR. During the 2011 armed conflict, Abd al-Salam Ben Sweid was a field commander of the Rafallah Sahati Company, currently operating under the SCBR. He took part in the current conflict against Operation Dignity forces and is reported to have died in clashes that took place around Benina Airport, on 20 August 2014. According to the testimony of his sister who survived the attack, seven children aged between six months and seven years, were present in the house, in addition to four women and two of Abd al-Salam's brothers, Mustafa and Khaled.

The sister recounted the incident to Amnesty International, "*At about 2:15am on 15 October, I heard a loud banging on the external gate of the house. Less than five minutes later, the 'sahawat' launched the first shell. Before we even had a chance to leave, the 'sahawat' fired RPGs [rocket-propelled grenades], 14.5 mm machine guns and shells. They*

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<sup>25</sup> The video can be viewed here: <https://www.facebook.com/video.php?v=1628079944086081&fref=nf>; See also Al-Jazeera, *قوات حفتر تنفذ عمليات انتقامية ضد ثوار بنغازي*, 2 November 2014, available at: <http://tinyurl.com/pxsbk3f>

<sup>26</sup> The social networking site Facebook is widely used in Libya as a primary source of information and news.

*were firing at the second and third floor of our house. My brothers Khaled and Mustafa tried to defend us and fought back with their rifles. A while later, I received a call from my father and other brother Ibrahim, who told me that they had been abducted and were taken to the Tayba al-Munawara School in Bouhdima. They said that they had been shot in their legs and were being beaten. Then, one of the sahawat called me, telling me to surrender my two brothers if I ever wanted to see my father and my brother Ibrahim again. At the sound of Fajr prayer, I eventually left with my mother, the children and my sisters-in-law. Khaled had already been killed by then and Mustafa was wounded. He died later. I don't know if they killed Mustafa once they entered the house or if he died from his own injuries sustained earlier during the fighting. The next day, one of our friends called saying that they had found my father and Ibrahim's dead bodies in the industrial area. I went to the morgue at the Benghazi Medical Centre to identify their bodies and saw that they were covered with torture marks".* The sister told Amnesty International that the army was stationed nearby but did not intervene to end the attack. Shortly following the incident, the entire family was forced to leave Benghazi out of fear of reprisals, while their house was subsequently ransacked and vandalized.

In another case, at approximately 2am on 17 October 2014, a group of reportedly 50-60 Operation Dignity supporters launched an attack on a building located in al-Majouri area of Benghazi. The building comprises six apartments belonging to the al-Kershini family, which is originally from Misratah. According to a member of the al-Kershini family, the attackers were supporters of Operation Dignity and had been armed by the 21<sup>st</sup> Sa'iqa Special Forces Battalion. They reportedly used RPGs, anti-aircraft machine guns and rifle fire. At the time of the attack, 29 family members, including 14 children and eight women of whom one was pregnant, were present in the house; most of them were sleeping. One of the family members, Ali al-Kershini, was detained in 2007 on charges related to his association with the Muslim Brotherhood in Libya and sentenced to five years in prison. He was released after having served half of his sentence. During the 2011 armed conflict, he took part in the fighting alongside one of the anti al-Gaddafi brigades. Following the launch of the current offensive, accusations were circulated via social media that Ali al-Kershini belonged to the armed group Ansar al-Shari'a and was funding its activities. The family believes however, that it was targeted only because they originally were from Misratah. One family member interviewed by Amnesty International explained, "*About 10 days before the attack on our house, Khalid Bulghaib, a Haftar supporter, made a series of announcements that anyone from Misratah should have their homes looted and destroyed and should be purged completely. A list was put up on Facebook with the al-Kershini family and others listed, calling for people to attack, loot from and completely remove Misratan families from Benghazi....The sahawat heeded the call and attacked our family simply because we are Misratan.*"

After coming under attack, members of the al-Kershini family returned fire using Kalashnikov rifles, leading to armed clashes, which lasted until 3:30pm. Women and children were allowed to safely leave the house around 11:30 am. Six male members of the family however, were handed over to the Sa'iqa Special Forces and subsequently detained.<sup>27</sup> After the al-

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<sup>27</sup> For details of the detention see Section 4, *Detentions and summary killings by Operation Dignity forces and their supporters.*

Kershini men were taken away, the house was completely looted, vandalized and set on fire, while Operation Dignity forces, who were in the vicinity, failed to intervene to protect it. Approximately on 3 November 2014, the house of another member of the al-Kershini family, Mohamed, was looted and burned, as was his car.

In another case, the family house of Samir al-Kadiki, located on 'Anata Street in al-Salam neighbourhood, was set ablaze, looted and destroyed with anti-aircraft machine guns and tank fire, around mid-October 2014. The attack took place after Dignity forces launched airstrikes on the neighbourhood, pushing civilians to flee. Ten members of Samir al-Kadiki's family, including three women were present in the house at the time of the airstrikes. They managed to escape before Dignity forces and their supporters entered al-Salam area. Samir al-Kadiki, who became paralysed due to the torture he was subjected to in Ain Zara Prison in Tripoli in 2007, told Amnesty International that his brothers were not involved in any fighting in the current conflict, but had fought against al-Gaddafi's forces in 2011. At least four other houses in the same neighbourhood were destroyed and looted.

Other civilian objects belonging to perceived supporters of the SCBR have also been targeted, including the premises of Radio Ajwa' al-Bilad, which were ransacked and destroyed on 3 November 2014.

In a similar fashion, scores of houses of individuals affiliated with state institutions, including the police and the army, have been reportedly vandalized, looted and, at times set on fire, reportedly in reprisal for attacks. Amnesty International was not able to determine who exactly was responsible for these attacks, but testimonies suggested that they were carried out in areas under the control of groups affiliated with SCBR.

For example, the house and property of a police officer was allegedly looted by members of Ansar al-Shari'a around the beginning of November 2014. The police officer recounted the incident to Amnesty International, "*Our house is located in the area of Venice Street, which was the scene of heavy clashes. When the fighting started, I took my family to a safer neighbourhood and went to Egypt to accompany a relative for medical treatment. When I came back around the beginning of November, I noticed that one of our cars was missing. The other one was damaged. I stayed with my family that night. When I came back the next day, I saw that the second car had been stolen as well, and that the house was broken into. The two safes in the house were opened with bullets and all valuables, including two lap-top computers and a sum of 10,000 LYD [approximately 7,550 USD] were stolen. I decided to stay the night in my house, but in the middle of the night, my neighbours told me to leave for my own safety. At about 3:00am, a group of Ansar al-Shar'ia men came back to the house and destroyed everything that they could not steal, including furniture and all other amenities. They think that I am a 'kafir' [infidel] because I work for the police so everything that I own is 'halal' [allowed]. I have friends in the police station whose houses have been looted as well.*"

In another attack, the house of lawyer and former Vice-Chairman of the National Transitional Council **Abdelhafiz Ghoga**, was ransacked and looted on 10 November 2014, allegedly by a group affiliated with the SCBR. In an interview with Amnesty International, Abdelhafiz Ghoga said that armed men wearing Afghan dress, arrived at his house located in Bel'oun area of Benghazi in a car with "Libya Shield" written on it – one of the militias operating under

SCBR – and entered his house stealing and vandalizing his belongings. The men reportedly stole his passport posting a copy of it on their Facebook page. They purportedly left a writing on the wall stating, “*The lions of the Islamic State came through here*”. Abdelhafiz Ghoga told Amnesty International that he believes he was targeted because of his opinions and his position against Ansar al-Shari’a and militias affiliated with the SCBR, which he made public in the media and through his writings.

Under the Rome Statute of the ICC, the pillage of a town or of a place, the destruction and seizure of property of an adversary when not imperatively demanded by the necessities of the conflict, and direct attacks on civilians and civilian objects may amount to war crimes when perpetrated during an armed conflict.

# ABDUCTIONS AND SUMMARY KILLINGS BY GROUPS AFFILIATED WITH THE SCBR

*“Children are terrified. I didn’t know what to answer when my son kept saying ‘Ansar al-Shari’a will come and kill me’ so I packed up my house and took my children to Egypt.”*

Libyan refugee interviewed by Amnesty International in Cairo, 12 December 2014

Amnesty International has received numerous reports that groups affiliated with the SCBR, in particular Ansar al-Shari’a, have carried out numerous abductions of civilians and persons *hors de combat* such as detainees suspected of being al-Gaddafi loyalists, many of whom were in custody since the 2011 armed conflict. Some of the abductions appear to have constituted hostage-taking, a war crime. The organization was not always able to verify these claims and determine the identity of the perpetrators. This is due mainly to the reluctance of families of those abducted to speak out for fear of reprisals against them or their relatives.

Information collected by Amnesty International suggests that in most cases, individuals have been abducted from their homes, gas stations, checkpoints or streets by masked armed men often driving in ordinary civilian cars without registration plates. Those targeted include police officers, businessmen, public officials, medical staff and perceived supporters of Operation Dignity. In some cases, the motivation behind these abductions appears to be to secure a ransom. Activists told Amnesty International that most businessmen or members of prominent families have left Benghazi in recent months out of fear of being abducted. One activist explained, “They [Ansar al-Shari’a] usually wait for weeks or months before they contact the family. By then, the family believes that the person is dead and is ready to pay any sum to secure the release of their relative. Since the government cut the militia funds, they are in need of money.”

Members of the displaced community of Tawargha have also been among those targeted by groups affiliated with SCBR forces. According to Tawargha activists, on 27 November 2014, 13 Tawargha men were abducted from a SCBR checkpoint in al-Qawarshah as they were fleeing the shelling near Hillis camp where they had been residing. They were released after brief questioning and following negotiations by members of the Tawargha community.

Another 21 Tawargha men were abducted in the days that followed, and held incommunicado since then. They are believed to be held by the Rafallah Shati Company.

Medical doctors and nurses appear to have been abducted with the purpose of treating wounded fighters belonging to the SCBR forces, which have set up their own field hospitals in homes or farms in areas under their control. For example on 18 September, a Ukrainian doctor and a nurse working at al-Hawari Hospital were abducted and held incommunicado until their release on 7 November. Four other medical staff, including a doctor and three technicians working at al-Hawari Hospital, were also abducted at the beginning of November and released a week later.

Such releases however, remain rare. In most cases, abducted individuals have been held incommunicado and their fate remains unknown.

In one such example, **Essam al-Ghariani**, an elected member of the Benghazi municipality, was abducted from his home on 26 June 2014 by unidentified men after they shot his wife, Salwa Boughaighis, dead that same night. His whereabouts remain unknown.

## ALLEGATIONS OF ABDUCTIONS OF DETAINEES

The fate and whereabouts of approximately **150 detainees** held at the Bouhdima military prison and accused of being soldiers or volunteers with the al-Gaddafi government have remained unknown since the start of the current offensive on 15 October 2014.<sup>28</sup> Activists and human rights lawyers told Amnesty International that these detainees were abducted from prison during the night of 15 October, allegedly by SCBR-affiliated forces, and subsequently transferred to a farm in al-Hawari area located on Benghazi's outskirts. According to others, the detainees may have been transferred to the town of Tawargha, located in the northwest of Libya. Amnesty International was unable to independently verify these allegations. However, the organization was able to interview the families of several detainees previously held in Bouhdima as well as two lawyers who confirmed that they had not received any news from their relatives and clients since 15 October. They reported having heard of the transfer of detainees through their personal connections at the prison. All had expressed fears over their relatives' safety and believed that they may be at risk of summary killing following reports that they would be tried according to shari'a law. Their fears were based on a pattern of killings of security officers since 2011, which were unclaimed by any group but blamed on Islamist militias.

The majority of the missing detainees had been held without charge or trial since the end of 2011, in some cases for as long as three years. Most were captured in Sirte, Tawargha and Tripoli during and immediately after the 2011 armed conflict. At the time of Amnesty International's last visit to Bouhdima military prison in 2012, the facility was under nominal control of the Ministry of Defence. The organization also visited a group of these detainees in April 2013 following their temporary transfer to the Kuwafiah military prison in Benghazi. At

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<sup>28</sup> Amnesty International visited Bouhdima military prison in 2012. For more information see, Amnesty International, *Libya: Rule of law or rule of militias?*, July 2012, (Index: MDE 19/012/2012), available at: <http://www.amnesty.org/en/library/info/MDE19/012/2012>



this time, many were cleared for release by the military prosecution due to the lack of evidence, but continued to be held due to pressure from militias and families of victims of past human rights abuses.

For example, **Omar Mohamed Ishtar**, a civilian aged 65, was seized on 20 October 2011 during the battle in Sirte. He has been detained since without charge or trial. His family has not had any news from him since the start of the military operation on 15 October. Until then, his family was able to visit him regularly in prison. According to his relatives, Omar Mohamed Ishtar suffers from a number of chronic diseases, including asthma, low blood pressure, diabetes and eyesight problems. **Mohamed Saleh Atbaiga**, a former soldier under al-Gaddafi, aged 36, was detained on 24 June 2012 in Tripoli by a militia. He was working with the Military Police in Tripoli at the time. His family was only able to confirm his whereabouts six months after his detention. They learned through a contact that he was being held in Bouhdima military prison without charge or trial. On 15 October 2014, the family lost contact with him.

## SUMMARY KILLINGS

Amnesty International believes that all those detained by Ansar al-Shari'a are at grave risk of torture and summary killings. The organization's concerns are based on its documentation of past abuse, public statements by the armed group vowing revenge against perceived supporters of Operation Dignity loyalists, and video evidence of purported killings, which emerged over the last few months.

In one case, **Faraj al-Salhin al-Majrisa**, commander of the 3rd Rockets Brigade of the Air Defence Force in Tobruk, aged 58, went missing on 31 July 2014 while driving in the Ras Abeida district of Benghazi, an area said to be an Ansar al-Sharia stronghold. His family remained without any news for a week until his body was found by a team of the LRCS in the abandoned compound of a Chinese construction company. According to the family, Faraj al-Salhin al-Majrisa's body was found dumped together with four other bodies. His family was able to identify his body on 6 August and bury him the next day. According to a forensics report reviewed by Amnesty International, Faraj al-Salhin al-Majrisa died as a result of two gunshot wounds to the face. The report also indicated that he had marks from plastic cuffs on his wrists suggesting that he was detained prior to being shot dead. Amnesty International believes that he may have been summarily killed.

In another case, **Sami Najati Mafrakis**, a retired Colonel from the Libyan Army was abducted from his home in Ganfouda area around 18 October 2014. The assailants reportedly asked for a ransom, which the family was unable to pay. According to one of his friends, interviewed by Amnesty International, his body was found dumped on 10 December 2014 by units of the Libyan army following their entry into al-Qawarshah area, a SCBR stronghold.

Following the 15 October offensive, forces affiliated with the SCBR coalition have captured scores of "neighbourhood youths" and abducted civilians perceived to support Operation Dignity. Such abductions seem to have mainly been carried out in al-Qawarsha, Lithi and Bouhdima areas.

In one example, **Al-Muqdad Ali Milad al-Imari** was abducted at approximately 8am on 1 November 2014 from a gas station in al-Qawarshah area. According to eyewitnesses, he was

forced into a black Hyundai Santa Fe car by four masked armed men. His whereabouts remain unknown since. Two brothers, **Ali al-Najjar**, aged 35 and **Wassim al-Najjar**, aged 27 were abducted around 24 November 2014 allegedly because their cousins had volunteered with the Libyan army to fight alongside Operation Dignity forces. According to their family members, they are civilians uninvolved in the hostilities.

SCBR forces appear to have also carried out reprisal attacks against “neighbourhood youths” and individuals affiliated with Operation Dignity for alleged responsibility in carrying out attacks against family homes of members and perceived supporters of Ansar al-Shari’a. A statement issued by Ansar al-Shari’a on 17 October 2014 only lends more credence to these reports and points to the group’s possible responsibility in carrying out summary killings. In this statement, the armed group condemns attacks against the family homes of its members and threatens the perpetrators whom it refers to as “sahawat” or “Haftar’s collaborators” with revenge, including with death, torture and exile:

*“We warn you that we will not keep silent about the assaults on our homes and honour as was the case with the Ben Sweid family [...] and we will take our revenge, even if after a while. And you shall see how we will torture you [...] We will not stand aside as many cowards have done when the homes of our families are being attacked and their honour is under danger and threat. These criminals that represent the last band of villains in the fight against the false god Haftar are the corrupt fighters of whom Allah said: ‘Indeed, the penalty for those who wage war against Allah and His Messenger and strive upon earth [to cause] corruption is none but that they be killed or crucified or that their hands and feet be cut off from opposite sides or that they be exiled from the land. That is for them a disgrace in this world; and for them in the Hereafter is a great punishment [Sura al-Ma’idah 33]”.*<sup>29</sup>

Amnesty International’s concerns are heightened by the recent emergence of videos, which show apparent execution-style killings, including one beheading, of captured members of army units or perceived supporters of Operation Dignity following what appear as forced “confessions”. All three videos imply that the killings were carried out in revenge for the attacks against the family homes of individuals who are perceived as being affiliated with SCBR.

For example, a video which was published online on 8 November 2014 by the “Guardians of blood” Battalion - a group which appears to be affiliated with Ansar al-Shari’a - purports to show a soldier being shot several times in his face following a “confession”. The soldier identifies himself as **Ahmad Abd al-Salam Musbah**, member of the 36<sup>th</sup> brigade of the Sa’iqa Special Forces, registered under military number 557130. He “confesses” to witnessing the burning of the family home of Ali al-Kershini and the killing of members of his family, by residents of the Majouri area. The “confession” during which his hands appear tied, is followed by a message stating that the “time for retribution has come”. Ahmad Abd al-Salam Musbah then appears to be shot several times in the head.

Another video, which was posted online by the same group on 7 November 2014 seems to

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<sup>29</sup> See Statement by Ansar al-Shari’a, “Statement concerning Hafar’s collaborators, the Benghazi Sahawat”, 17 October 2014, available at: <http://justpaste.it/hm1g>

show the killing of an alleged supporter of Operation Dignity, possibly named **Muftah Mohamed Misrati**, after he “confesses” to taking part in a raid on the family home of Abd al-Salam Ben Sweid, who described as a field commander with the Rafallah Sahati Company, a militia aligned with the SCBR. Amnesty International has documented the attack on the family home of Abd al-Salam Ben Sweid, in which two of his brothers and father were killed.<sup>30</sup> During the “confession”, Muftah Mohamed Misrati appears kneeling with his hands tied behind his back after which he is seen being shot with a rifle in the back of his head.

On 10 November 2014, a particularly shocking video emerged online. It purports to show the beheading of **Ahmad Muftah al-Nazihi**, a captured volunteer with Dignity forces in control of the Benina airbase near Benghazi, by a group, which identified itself as the “Parents’ grievance” Battalion [Katibat abat al-daym]. Several photos of bulldozed houses purportedly destroyed by Operation Dignity supporters appear on the video prior to Ahmad Muftah al-Nazihi’s forced statement and beheading. An accusation against General Khalifa Haftar and “his associates” follows. In his statement Ahmad Muftah al-Nazihi warns men fighting alongside Operation Dignity that they will be “slaughtered” unless they surrender their arms.

Amnesty International was not able to determine the chain of command between these groups and Ansar al-Sharia or the SCBR leadership. However, the video evidence suggests that these groups have formed, and perpetrated the documented abuses, after the above mentioned statement was issued by Ansar al-Shari’a calling for revenge.

In recent weeks, a series of statements accompanied by photos have been posted online by the Media Office of the Islamic State of Cyrenaica, reportedly the media arm of the armed group. The Islamic State of Cyrenaica emerged in Derna in late 2014 after Derna’s Shura Council of Islamic Youth’s pledged allegiance to the group calling itself the Islamic State. At least two such statements, which Amnesty International was not able to verify independently, appear to show the summary killings of individuals affiliated with Operation Dignity in and around Benghazi. A photo report, which was published online on 5 January 2015, claims to show the execution-style killing of Saleh Fathallah Mansour Idris, a soldier with the Arms and Artillery repair unit (573644) after he was allegedly stopped at a flying checkpoint on the al-Mekhayli road, east of Benghazi.<sup>31</sup> In another similar statement posted online on 29 December 2014, the Islamic State in Cyrenaica published a photo purporting to show the decapitated body of Abd Al-Salam a Barghathi, whom they accused of being the head of “infidelity and apostasy” in Benghazi.<sup>32</sup> According to news reports, Abd Al-Salam al-Barghathi was a civilian not involved in the conflict and was abducted from his home in Shabna area of Benghazi. His body was reportedly found in al-Hawari area.<sup>33</sup> Amnesty International was not able to verify these reports independently.

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<sup>30</sup> See section 2 of this briefing, “Direct attacks on civilian property”.

<sup>31</sup> See <http://www.alwasat.ly/ar/news/libya/55182/>; see also what appears to be the original statement: <http://justpaste.it/Estyad>

<sup>32</sup> See the Jihadi Media Platform, available at: <https://www.alplatformmedia.com/vb/showthread.php?t=74984&page=2>

<sup>33</sup> See Bawabat al-Wasat, <http://www.alwasat.ly/ar/news/libya/54232/>

Concerns for the safety of two Tunisian nationals, Sofiane Chourabi, a blogger and journalist, and Nadhir Ktari, a photographer, mounted after the Islamic State in Cyrenaica released a statement accompanied by photos on 8 January 2015, in which it claimed to have executed them for working for a television station that is "fighting Islam". First TV, the Tunisian channel that sent Sofiane Chourabi on an assignment to Libya, denied the allegation that he had been killed, while the Tunisian authorities stated that there was no available information about the fate of the two media professionals or their whereabouts.<sup>34</sup> Néji Bghouri, the Head of the National Union of Tunisian Journalists (SNJT), stated that the published photos were mere "manipulation", and there was no official information confirming the killing. The two men went missing on 8 September 2014 in the area of Ajdabya, about 160km south of Benghazi, and are believed to have been abducted by an unidentified group. Conflicting reports have emerged about their whereabouts; some suggest that they are currently detained in the city of Derna, a city under the control of Islamist armed groups. Other reports, including those made by Libya Dawn, claimed that Sofiane Chourabi and Nadhir Ktari were abducted by a federalist militia affiliated with Operation Dignity.<sup>35</sup> Both men were briefly abducted on 3 September 2014 in the city of Brega reportedly because they lacked the appropriate accreditation. They were released three days later following an intervention by the Tunisian authorities.

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<sup>34</sup>For an interview with Mongi Hamdi, the Tunisian Minister of Foreign Affairs, see Business News, *Mongi Hamdi: L'absence de confirmation de l'exécution de Sofiane Chourabi et Nadhir Guetari est rassurante (audios)*, 9 January 2015, available at: <http://www.businessnews.com.tn/mongi-hamdi--labsence-de-confirmation-de-lexecution-de-sofiane-chourabi-et-nadhir-ktari-est-rassurante-audios,520,52663,3>

<sup>35</sup> See statement made by Libya Dawn, Libya Dawn Facebook page, 8 January 2015, available at: <https://www.facebook.com/676867649049180/photos/a.676872015715410.1073741828.676867649049180/769860179749926/?type=1&theater>

# DETENTIONS AND SUMMARY KILLINGS BY OPERATION DIGNITY FORCES

**“They say they are the army, but they’re just another militia.”**

Brother of a detainee seized by the Sa'iqa Special Forces, 28 December 2014

Under the banner of fighting terrorism and restoring the rule of law in eastern Libya, since mid-May 2014, Operation Dignity forces have captured scores of fighters, including reportedly foreign fighters and detained civilians accused of supporting SCBR or possessing arms. They have also detained civilians uninvolved in the fighting merely on account of their political affiliation and opinion, usually in relation to their writings on social media. Operation Dignity forces, often driving in pick-up trucks with mounted anti-aircraft guns, have carried out door-to-door house searches in entire neighbourhoods under their control. During these searches, they have seized any perceived opponents to “Operation Dignity” and transferred them to detention facilities in and around Benghazi for interrogation. In Benghazi, these facilities include Kweifiah Prison, the Minors’ Prison in al-Rhaba area, and the Barsis detention centre; outside the city, people have been held at the Gernada Military Police Prison in Shahat municipality, as well as the al-Marj, al-Abyar and al-Rajma detention centres.

In most cases documented by Amnesty International, detainees were held incommunicado for days or weeks without contact or visits by their relatives. In one case, on 22 November 2014, the 36<sup>th</sup> Battalion detained a 26 year-old university student from his home in Benghazi, reportedly solely in relation to his online activism, in which he expressed support for former “revolutionaries” and criticism of Operation Dignity. At the time of writing this briefing, the student had been held incommunicado for 53 days. His family told Amnesty International, “A group of armed men came to the house and said they were the army. They took his laptop computer and took him [the student]. They told us not to worry and said they would only ask him a few questions in their compound in al-Rhaba. We followed them in our car, but were delayed because of the checkpoints. By the time we arrived, they told us that he was not there, and that he had been transferred to Gernada Prison, around 300 km from Benghazi. We did not believe it and kept looking for him. We went everywhere. We went to Kweifiah Prison, to Al-Abyar, but all we heard is ‘he’s not here’. They took him in his pyjamas and didn’t even allow us to bring him his clothes. It is only two weeks later that we confirmed that he was still alive. A man who had been held with my brother was released and told us that he

*had seen him in al-Rhaba prison."*

Amnesty International has received several reports that detainees have faced torture and other ill-treatment in several detention centres under Operation Dignity control, including in al-Marj, al-Abyar, al-Rajma and Gernada prisons. Most often however, victims and their families have been reluctant to speak out for fear of reprisals against them or their property. Punitive attacks against family homes of perceived SCBR supporters have only reinforced such fears.

In a case mentioned above, two brothers, **Ibrahim al-Kershini**, aged 44, and **Mustafa al-Kerhsini**, aged 36, were detained on 17 October 2014 by the Sa'iqa Special Forces after their family home was assaulted by a group of about 50-60 armed "neighbourhood youths. Both were transferred to Barsis detention facility in Benghazi. The following day, they were both taken to a detention facility located in a military compound in al-Marj. A relative, who did not wish to be named, described how Ibrahim and Mustafa al-Kershini were seized:

*"My relatives could no longer hold off the attack and so they attempted to escape from the house. The house was filling with smoke from the 14.5mm [anti-aircraft guns] and RPG's and my brothers could not see or breathe very well. There was a workshop under the house, which they attempted to leave from, but they became holed up there as the house was surrounded. Three respected men from the area then got involved. [They] went to the front of the building and would not allow the 'sahawat' to enter. In an attempt to stop the bloodshed, they came to an agreement where the men would be allowed to come out safely but only if they were to be handed over to legitimate forces and go through a fair criminal process. The men then contacted the head of the 21<sup>st</sup> Sa'iqa Special Forces Battalion who sent a group to the house. Ibrahim and Mustafa were taken to al-Marj about 60km East of Benghazi... There, they were severely beaten, burned and tortured for 18 days. Around 4 November, Ibrahim was released. Mustafa remained detained... Four days after Ibrahim was released, we heard that Mustafa had been killed under torture. His dead body appeared on a Facebook page as unidentified. We learned through a charitable organization that it was held at the al-Marj Hospital." Amnesty International's research points to the fact that Mustafa al-Kershini's body appeared on a photograph together with the dead bodies of four other individuals, three of whom appear to have been summarily killed by Dignity forces [see below]. Amnesty International reviewed a photo of Mustafa al-Kershini's dead body, which shows marks of abuse on his face and chest. A medical certificate of death issued on 6 November 2014 at al-Marj hospital states that Mustafa al-Kershini died as a result of a gunshot wound to the head.*

Following his release, **Ibrahim al-Kershini** went to Turkey for medical treatment after his eye had to be surgically removed due to the damage it had sustained as a result of a shrapnel injury during the clashes and the torture he was subjected to. He described the abuse he faced in al-Marj:

*"The people there were not organized, they did not have military clothes on and were just thugs. Mustafa and I were together initially on the first day, but then they took us to separate cells and I never saw him again - until we found a picture of him dead online. The first day was the worst. They took me out of the cell into the courtyard and took off my clothes. They tied my hands behind my back and then they blindfolded me. There were about three men.*

*They then began to hit me with all sorts of things; a plastic hose pipe, electrical wire and even a wooden broom handle. They mainly hit my back, head and stomach. They then took me to a room which had stone tiled flooring. They flooded the floor with water and attached an electrical wire to the water, forcing me to stay in it. They then turned on the electricity while I was in it. They did this for about five minutes at a time. They beat me and gave me electric shocks like this from around 5pm until midnight or 1am. [...] I was placed back in the cell, which measured no more than about 1.8m x 3m. A few of us were held there at the time. The following morning, they came in and beat all of us. They would do this in the morning and throughout the day. When one of us was allowed to go to the toilet, we would be beaten as we left and as we were brought back. This beating happened every day until I was released on 4 November 2014. I have no idea why I was released, but they simply took me out of my cell and left me close to Al-Abyar. The bottom part of my eye had been hurt during the fighting at my family's home. An RPG was fired and some shrapnel had scraped a part of my eye. It was a minor injury and could have been easily treated but because I was beaten on my face and because I wasn't given medical treatment, this made the injury worse. When I was released, the doctor said that my eye had been infected and that the only thing they could do now was remove the eye altogether."*

According to the testimony of a relative, the other four brothers of the al-Kershini family, Ahmed, aged 41, Abdallah, aged 42, Mahmoud, aged 28 and Ali, aged 32, were taken to a military camp in Tabalino area of Benghazi following their detention by the Sai'qa Special Forces. Upon arrival at the camp, members of the brigade opened fire at the truck in which they were being transferred. Ali al-Kershini was killed in the attack after he was shot in the back, chest and leg. The three other brothers were also injured in the incident. Ahmed al-Kershini was transferred to the Benghazi Medical Centre for treatment while Abdallah and Mahmoud, who sustained only light injuries, remained detained. They were released around 21 November 2014, reportedly by one of the commanders of the Sa'iqa Special Forces, who drove them out of the camp.

Two members of the Muslim Brotherhood in Libya **Salem Darbi**, aged 53, and his colleague **Hajj Younes al-Ballali**, aged 58, were detained on 31 May 2014 at a checkpoint in al-Marj by forces loyal to Operation Dignity as they were driving back to Derna from Benghazi. Following questioning about their political affiliation and an inspection of their car during which the armed men found a pistol, Salem Darbi and Hajj Younes al-Ballali were taken to the Criminal Investigations Department in al-Marj for interrogation. For four days, the men were held in a cell measuring two squared meters only, located in the detention section of the Criminal Investigations Department. During this time, they were constantly blindfolded, with their hands bound tightly behind their backs with plastic cuffs. According to their testimonies, they were forced to sleep on the ground without a mattress or a blanket. During this time they did not have access to washing facilities and were forced to urinate in a bottle. At one point, they were taken together with three other detainees to a metal container and kept there for hours, under the sun. On the fourth day, the men were briefly transferred to a detention centre in al-Abyar. Shortly after, they were taken to Gernada prison where they were held for 12 days in a cell. On the twelfth day, Salem Darbi was interrogated while blindfolded and was forced to sign a statement which he was unable to read, after which he was released. He told Amnesty International that he experienced pain in his wrists for three months following his release. Salem Darbi reported hearing screams after midnight suggesting that detainees may have been subjected to torture and other ill-treatment.



In another case, **Ibrahim**, a 25 year-old old student in Economics from Benghazi, who does not wish for his full name to appear in this briefing, was detained together with his cousin on 2 December 2014 while he was renewing his passport in the city of Shahat. As they were dealing with the administrative procedures, they were told to wait by an officer at the Passport Office. According to his testimony, a short while later, three officers came and told them that they would ask them a few questions. Ibrahim recounted his experience to Amnesty International, "*They took us in their military car, but would not tell us where we were going. Once we arrived in Gernada Prison, the guards searched us and took us to a large room where we stayed for about four or five hours. The room was very cold, and the mattress was very old. Sewage had flooded the floor. At one point, two soldiers came in and took me out onto the corridor. They forced me to sit on the floor and shaved my head. They then took us to the civilian section of the prison where we were detained with about 15 others from Benghazi. After about seven hours, the guards came back and took me to an office on the second floor for interrogation. There, they asked me questions about where I'd been during the '17 February Revolution', if I drink and if I know anyone who is fighting. They looked through my Facebook page and then guards took me outside to the corridor. I was forced to stand facing the wall for four hours while they were interrogating, one by one, my cousin and three other detainees. Each time, one of us would look away, they would slap us.*"

## SUMMARY KILLINGS

Amnesty International has received reports that security forces affiliated with Operation Dignity have summarily killed perceived Islamists and supporters of SCBR. Families of victims told the organization that, in some cases, the detention and killing took place following incitement on social networking sites or on pro-Operation Dignity channels such as al-Karama TV based in Egypt.

Among those targeted are also former "*thuwar*", anti al-Gaddafi fighters, who took part in the 2011 armed conflict usually with the Rafallah Sahati or 17 February Martyrs' brigades but who reportedly went back to civilian life when hostilities ended in October 2011. On 11 December 2014 Amnesty International interviewed a group of wounded soldiers receiving medical treatment in Cairo, Egypt, who acknowledged to the organization that Dignity forces have, in some instances, summarily killed captured fighters affiliated with Ansar al-Shari'a.

Since 17 October, the Facebook site of the Criminal Investigations Department in al-Marj, published at least 17 photos of unidentified dead bodies retrieved in different areas in and around al-Marj. In some cases, the bodies had been dumped on the side of a road, in a forest, near a mosque or a cemetery. The photographs of dead bodies reviewed by Amnesty International show marks of abuse visible on the faces of the victims in at least five cases. According to information posted on the site, in at least two cases, bodies were found with hands bound behind the back suggesting that the individuals may have been summarily killed.

Amnesty International found evidence that, at least four of these men were summarily killed following their detention by Operation Dignity forces in al-Bayda and subsequent transfer to al-Rajma Prison under the authority of the Military Police. In these cases, the individuals were held in incommunicado detention and prevented access to legal counsel and their families. In two cases, the families confirmed through personal contacts that their relatives were being detained by forces affiliated with Operation Dignity and received assurances from

officers in the Libyan Army that they would be released following interrogation.

On 4 November 2014, a photo appeared online showing five dead bodies dumped in a front yard near the entrance of a building. At least four of the dead bodies seem to have been blindfolded, and one dead man's hands look as if they are tied behind his back. In the days and weeks that followed, four out of the five men were identified by their families as Anas al-Khitab, Musa al-'Abeidi, Muftah Bounafra and Mustafa al-Kershini. Information gathered by Amnesty International suggests that all four men were shot dead following their detention by forces affiliated with Operation Dignity.

**Anas al-Khitab**, a student in the Hadith Department of the Sayyid Mohamed Ben Ali Senussi University, aged 30, went missing on the morning of 12 October 2014. He appears to have been summarily killed in al-Rajma Prison following his detention by the Military Police. Anas al-Khitab's family told Amnesty International that he left his house in al-Bayda to pray al-Fajr (Dawn prayer) but never came back. The next time they saw him was on 4 November, when a photo of his dead body appeared on a Facebook page run by supporters of Operation Dignity. According to Anas al-Khitab's sister interviewed by Amnesty International, officers in the Libyan army confirmed to the family that Anas al-Khitab was detained under their authority and was under interrogation. On 13 October 2014, Faraj al-Bar'asi, a Dignity Operation commander, reportedly told Anas al-Khitab's family over the phone that he was being held in provisional detention and that he would be released within two days. On 16 October, Anas al-Khitab's relatives went to Gernada Prison looking for him and received a verbal confirmation from the detaining authorities that Anas al-Khitab had been transferred to al-Rajma Prison two hours following his detention there. The family received further confirmation of his whereabouts from one of Anas al-Khitab's co-detainees who contacted them following his release. The co-detainee allegedly said that Anas al-Khitab was being tortured. Anas' sister described his detention to Amnesty International, *"On the day of my brother's disappearance, my parents went to ask about him at the hospital in al-Bayda, at military checkpoints and Gernada Prison, but they did not find him. Then, we saw a post on a Facebook page run by a supporter of Operation Dignity stating 'The Khawarij [Kharijites or the "seceders"]<sup>36</sup> Anas al-Khitab and Muftah Bounafra have been arrested'. My relatives used their connections within the military to confirm Anas' whereabouts. They even reached the officer who confirmed having interrogated my brother in al-Abyar. They were able to leave him a bag of clothes but were not allowed to see him. On 4 November [2014], my younger brother was browsing through the internet and saw a photograph of Anas' dead body posted on a Facebook page together with the bodies of four others. They were dumped near the Sidi Khalifa cemetery. People in the area found them around 1 November and informed the Libyan Red Crescent, who transferred their dead bodies to al-Marj hospital. Four days later, when no one came to claim the dead bodies, the employees at the morgue posted photos on the internet. This is how we found out. A forensics report states that Anas was killed by a bullet shot in his head, but did not mention any marks of torture. My brother who is a doctor saw bruises on Anas' body suggesting that he was beaten. Anas was a religious man, but he did not take part in the fighting. In 2011, he took part in the fighting against al-Gaddafi's*

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<sup>36</sup> The Kharijites were members of the first sect of Islam, which emerged in the seventh century. The most radical amongst the Kharijites believed that Muslims who commit grave sins reject their religion, effectively becoming apostates, and deserve to be killed.

*forces for two days only but then came back as he could not take the killing and violence. He was a victim of rumours that spread in al-Bayda with people accusing him of being a member of al-Qaida. There was a lot of incitement against him on Facebook pages. In 2013, after young kids opened fire at his car, he went to see the Head of the Police in the city seeking protection. He tried to seek protection from the tribe. All of these rumours had a huge impact on his mental health. His only fault is that he was religious."* Amnesty International was able to review a forensics report, which confirmed that death was caused by a gunshot to the head.

In a related case, **Muftah Bou Nafra**, a member of the Muslim Brotherhood and Head of the al-Hakim Association for Charitable Work, aged 54, was reportedly detained by the Sa'iqa Special Forces on 12 October 2014. His family was kept in the dark about his whereabouts until his dead body appeared on a Facebook site on 4 November 2014 alongside that of Anas al-Khitab, Musa al-Abeidi and two other individuals. Amnesty International believes that he was summarily killed. According to Muftah Bou Nafra's brother interviewed by Amnesty International, he was detained by the Sa'iqa Special Forces from outside of his shop in al-Bayda. He described the incident to Amnesty International, "*In mid-October [...] four cars approached my brother's shop selling cleaning products. They blocked off the road and parked two cars in front of the shop. Armed men wearing Sa'iqa (Special Forces) fatigues came out and approached Muftah. My brother was sitting outside the shop at the time with a boy from the neighbourhood. The boy managed to escape but my brother was taken by the men. It was him who told us about what had happened*". Muftah Bou Nafra's family believes that he was detained because of his affiliation with the Muslim Brotherhood and his opinions, which he expressed online. Prior to his detention, he would receive threats and warnings via social media, including Facebook, stating "beware of what's coming". Around 28 October 2014, Muftah Bou Nafra's family received a phone call from an individual who claimed having seen Muftah Bou Nafra in a prison in Gernada and alleging that he had been ill-treated. Just like Anas al-Khitab's family, Muftah's brother learned about the killing on Facebook on 4 November 2014. The brother continued, "*As we were on Facebook, we discovered pictures of dead individuals that had been posted on the site as their identity was unknown. I noticed that one of the images was that of Muftah and that the bodies were taken to Al-Marj Hospital. On 5 November, I went to the hospital and found that Muftah's body was in the morgue along with two other men. I could see that Muftah had bruising on his arms and legs and gunshot wounds. The other two people with him were apparently killed after they were kidnapped leaving from Fajr prayers. Their names are Anas Mohamed and Musa Tayeb Al-Abeidi.*" According to a forensics report, Muftah Bou Nafra died from gunshot wounds to the chest and head. Marks of abuse were visible on his arms and legs, according to the family. He was detained in Abu Salim Prison under al-Gaddafi reportedly in relation to his affiliation with Islamist groups.

Amnesty International was able to confirm Muftah Bou Nafra's detention in al-Marj through one of his co-detainees, whom the organization interviewed after his release. He said, "*I remember two people who were there with me in the cell. One was Muftah Bou Nafra who had been working for a charitable organization. He was taken out of my cell on 3 November 2014, one day before I was released. I never saw him again until the picture of his dead body was posted online. They treated him worse than me. He would return to the cell sometimes with bloodied feet and a bloodied back because of the amount they had tortured him. The other person was a young man named Ahmed Saad Alawami who was born in 1996. They*

*took him out with Muftah and I haven't heard from him since".*

In another case, **Ziad al-Shamsa**, a married shopkeeper aged 30, went missing on 15 June 2014 as he was on his way back from his brother-in-law's funeral. A day later, local residents of Bou Dezira, an area located 2 km east of Benghazi, found his dead body dumped on the side of the road. According to a relative interviewed by Amnesty International, Ziad al-Shamsa fought against Colonel al-Gaddafi's forces in 2011 as part of the Rafallah Sahati Company. He took part in the battles for Sirte and Tripoli, but then reintegrated into civilian life when the conflict ended. Since then, he was working in his clothing store in Benghazi. His family believes that he was abducted and summarily killed in reprisal for his past activities and affiliation.

In some cases, statements made by Dignity officials appear to confirm their capture and interrogation of individuals who were later found dead. A video, which was posted online in July 2014 on an anti-Operation Dignity website, features an interview with Mohamed al-Hijazi, the official spokesperson for Operation Dignity, concerning the capture of four SCBR fighters. In the interview, Mohamed al-Hijazi appears to acknowledge that [Ben Essa Mohamed] Boudlal and ['Adel] al-Fitouri, had been captured and were being held for interrogation.<sup>37</sup> Both were members of the Rafallah Sahati Company. According to an article published in Bawabat al-Wasat, the dead bodies of Ben Essa Mohamed Boudlal and 'Adel al-Fitouri were brought from al-Abyar Hospital to the Benghazi Medical Centre on 16 June 2014. Both apparently had died from gunshot wounds.<sup>38</sup>

Amongst those summarily killed in custody by Operation Dignity forces are individuals suspected of providing military support to the SCBR forces, detained on suspicion of arms possession. In one such example, Nuri Lawjeli, an owner of an automobile parts shop aged 40, was reportedly detained on 3 December 2014 from his house in al-Hadaiq area of Benghazi by the 36<sup>th</sup> Sai'qa Special Forces Battalion after he was accused of possessing arms. Nuri Lawjeli's sister described his capture to Amnesty International:

*"Six to seven cars arrived at our house at about 8am on 3 December [2014]. They came in and said 'We are the army; the 36<sup>th</sup> Battalion. They searched the entire house for weapons, but did not find anything. They told us they would take Nuri for interrogation and release him right away. He had kidney stones and we were worried about his health. The soldiers then gave us the number of someone whom they said was in charge of the prison. We called the man as we wanted to bring Nuri his medications. He answered and told us that he is in Tobruk, and that he has no relation to the prison. We heard at first that he was taken to the 36<sup>th</sup> Battalion's compound in Bou 'Atni. Everyone kept reassuring us that he was fine and that he would be released soon. He was killed three days later. They did not even bother to tell us. We found out 10 days later from a Facebook page called 'The crimes of al-Marj' that he had been killed. Our friends saw a photo of his dead body covered with bruises and showing marks of torture. He was apparently brought to the al-Abyar hospital on 6 December.*

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<sup>37</sup> See video available here: <https://www.facebook.com/video.php?v=697391566976567>

<sup>38</sup> See Bawabat al-wasat, وصول ثلاث جثث من مستشفى الأبيار إلى مركز بنغازي الطبي, 17 June 2014, available at: <http://www.alwasat.ly/ar/mobile/article?articleid=23165>

*Was his body dumped somewhere or not? We don't know. We later learned that the Red Crescent transferred Nuri's dead body from al-Abyar hospital to the Benghazi Medical Centre. There were lots of rumours, wrong reports about our family; that's the problem. He was detained and tortured based on lies prepared by the 'sahwat'." According to a preliminary forensics report, he died as a result of two gunshot wounds – one to the head, the other to the chest.*

Nuri Lawjeli's family told Amnesty International that at least four other men were detained by the Sa'iqa Special Forces during house searches in al-Hadai'iq area of Benghazi. All were detained at the beginning of December. Of these, Nuri Lawjeli's cousin, Fathi Lawjeli, aged approximately 30, was detained by the 36<sup>th</sup> Sa'iqa Battalion on 5 December together with a neighbour called Nasser 'Atiya al-Ferjani, reportedly following a house search on suspicion of arms possession. Fathi Lawjeli was released from al-Rajma Prison at the beginning of January 2015, while Nasser 'Atiya al-Ferjani's dead body was found dumped on 7 December 2014.

# POLITICALLY MOTIVATED ASSASSINATIONS AND ASSASSINATION ATTEMPTS

**“They [the militias] always target leaders, people that the community listens to. After Salwa [Bugaighis] was killed, we discovered that anything is possible. She was the daughter of one of Benghazi’s biggest families.”**

Libyan human rights activist, Cairo, 10 December 2014

Widespread politically-motivated assassinations have continued to be reported in Benghazi between mid-May and December 2014. The vast majority of those targeted include former and current security officers and state employees, but also some activists, religious leaders, at least two journalists and a human rights defender. Individuals have been killed most often with gunshots or in explosions in some cases. The assassination of Salwa Boughaighis on 26 June 2014 and editor-in-chief of *Burniq* newspaper, Muftah Abu Zeid on 26 May 2014, have had a particularly chilling effect on Benghazi’s journalists and activists. Little is left in Benghazi of what was once a vibrant civil society.

September 2014 was the bloodiest month during this period with at least 40 reported assassinations. Nine people, including 18-year old civil society activist Tawfiq Ben Saud, who was involved in organizing demonstrations against Islamist militias and his friend Sami al-Kwafi, aged 17, were killed on 19 September, which became known as “Black Friday”. The killing of the two young men, in particular Tawfiq Ben Saoud, caused an international outcry and prompted thousands around the world to post an “I am Tawfiq” message on social media as part of a campaign to promote peace and hope in Libya, in defiance of the abuses.<sup>39</sup>

No one has claimed responsibility for these killings, and no known investigations have been

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<sup>39</sup> See the “I am Tawfiq” campaign page on Facebook, available at:  
<https://www.facebook.com/iamTawfikOfficial>

conducted so far. This is mainly due to the collapse of the criminal justice system in Benghazi as police stations, courts, judges, prosecutors, criminal investigations officers have come under attack since 2013. Many in Benghazi have blamed militias, which have been perpetrating abuses since 2011 with complete impunity. They believe that some of the armed groups forming the SCBR coalition such as Ansar al-Shari'a have waged an ideological war against state institutions and all public officials who they regard as representatives of a corrupt state. These groups appear to consider anyone active in a movement against them or anyone who calls for the reactivation of the army and police as potential targets.

In one case documented by Amnesty International, **Faraj Khalifa al-Kazza**, the head of finance at the Arabian Gulf Oil Company aged 64, was shot and killed on 23 September 2014 as he was driving home from a funeral. According to his family, he was an active proponent of federalism since July 2011 when he made his first public appearance on Libya Awalan TV calling for a federal system to be established in Libya. His family told Amnesty International that he was a vocal critic of Ansar al-Sharia and the Muslim Brotherhood and had been threatened on a number of occasions. His candidacy was put forward for the position of Head of the National Oil Corporation just before he was assassinated. His family told Amnesty International that there were no clashes at the time of his killing in the Salmani area of Benghazi and believe that he was killed by a sniper.

In another case, **Ahmad Abdel Razzaq al-Sherif al-Mughrabi**, First Lieutenant in the Customs Department at the Benghazi Port, aged 26, was found dead in the trunk of his car on 17 October 2014. He was reportedly stopped at a checkpoint allegedly manned by Ansar al-Sharia in al-Majouri area of Benghazi. According to members of his family, he had been shot with four bullets including a bullet to his head, stomach, chest and hand. He was on his way home after buying some lunch. His family kept looking for him in hospitals until they found the car stopped in front of the Marwa clinic in al-Majouri area. According to his family, he was not involved in the conflict, and was not armed at the time.

In addition to the murder of Salwa Boughaighis, Tawfiq Ben Saoud and Sami al-Kwafi, Amnesty International has also documented attacks directed against two other activists who were outspoken critics of militias and armed groups in Benghazi.

**Salem Idrisi**, a member of the Victims Organization for Human Rights, who also works as a taxi driver, survived an assassination attempt on 15 August. He recounted the experience to Amnesty International, *"It was about 5:30pm. I was driving my taxi together with a friend. When we reached near the Sabri police station, I realized that we were being followed. The men in the car started making signs and talking to me urging me to pull over and stop the car. I wouldn't. They went faster and opened fire at us. My friend, Wael Khamis al-'Abeidi, was hit in the shoulder"*.

In another case, on 29 July 2014, the house of journalist and camerawoman **Mabrouka al-Mismari** was targeted with direct fire, leading to the death of her brother Fathi, aged 35. Mabrouka al-Mismari who relocated to Egypt in mid-2013 following numerous death, abduction and rape threats, had been active since 2012 in organizing the main demonstrations against militia rule in Benghazi. Once in Cairo, she started working with Libya Awalan TV hosting a television show in which she discussed political affairs in Benghazi and openly accused militias of perpetrating crimes and refusing the idea of a state. She

recounted the incident to Amnesty International, "*My family came to visit me in Cairo during Ramadan. They went back to Benghazi to spend 'eid over there. Rumours quickly spread that I had come back to Benghazi as well. One day, someone punctured one of the tyres of my sister's car. Then, the next day, someone was shooting at my family's store located next to the house. The shooting stopped, but soon after started again. My brother Fathi stepped out onto the balcony to see what had happened and was fatally wounded*". She told Amnesty International that she believes the shooting aimed to intimidate her.



# INTERNATIONAL HUMANITARIAN LAW AND OBLIGATIONS OF WARRING PARTIES

International humanitarian law (IHL) 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 constitutes the war crime of murder. Torture and cruel treatment and hostage-taking are prohibited and also constitute war crimes. Amnesty International calls on all parties to the conflict to publicly condemn torture and hostage-taking, and immediately release anyone held solely on the basis of their opinion, political affiliation or origin. All parties should inform families of the fate and whereabouts of their abducted relatives and ensure that all those deprived of their liberty are treated humanely and are allowed to communicate with their family.

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. Parties must also take all feasible precautions to protect civilians under their control from the effects of 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.

# CONCLUSION AND RECOMMENDATIONS

The scale and gravity of human rights abuses and violations of international humanitarian law documented by Amnesty International is alarming. Amnesty International fears however, that the true scale of human rights abuses perpetrated since the start of the 2014 armed conflict in Benghazi, and elsewhere in the country, may be under-reported. Today, only a few continue to report directly from Libya at great risk for their lives, while the country's most prominent voices have been silenced by the violence. Most Libyan journalists, civil society and human rights activists have either fled the country or reduced their work after they became the target of militias and armed groups. The ability of international organizations, including human rights groups such as Amnesty International, as well as the United Nations Support Mission in Libya (UNSMIL) to monitor human rights abuses on the ground has been reduced due to the security situation.

To date, efforts led by UNSMIL to end the fighting and negotiate a political settlement between warring parties have made little headway. A political dialogue launched in Geneva on 15 January 2015 by UNSMIL with the aim of forming a unity government, ceasing hostilities and securing the withdrawal of armed groups from cities provided a new sense of hope for many Libyans, despite the absence of members of the General National Congress, the Libya Dawn coalition and other factions.<sup>40</sup> At the end of two days of deliberations, the participants called on all parties to end the hostilities; expressed their commitment to the rule of law and respect for human rights and agreed to address several human rights concerns as part of confidence building measures. These measures include among other things, addressing illegal detention; working towards the immediate release of abducted persons; providing complete information on missing persons; addressing the situation of refugees and internally displaced persons; providing and allowing humanitarian aid to reach affected areas; and, ending "inciting media campaigns".<sup>41</sup>

Amnesty International welcomes the commitment by participants to the political dialogue to respect human rights and address ongoing abuses. It is crucial however, that accountability measures are also at the heart of this dialogue, or any other subsequent political settlement. In response to the political dialogue, Libyan armed factions, including the Libya Dawn coalition and the Libyan national army comprising Operation Dignity forces, announced a

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<sup>40</sup> See UNSMIL, Transcript of SRSG Leon Press Conference before the opening of the Libyan Dialogue Session in Geneva, available at:  
<http://unsmil.unmissions.org/Default.aspx?tabid=3543&ctl=Details&mid=6187&ItemID=1992895&language=en-US>

<sup>41</sup> See UNSMIL, UN-facilitated Dialogue Libyan Political Dialogue Concludes First Round in Geneva, 15 January 2015, available at:  
<http://unsmil.unmissions.org/Default.aspx?tabid=3543&ctl=Details&mid=6187&ItemID=1992911&language=en-US>

ceasefire with some reports of renewed clashes. The fighting in and around Benghazi is however likely to continue; as are human rights abuses. Indeed, the Libyan national army agreed to a partial ceasefire only, and vowed to continue conducting counterterrorism operations against "those who do not recognize the right of Libyans to build their own state".<sup>42</sup>

Unless the cycle of impunity is broken, perpetrators of human rights abuses and serious violations of international humanitarian law will have no incentive to stop their actions. The endless cycle of violence is likely to continue. Today many in Libya still hope that a strong message from the international community about accountability under international mechanisms can dissuade all parties from perpetrating further abuses and violations. The international community, in particular states which took part in the NATO military campaign against Colonel al-Gaddafi's forces in 2011, should stop looking in the other direction and play a more active role in addressing the situation in Libya, which has the potential to deteriorate and spiral into a full-fledged civil war with terrifying regional and cross-border ramifications.

To this end, Amnesty International is making the following recommendations:

To the Prosecutor of the International Criminal Court:

- Undertake investigations into crimes under international law allegedly committed by all sides, including militias and armed groups in Libya since February 2011.

To the United Nations Security Council:

- Impose targeted sanctions, including travel bans and asset freezes, on individuals and 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 accordance with UN Security Council Resolution 2174 (2014).

To all states:

- Cooperate fully with the Sanctions Committee, and ensure that the UN arms embargo on Libya is fully implemented and enforced in the country in accordance with Security Council Resolution 2174.
- Support measures to end impunity in Libya, including establishing a Commission of Inquiry or a similar mechanism to investigate serious abuses and violations of international human rights and violations of humanitarian law by all sides in Libya.
- Ensure that human rights concerns are the heart of any political settlement.

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<sup>42</sup> See Libyan army statement available at:  
<https://www.facebook.com/klna.libya/photos/a.363782713705548.88043.360972157319937/767417793342036/?type=1&theater>

To commanders of armed groups and militias operating under the SCBR and of Operation Dignity:

- 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.
- Prevent incitement and threats to kill or harm civilians and their property.
- Inform families of the fate of abducted and detained 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 account of their opinion, political affiliation, or place of origin.
- Treat all detainees, including captured fighters, humanely, protect them from torture and other ill-treatment and allow them to communicate with their families; and, hold all detainees in premises that are removed from areas of fighting.
- 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.
- Co-operate fully with investigations into human rights abuses and violations of IHL.

## **BENHAZI'S DESCENT INTO CHAOS**

### **ABDUCTIONS, SUMMARY KILLINGS AND OTHER ABUSES**

Four years since Libyans rose against Colonel Mu'ammar al-Gaddafi, the country is on the brink of collapse. Two governments and two parliaments are fighting for legitimacy and power through coalitions of militias and armed forces. Benghazi, Libya's second largest city and the birthplace of the 2011 uprising, is experiencing the worst of the violence. A fierce conflict between forces loyal to Operation Dignity, a military campaign launched in May 2014 by General Khalifa Haftar, and the Shura Council of Benghazi Revolutionaries, a coalition of predominantly Islamist militias has displacing thousands of civilians. Street battles, assassinations and abductions have become the daily norm.

This briefing documents serious human rights abuses and violations of international humanitarian law perpetrated by all sides, including abductions, summary killings of civilians and captured fighters, indiscriminate shelling and direct attacks against civilians and their property. Unless action is immediately taken by commanders on all side to restore the rule of law, the cycle of revenge is likely to continue.

To date, the international community has taken little effective action to end abuses in Libya and enforce accountability measures. Amnesty International calls on the Prosecutor of the International Criminal Court to undertake investigations into crimes under international law allegedly committed by all sides. The UN Security Council should impose targeted sanctions against individuals and entities responsible for such abuses and violations.

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