

AI Index: PRE01/325/2012
05 July 2012

Libya: Militia stranglehold corrosive for rule of law

Libya risks repeating the very violations that led to the “17 February revolution” unless the winners of elections scheduled for this week make the establishment of the rule of law and respect for human rights their top priority, Amnesty International said today in a new report.

In [*Libya: rule of law or rule of militias?*](#), the organization says that nearly a year after Tripoli fell to the revolutionary fighters (thuwwar), ongoing violations – including arbitrary arrests and detention, torture including to death, impunity for unlawful killings and forcible displacement – are casting a shadow over the country’s first national elections since the fall of al-Gaddafi’s regime.

During a visit to Libya in May and June, Amnesty International found that hundreds of armed militias continue to act above the law, many refusing to disarm or join the national army or police force. The Ministry of Interior told the organization that it has been able to dismantle four militias in Tripoli, a tiny proportion of the total number.

“It is deeply depressing that after so many months, the authorities have failed so comprehensively to break the stranglehold of the militias on Libyan security, with dramatic consequences for the people that bear the brunt of their actions,” said Hassiba Hadj Sahraoui, Amnesty International’s Middle East and North Africa Deputy Director.

“Calls for an end to repression and injustice were what led to the ‘17 February revolution’ in the first place. Without immediate action to stop abuses and lawlessness, there is a very real danger Libya could end up reproducing and entrenching the same patterns of violations we have seen over the past four decades”.

Abuse of detainees and deaths in custody

Militias continue to arrest people and hold them in secret and unofficial detention facilities. Despite some progress in bringing detention under central control, it is estimated that 4,000 remain in centres outside the reach of the central authorities. Some have been held without charge for a year.

Abuse of detainees, particularly those recently arrested, continues. An Amnesty International fact-finding team found evidence of recent beatings and other abuse - in some cases amounting to torture - in 12 of the 15 detention centres where it was able to interview detainees in private during its most recent visit.

Common methods of torture reported to the organization include suspension in contorted positions and prolonged beatings with various objects including metal bars and chains, electric cables, wooden sticks, plastic hoses, water pipes, and rifle-butts; and electric shocks.

Amnesty International has detailed information on at least 20 cases of death in custody as a result of torture by militias since late August 2011.

Armed clashes and forced displacement

Clashes between armed militias recklessly using machine guns, rocket propelled grenades (RPGs) and other weapons in residential areas have continued to plague Libya, leading to deaths and injuries among bystanders and others not involved in fighting.

The southern city of Kufra, home to a Tabu minority, has seen three bouts of clashes between February and June. Amnesty International said that such clashes, which typically involve arbitrary detention and torture on all sides, further entrench divisions along regional, tribal and ethnic lines.

Amnesty International also strongly criticised the authorities for failing to resolve the situation of entire communities forcibly displaced during last year's conflict and still unable to return their homes which were looted and burned by armed militias. The entire population of the city of Tawargha, estimated at 30,000, continues to be prevented from going home.

Foreign nationals at risk

The report finds that Sub-Saharan Africans in Libya - particularly undocumented migrants - continue to suffer arbitrary arrest, indefinite detention, beatings in some cases amounting to torture, and exploitation in the hands of armed militias. Those rounding up foreign nationals generally make no distinction between migrants and those fleeing war and persecution in their countries.

Amnesty International said that the plight of migrants in Libya is compounded by the authorities' failure to tackle prevailing racism and xenophobia against dark-skin Libyans and Sub-Saharan African nationals.

Lack of justice for victims

The Libyan authorities continue to downplay the scale and gravity of patterns of human rights abuses by militias, maintaining that these are individual actions which need to be seen within the context of abuses suffered under al-Gaddafi's rule.

In May the transitional authorities adopted legislation which grants immunity from prosecution to *thuwwar* (revolutionaries) for military and civilian acts committed with the "purpose of rendering successful or protecting the 17 February Revolution."

In a June meeting with Amnesty International, Libya's General Prosecutor was unable to provide any details of *thuwwar* being brought to justice for torturing detainees or committing other human rights abuses.

31-year Hasna Shaeab - accused of being an al-Gaddafi loyalist - was detained for three days in October last year, given electric shocks, beaten and whipped until she lost consciousness and had urine poured over her. The guards threatened to rape her mother if she did not confess.

Hasna was released without charge three days later and has since submitted complaints through a range of channels. She was examined by a forensic pathologist, whose report corroborated her testimony.

No meaningful action appears to have been taken to investigate her complaint. Instead she has received a string of anonymous threatening phone calls, as well as a call in June from the person who arrested her. In March, her flat was fired on by unknown attackers in the middle of the night.

Calls on Libyan authorities post-elections

Amnesty International said that following the election, as a first step to turn the page, it was looking to the General National Congress and the government it appoints to publicly admit the scale and gravity of human rights abuses, unequivocally condemn them, and send a message that such violations would no longer be tolerated.

“To honour the sacrifices and suffering of Libyans, those who take on the responsibility of governing the new Libya have to make clear that they intend to bring to justice and hold accountable those who have committed human rights abuses – whatever their rank or affiliation,” said Hassiba Hadj Saharaoui.

Notes for editors

The report is based on an Amnesty International fact-finding visit to Libya in May and June that included research in and around Benghazi, Kufra, the Nafousa Mountain, Sabha, Tripoli and al-Zawiya. Access was sought to nineteen detention centres in western, southern and eastern Libya, including official prisons and detention centres run by armed militias and semi-official security and military bodies.

Amnesty International **spokespeople** are available from London:

- Diana Eltahawy, Libya researcher, is available for interview in English or Arabic.
- Hassiba Hadj Saharaoui, Middle East and North Africa Deputy Director, is available in French.

Contact: for more information about the report, to obtain an embargoed copy of the report in advance, and to arrange interviews, please contact the Amnesty International Press Office on +44 (0) 20 7413 5566 or email press@amnesty.org