

The Battle for Libya: Killings, Disappearances and Torture

Amnesty International 30 August 2011

(...) In the unrest and ongoing armed conflict, al-Gaddafi forces committed serious violations of international humanitarian law (IHL), including war crimes, and gross human rights violations, which point to the commission of crimes against humanity. They deliberately killed and injured scores of unarmed protesters, subjected perceived opponents and critics to enforced disappearance and torture and other ill-treatment; and arbitrarily detained scores of civilians. They launched indiscriminate attacks and attacks targeting civilians in their efforts to regain control of Misratah and territory in the east. They launched artillery, mortar and rocket attacks against residential areas. They used inherently indiscriminate weapons such as anti-personnel mines and cluster bombs, including in residential areas. They killed and injured civilians not involved in the fighting. They extra-judiciously executed people who had been captured and restrained. They concealed tanks and heavy military equipment in residential buildings, in a deliberate attempt to shield them from possible air strikes by the North Atlantic Treaty Organization (NATO) forces.

The siege by al-Gaddafi forces of opposition-held territory, notably Misratah but also areas such as Zintan in the Nafusa Mountain, aggravated humanitarian crises there as residents were living without or with only limited access to water, electricity, fuel, medicine and essential foodstuffs. As al-Gaddafi forces shelled opposition-held areas, civilians had nowhere safe to hide. (...)

Members and supporters of the opposition, loosely structured under the leadership of the National Transitional Council (NTC), based throughout the conflict in Benghazi, have also committed human rights abuses, in some cases amounting to war crimes, albeit on a smaller scale. In the immediate aftermath of taking control in eastern Libya, angry groups of supporters of the "17 February Revolution" shot, hanged and otherwise killed through lynching dozens of captured soldiers and suspected foreign "mercenaries"- and did so with total impunity. Such attacks subsequently decreased, although Sub-Saharan African nationals continued to be attacked on what have been proved to be largely unfounded suspicions that they were foreign "mercenaries" hired by Colonel al-Gaddafi.

Opposition supporters targeted suspected al-Gaddafi loyalists and former members of some of the most repressive security forces. Between April and early July, for example, more than a dozen such individuals were unlawfully killed in the Benghazi and Derna (including at least three members of the ISA in Benghazi). They also tortured and ill-treated captured soldiers, suspected "mercenaries" and other alleged al-Gaddafi loyalists. (...)

It is crucial that impartial and thorough investigations are carried out into all allegations of serious human rights violations and violations of IHL. Wherever there is sufficient admissible evidence, suspected perpetrators should be prosecuted in proceedings that fully respect international fair trial standards and with no imposition of the death penalty. (...)

In order to build a new Libya on the basis of respect of human rights and the rule of law, all

suspected perpetrators must be brought to justice, regardless of their rank or affiliation- both supporters and opponents of Colonel al-Gaddafi. Those who have been found to be responsible for abuses must not be allowed to hold position from which they can again violate human rights. Furthermore, comprehensive legal and institutional reforms must be introduced to ensure respect for all human rights in law and in practice. Such reforms must enshrine safeguards against human rights violations, such as arbitrary detention, torture and enforced disappearances. They must also put in place mechanisms to ensure independent, non-partisan oversight and accountability of the security forces.

To combat the legacy of four decades of human rights violations and abuse of power, guarantees must be introduced to build an independent judiciary that ensures that no one is above the law and that no one is beyond its protection. Only then will Libyans be able to regain trust in national institutions and believe that the page has truly been turned on more than four decades of repression and abuse.

[Read the full report](#)