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ISSUE BRIEF: CIVILIAN PROTECTION AND HARM  
RESPONSE IN POST-CONFLICT LIBYA  
JANUARY 2013

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Center for American Progress



**CENTER FOR  
CIVILIANS IN CONFLICT**  
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## About Center for Civilians in Conflict

Center for Civilians in Conflict works to make warring parties more responsible to civilians before, during, and after armed conflict. We are advocates who believe no civilian caught in conflict should be ignored, and advisors who provide practical solutions to prevent and respond to civilian harm.

The organization was founded as Campaign for Innocent Victims in Conflict (CIVIC) in 2003 by Marla Ruzicka, a courageous humanitarian killed by a suicide bomber in 2005 while advocating for Iraqi families.

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## Acknowledgements

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Primary research for this brief in Libya was conducted by Nathalie Bekdache. This overview was written by Kristele Younes, an independent expert on humanitarian crises and civilian protection. Sarah Margon provided overall project oversight and guidance.

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# LIBYAN ARAB JAMAHIRIYA



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

# Background and Recommendations

Over a year after the end of the Libyan revolution, the safety of the civilian population remains precarious. Ongoing violence and suspicion, abandoned ordnance and explosive remnants of war, and as yet undressed conflict losses suffered by the population present serious civilian protection concerns.<sup>1</sup>

In February 2011, the Libyan revolution began with demonstrations against President Muammar Qaddafi. Government armed forces attempted to crush the rebellion, including through attacks on civilians. In response to violence against the civilian population, the United Nations Security Council passed a resolution authorizing the use of “all necessary means” to protect Libyan civilians (a UN Chapter VII mandate). Not long after, the North Atlantic Treaty Organization (NATO) launched a military air campaign designed to protect civilians under threat from Muammar Qaddafi and his armed forces.

At the peak of the crisis, Libyan civilians were caught between rebel fighters, Qaddafi’s armed forces, and NATO air strikes. Medical facilities were severely undersupplied and understaffed; water was unavailable in major cities, and migrants and minority groups—believed to be mercenaries by many—were attacked and detained.

This summer, Libya held its first elections in forty years. Organized by the National Transitional Council (NTC)—the interim government that took power following the fall of the Qaddafi regime—national elections took place in July of 2012 and generated high turnout across the country. The elected parliament, known as the General National Congress, or GNC, officially took over for the NTC as the government of Libya in the beginning of August, and two months later the newly formed legislative body confirmed Ali Zeiden as the country’s prime minister.

Despite peaceful elections and the creation of a new government, serious civilian protection concerns remain on three issues.

First, the rule of law is tenuous when it comes to the country’s security forces and other armed groups. The popularly elected General National Congress (GNC) lacks central command and control over the disparate armed groups operating across Libya, including the *thumar*—revolutionary fighters largely regarded as heroes by the Libyan population. Organized into ad hoc brigades and divided along geographic or ethnic lines, many *thumar* groups have refused to disarm or join the national armed forces, creating a de facto breakdown of security structures. In a country awash with arms, armed brigades and militias will continue to present a threat to civilian life so long as they remain autonomous and operate above the law. Additionally, militias in Libya are created along tribal lines and their allegiances are to their tribes and not to the state.

Fighting across the country in 2012 highlights this continuing struggle for law and order. In Bani Walid, a former Qaddafi stronghold in Western Libya, GNC-aligned militias, many from the rival city of Misrata, laid siege to the town in a conflict that has enflamed regional tensions and sparked accusations of civilian harm carried out by groups affiliated with the Libyan national government. In Benghazi in the east, gunmen repeatedly attacked security forces, including a December 16, 2012, assault on a police compound which killed four officers. On the same day, the GNC voted to close the country’s borders with Sudan, Niger, and Chad in response to fighting between rival groups in these areas, and declared the south a restricted military area.

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<sup>1</sup> United Nations Office for the Coordination of Humanitarian Affairs (OCHA), online page on Libya, accessed on September 14, 2012 (<http://www.unocha.org/ocha2012-13/libya>).

Second, weapons and ordnance left over from the revolution continue to find their way into the hands of unregulated militias and are causing significant harm to civilians who come upon them. The Libyan Government has been slow to develop an appropriate plan to secure these weapons. The attack on the U.S. Consulate in Benghazi exposed the presence of extremist groups in Libya and made clear the risk that unsecured weapons could fall into the wrong hands, presenting a danger to Libyan civilians, neighboring countries, and the international community.

Finally, most civilians harmed during the armed conflict have not been offered assistance to rebuild their homes, families, and lives. The Libyan Government launched well-intentioned programs to assist victims, but they remain underdeveloped. NATO also has a duty to address any civilian harm caused by its 2011 air operations. Independent investigations have documented a total of several dozen civilian casualties caused by NATO, a relatively low number for such a large air campaign.<sup>2</sup> Still, when Center for Civilians in Conflict interviewed civilian victims of NATO strikes in September 2011, many were angered by the contradiction between NATO's civilian protection mandate and the harm they suffered, which to date remains unaddressed.

## Recommendations

### *To the Libyan Government:*

- » Conduct transparent and credible investigations of attacks against civilians during and after the conflict in 2011, including by the *thumar*. Prosecute those responsible where violations are found. Investigate past and ongoing incidents of illegal detentions, mistreatment or torture, and hold perpetrators accountable.
- » Develop and implement a national assistance program for civilians suffering losses in the recent conflict, from ongoing related violence and from abandoned or unexploded ordnance.
- » Request that NATO conduct transparent and credible investigations of civilian harm caused by NATO air strikes during the 2011 conflict, in order to make amends to victims with losses, regardless of whether international humanitarian law was violated.
- » Make the Truth-Seeking and Reconciliation Commission (TRC) operational by establishing its terms of reference and procedures, creating and funding a professionally, ethnically and gender-diverse panel, and launching a nation-wide communication effort to convey its objectives to the public.
- » Ensure that all civilians forcibly displaced can return to their homes by guaranteeing their safety and providing them with assistance.
- » Develop and implement a national strategy to collect weapons and clear abandoned or unexploded ordnance. Request technical support from international partners towards these efforts.

### *To NATO:*

- » Conduct transparent, credible, and public investigations of NATO airstrikes that resulted in the harm or death of civilians, or damage to their property, during the NATO intervention in Libya in 2011.
- » Make culturally appropriate amends (likely through monetary payments or assistance packages) to civilian victims and their families who suffered death, injury or damage to their property from NATO airstrikes. This can be done in cooperation with Libyan government assistance programs.

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<sup>2</sup> C.J. Chivers and Eric Schmitt, "In Strikes on Libya by NATO, an Unspoken Civilian Toll", *The New York Times*, December 17, 2011.

*To the international community and donor nations:*

- » Support national reconciliation efforts through technical assistance to the Libyan Government and the implementation of durable solutions for ongoing protection challenges, including for the internally displaced and vulnerable migrants.
- » Continue support of the Libyan Government's efforts to implement effective security sector reform, which should contain as a top priority the protection of minorities, disenfranchised groups and those perceived as formerly pro-Qaddafi, and ensure that militias are brought under a command and control structure.
- » Provide technical support to the new Libyan Government to develop and implement a national strategy to collect weapons and clear abandoned or unexploded ordnance.
- » Provide technical support to the new Libyan Government to develop and implement a national assistance program for civilians suffering losses in the recent conflict, ongoing related violence and abandoned or unexploded ordnance.

# Civilian Protection and Response to Harm

## Libyans harmed during the Conflict

Ever since the end of the eight-month armed-conflict (hereafter “the conflict”) that overthrew Qaddafi, casualty estimates have varied greatly.<sup>3</sup> Libyan Health Ministry officials initially estimated that nearly 30,000 Libyans were killed during the conflict with another 50,000 wounded.<sup>4</sup> In October 2011, officials revised the death toll down to 25,000 dead and 4,000 missing.<sup>5</sup> Figures released by the Libyan Ministry of Martyrs and of Missing Persons (Ministry of Martyrs) in January 2013 adjusted the figures again after new research to 4,700 pro-revolutionaries killed with 2,100 missing. The latest statistics, however, do not include the final figure for fatalities on the Qaddafi side and may not include all civilians killed.<sup>6</sup> Adding to the complexity, Qaddafi forces perniciously intermingled military assets within civilian populations and sites at different points during the war, clouding the picture of who was, or was not, a combatant. As a result, dignifying and assisting civilians suffering losses has been a challenge for the Libyan Government, which has nevertheless signaled its desire to respond to harm.

Best practice in modern armed conflict encourages warring parties to acknowledge and track civilian casualties, conduct transparent investigations, and prosecute those responsible where violations are found. In the case of violations of international humanitarian law, civilians may be entitled to justice processes and reparations; for those harmed during the course of regular lawful combat operations, losses can be dignified through amends in the form of apologies, monetary payments, or in-kind aid. Addressing civilian harm has yet to become a real priority for the parties to the Libyan conflict, both domestically and at the international alliance level.

Further, as Libya focuses on reconstruction, reconciliation and economic development, there is a tendency to forget the heavy toll civilians paid in the conflict. Misratans, however, told our team that national reconciliation can only be brought about through recognition of harm and some form of justice.<sup>7</sup> They are deeply skeptical of reconciliation generally, feeling that they suffered the most, fought their battles alone and spent too long under siege.

## Assessing Civilian Losses and Justice

Libyans told our research team that they need to know what happened to their loved ones. Investigations and battle damage assessments can offer victims dignity for their losses and identify civilians who need help to rebuild. With regard to possible violations of international law, establishing the truth offers victims a chance for justice and helps create a climate in which impunity won't be tolerated.

An international effort to investigate civilian harm from the conflict began in February 2011 when the UN Human Rights Council established the International Commission of Inquiry on Libya to “investigate all alleged violations of international human rights law in Libya, to establish the facts and circumstances of such violations and of the crimes perpetrated and, where possible, to identify those responsible, to make recommendations, in particular, on accountability measures, all with a view to ensuring that those individuals responsible are held accountable.”<sup>8</sup>

3 Rod Norland, “Libya Counts More Martyrs Than Bodies”, *The New York Times*, September 16, 2011.

4 At least 30,000 Killed, 50,000 Wounded in Libyan Conflict, *The Tripoli Post*, September 8, 2011.

5 Ian Black, “Libyan Revolution Casualties Lower Than Expected, Says New Government,” *The Guardian*, January 8, 2013.

6 Umar Khan, Casualty Figures Exaggerated, Says Ministry, *The Libyan Herald*, January 7, 2013.

7 CAP/CIVIC interview with a young entrepreneur from Misrata, August 2012.

8 United Nations Human Rights Council, “Report of the International Commission of Inquiry on Libya,” March 8, 2012.

The Commission's three main findings relate to varying degrees of civilian harm caused by the Qaddafi government, the *thumar*, and NATO. According to the final report, Qaddafi's military forces committed violations of international humanitarian and human rights law during the conflict, as well as war crimes and crimes against humanity, including murder, torture, rape, forced disappearances, and deliberate attacks on civilian objects, such as protected buildings and medical units.

The Commission's report found that various *thumar* brigades committed war crimes and crimes against humanity during the conflict, including murder, torture, forced disappearances, and indiscriminate attacks and pillaging, including against the Tawergha and other minorities. It further concluded that the *thumar* have continued to commit crimes against humanity "in a climate of impunity" under the National Transitional Council (NTC), the government in power at the time of the report.<sup>9</sup> The Commission recommended that the NTC conduct transparent and credible investigations of crimes committed by the *thumar*. Libyan officials haven't gone so far as to conduct widespread investigations, but the NTC created the Ministry of Martyrs shortly after the war's end in part to investigate what happened to people who disappeared during the conflict. The Ministry's current work is to identify remains in mass graves so families can garner some closure, including from mass graves created under Qaddafi's rule. Without a legal framework in place, the Ministry can only uncover what may have happened to the missing but cannot take steps in holding anyone accountable. Further, they lack forensic pathologists, archaeologists, anthropologists, and experts in exhumation and have a dearth of necessary equipment.

With regard to NATO, the Commission found that while the Chapter VII mission was conducted as "a highly precise campaign with a demonstrable determination to avoid civilian casualties," some attacks targeted areas that "showed no evidence of military utility" resulting in "confirmed civilian casualties."<sup>10</sup> The Commission recommended further investigation into those attacks, stressing that NATO did not provide sufficient evidence supporting its claim that all air strikes targeted legitimate military objectives.<sup>11</sup> NATO did not abide by the Commission's recommendation to conduct ground investigations and denied causing any civilian harm.

In January 2012, the Libyan government created an inter-ministerial task force to investigate civilian deaths caused by NATO. The task force, however, is unlikely to issue criticisms of NATO's air strikes given the critical role NATO played in the defeat of the Qaddafi regime. As of the end of 2012, the task force had yet to begin its work.

Under pressure from civil society activists, the then-ruling NTC also established the Fact-Finding and Reconciliation Committee in March 2012 to examine conflicts in Libya dating back from 1969. However, the Libyan government has been reluctant to properly resource the Committee. A UN expert told our team that the authorities have to yet to prioritize truth seeking, and are hesitant to ask Libyans why they accepted to be part of Qaddafi's regime for so long. Several measures are also missing from the Committee's structure including a nation-wide communication strategy to inform citizens of its aims; a panel representative of Libya's citizenry (in addition to the seven former judges currently appointed); and standards of procedure as to what situations it will review, how it will listen to testimonies and evidence, and what measures it will take to encourage reconciliation.

The Committee, along with UN and international experts, recently held a two-day conference in Tripoli in December 2012 to discuss "the relevance and challenges of truth-seeking, the role of victim groups as well as the legal and institutional framework required for truth-seeking."<sup>12</sup> Fact-finding and truth-seeking activities, however, appear to have yet to begin.

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<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Heller, Kevin J., Melbourne Law School, "The International Commission of Inquiry on Libya: A Critical Analysis," August 2012.

<sup>12</sup> For more on this conference see UNSMIL's website at <http://unsmil.unmissions.org>.

Any well-intentioned efforts to investigate the truth of the recent conflict were undermined in May 2012 when the then-ruling NTC passed an amnesty law. Known as “Law 38, On Some Procedures for the Transitional Period,” it includes a complete amnesty for any “acts made necessary by the 17 February revolution” for its “success or protection, whether such acts are of a military, security or civil nature.”<sup>13</sup> Widely considered as a major misstep by human rights advocates,<sup>14</sup> this law could undermine reconciliation in Libya. For instance, pro-revolution human rights abusers can walk free by claiming their actions were for the success of the revolution, while anti-revolutionaries who commit similar human rights abuses may be punished.<sup>15</sup>

The UN insists this law should not be interpreted or applied “in a manner that grants amnesty to those responsible for war crimes, crimes against humanity, crimes of sexual violence in situations of armed conflict and/or gross violations of human rights.”<sup>16</sup> Yet in practice, the law may lead to impunity within the country’s judicial system and otherwise sends the message that the illegal act itself doesn’t matter but rather who commits it.

Accountability in Libya has also become issue on the international stage. Early in the conflict, the UN Security Council adopted Resolution 1970, which gave the International Criminal Court (ICC) jurisdiction to prosecute war crimes and crimes against humanity that occurred after February 15, 2011. The ICC has indicted Qaddafi’s son, Saif al-Islam, who was captured last year and is in prison in Zintan, with crimes against humanity. However, the Zintan Brigade, a powerful militia, has refused to hand him over arguing that the government cannot guarantee his security, meaning that Saif al-Islam could flee or be killed.

Qaddafi’s intelligence chief, Abdullah al-Senussi, was arrested in Mauritania in March 2012 and extradited to Libya on September 5, 2012. Libyan authorities are determined to try both men on Libyan soil, instead of turning them over to the ICC, “because of the secrets they might reveal about the actions and assets of the former government.”<sup>17</sup> Libya still lacks an effective security force and legal system to protect judges, lawyers or witnesses from potential retribution by armed militias still loyal to Qaddafi or those who may react violently to the exoneration of a Qaddafi supporter. In June 2012, the Zintan Brigade detained four staff members of the ICC, accusing them of spying and smuggling documents to Saif al-Islam.<sup>18</sup> While the ICC staff members were released four weeks later, the incident highlighted the Libyan government’s lack of control over autonomous armed brigades and militias.

As Libya struggles to move away from decades of dictatorship and from the position of pariah within the international community, the government needs to show its people—and the world—that it is serious about abiding by international standards of human rights and other applicable law.

## Assisting and making amends to war victims

The formal conflict is over, but Libyans are still grieving for loved ones, their homes, and the lives they knew. They deserve to be acknowledged and helped, regardless of which party harmed them and irrespective of their perceived or known political affiliation. No amount of assistance can make up for the loss of life, but civilians often say they want some kind of recognition and help nevertheless. There are strategic interests for the Libyan government and NATO nations to do so, in cooperation with the larger international community. Ignored or overlooked, civilians burdened with a wartime loss are likely to be slower to return home, rebuild their houses, participate in the democratic process or embrace a new Libya.

<sup>13</sup> Lawyers for Justice in Libya (LFJL), “Press Statement: LFJL strongly condemns new laws breaching human rights and undermining the rule of law,” May 7, 2012.

<sup>14</sup> Lawyers for Justice in Libya issued a press release on May 7, 2012 criticizing the amnesty law. Human Rights Watch also criticized it in “Libya: Amend Special Procedures Law”, May 11, 2012.

<sup>15</sup> See “Libya: Amend Special Procedures Law,” Human Rights Watch, May 11, 2012

<sup>16</sup> United Nations Security Council, “Report of the Secretary-General on the United Nations Support Mission in Libya (S/2012/675),” August 30, 2012.

<sup>17</sup> *The New York Times*, “Libya Resists International Court’s Claim on War Crimes Case,” March 21, 2012.

<sup>18</sup> *The Guardian*, “Libya frees international criminal court legal team accused of spying,” July 2, 2012.

Libyan authorities have made well-intentioned efforts to respond to the needs of civilians harmed during the conflict by making monetary payments to affected families, treating the wounded in Libya or abroad, and providing other forms of assistance. For instance in April 2011, the acting Minister of Finance and Oil established a fund to provide assistance to the families of those killed, detained or wounded during the conflict, paying them through Libya's unfrozen assets.<sup>19</sup> In 2012, the Ministry of Martyrs, started offering families of those killed during the conflict four types of assistance: education, financial support, social support and health care.

Financial support includes 1,000 Libyan Dinars (LYD) per family per month (approximately \$795) and 100 LYD (approximately \$80) per child per month if the deceased was the head of the household.<sup>20</sup> This type of assistance will continue until the end of 2012. Social support includes providing the family with money for rent, making regular visits to the family during special holidays or memorials, and supporting travel costs for the *Hajj* pilgrimage to Mecca, which will be covered for the next three years. In conjunction with the Ministry of Social Affairs, Ministry of Martyrs provides money for rent to families, though coordination between the two ministries remains a challenge. To date, an estimated 7,000–8,000 families have been assisted by the Ministry of Martyrs.<sup>21</sup>

The Administration for the Affairs of the Wounded, a Ministry of Health department, also assists people who were wounded in the war since February 17, 2011, as well as those who continue to be wounded by violent clashes that are still occurring in different parts of Libya. Civilians and combatants alike are treated, irrespective of political affiliation. Until early 2012, the wounded were permitted to start their treatment in Libya and then go abroad if needed at the government's expense. According to the interim Deputy Prime Minister at the time, Mustafa Abushagur, over \$800 million was spent on providing overseas treatment for the wounded, a notable investment by the government as it is simultaneously trying to rebuild widely damaged infrastructure.<sup>22</sup> However, the program was suspended in February 2012 after the government discovered the scheme was being abused by thousands of Libyans to treat routine ailments rather than war wounds.<sup>23</sup>

Despite these initiatives, many civilians are still waiting for help, many frustrated by the hurdles they face.

A man from Misrata described the harm that he and his family suffered during the conflict. His home and his brother's home were burned and totally destroyed, and one of his cousins died and another was wounded. He said he has tried every possible avenue to receive compensation including the Institute of Applied Engineering, which was recording damages and losses, an international organization that was mapping losses, and the Misrata Council, which he says created a committee to assess damages and offer compensation. None of his efforts were successful as of this writing.

## The role of NATO forces

By all accounts, NATO took extensive measures to minimize civilian harm during NATO air strikes in Libya in 2011, including through the exclusive use of precision-guided munitions. NATO has insisted that all of its targets were legitimate military objectives. The number of civilian deaths in Libya from NATO air strikes was low given the extent and duration of the bombings. NATO conducted more than 14,000 strike sorties, and hit over 3,000 targets.<sup>24</sup>

<sup>19</sup> "Libya: Protect Vulnerable Minorities and Assist Civilians Harmed," Center for Civilians and Conflict and Refugees International, November 2011.

<sup>20</sup> Interview with an official of the Ministry of Martyrs and Missing Persons, August 2012.

<sup>21</sup> Ibid.

<sup>22</sup> Mustapha Abushagur quoted this figure during a televised interview with the BBC. For more see "Libya Wounded Treatment System 'Abused,'" BBC, February 7, 2012.

<sup>23</sup> "Libya Wounded Treatment System 'Abused,'" BBC, February 7, 2012.

<sup>24</sup> For more on these statistics, see *The Guardian's* DataBlog on Nato's Operations in Libya, available at <http://www.guardian.co.uk/news/datablog/2011/may/22/nato-libya-data-journalism-operations-country>.

However, the International Commission of Inquiry on Libya documented 60 civilian deaths and 55 civilians injured at five sites where the commission found no evidence of military activity.<sup>25</sup> *The New York Times* also documented civilian casualties at six sites.<sup>26</sup> NATO authorities have failed to acknowledge these civilian casualties or to publicly release details on how and why they occurred, despite the fact that there were likely detailed after-action reports prepared internally. NATO has also failed to make amends to civilian victims and their families who suffered death, injury or damage to their property. NATO's unwillingness to publicly assess civilian casualties undermines the Libyan government's efforts towards stabilization while also reducing "the chances that allied forces, which are relying ever more heavily on air power rather than risking ground troops in overseas conflicts, will examine their Libyan experience to minimize collateral deaths elsewhere."<sup>27</sup>

In Afghanistan, NATO nations and allies learned hard lessons over a decade of war and significant civilian casualties about responding to the local population, including through casualty tracking, investigations, explanations of harm, and, at times, monetary payments for incidental conflict losses like death, injury and property damage. It is surprising to humanitarian and military observers alike that similar efforts weren't undertaken in Libya.

It is important to highlight that NATO intervened in the Libyan armed conflict in order to protect civilians—a mandate that should guide its post-conflict actions.<sup>28</sup> When the Center interviewed civilian victims of NATO bombings in September 2011, many were angered by the contradiction between NATO's mandate and the harm they suffered, even assuming such harm was unintentional. NATO has stated that it didn't conduct investigations because the Libyan government hadn't asked it to; this, however, shouldn't allow NATO to deny responsibility for any civilian harm it caused.

Civilian victims of NATO airstrikes are also largely ignored by the Libyan authorities, and are regarded with suspicion by others as NATO's discourse of military precision and accuracy implies that only legitimate military targets were hit. This leads to a perception that victims must therefore have been affiliated in one way or another to the Qaddafi regime. One man, whose family died in the destruction of his home by a NATO bomb in Tripoli, told Center for Civilians in Conflict that he just wanted NATO to publicly state that he had not worked for Qaddafi, as he has now become a pariah in his own community. In Zlitan, a man's house was next to a Qaddafi command and control center. His house was bombed, leaving him both without a home and under suspicion from his neighbors who believe there must have been a reason for NATO to attack him.

Two women from Sirte told our team that they were forced to flee to the desert in September 2011 when NATO conducted air strikes, allegedly killing dozens of civilians. Their families were caught in the cross-fire between NATO air strikes and attacks by Misratan *thuwar*. Their children were traumatized, and they had no water or electricity in the desert. Their homes were burned. To date, they have not received any monetary payments.<sup>29</sup> A government committee visited their homes to assess the damage, but nothing has been done since then. Today, life has resumed in the city: children have gone back to school and they have access to medical care. However, they need financial assistance to rebuild their homes. They are currently squatting in a compound, waiting for NATO and their government to acknowledge their plight.<sup>30</sup>

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25 United Nations Human Rights Council, "Report of the International Commission of Inquiry on Libya," March 8, 2012.

26 *The New York Times*, "In Strikes by NATO, an Unspoken Civilian Toll," December 17, 2011.

27 *Ibid.*

28 Center for Civilians in Conflict and Refugees International, "Libya: Protect Vulnerable Minorities and Assist Civilians Harmed," November 2011.

29 Interview with two women from Sirte, August 2012

30 *Ibid.*

## Abandoned weapons and unexploded ordnance

Most post-conflict countries face challenges with explosive remnants of war, but the sheer scale of unused weapons left over after Libya's 2011 armed conflict is almost unprecedented. During more than four decades in power, Qaddafi stockpiled billions of dollars worth of weapons, ranging from bullets and mortars to torpedoes and missiles, storing them in hundreds of facilities across Libya.<sup>31</sup> With the onset of the 2011 war, vast quantities of weapons were scattered across Libya or moved out of the country during the chaos.

Today, Libya is saturated with abandoned wartime weapons and unexploded ordnance, which pose major risks for civilians in Libya. The storage of stockpiles in populated areas, the harvesting of materials from abandoned weapons for sale or personal use, the display of weapons as mementos of war, and curiosity among the population about contaminated sites and munitions have all lead to death or injury of Libyan civilians. Moreover, much of the abandoned ordinance is now hands of local militias, many of which at the center of the Libya's ongoing violence.

Moving forward, it is imperative that the new Libyan government and its international partners focused on post-war reconstruction draft, adopt, and implement a strategy to deal with the problem of abandoned ordnance. Any strategy should be based on input from affected individuals and communities, and its scope should be broad enough to cover the full spectrum of activities related to minimizing the dangers of weapons left after an armed conflict, primary among them: stockpile management, clearance, risk education, and victim assistance.

## Displacement and Discrimination

Over 200,000 Libyans were internally displaced during the height of the conflict.<sup>32</sup> Most have since returned to their areas of origin, particularly to eastern Libya, Tripoli, and the Nafusa Mountains. Approximately 50,000 people, mostly from minority groups, remain displaced. Many have been unable to return to their areas of origin due to protection threats and fear of arrest because of their association—perceived or real—with the Qaddafi regime.<sup>33</sup>

Prior to the conflict, sub-Saharan Africans, mostly migrant workers, made up more than 20 percent of the estimated population of 6.5 million people in Libya.<sup>34</sup> Because they appeared to be recruited from surrounding countries by pro-government forces, they were accused en masse of working as mercenaries for Qaddafi during the conflict. With militia groups in control of large areas of the country, and with anti-African sentiments pervasive in Libya, many were beaten and detained during and after the fighting.<sup>35</sup> According to the ICRC, 1,500 of the estimated 7,000 prisoners being held in official and ad hoc detention sites in Libya are foreign migrants, mostly from sub-Saharan Africa.

Our research team visited a detention camp for migrants, and interviewed several men and women from Sub-Saharan Africa countries being held there. All of them described difficult living conditions, their anxiety at having to wait for help from the Libyan or their own government, as well as the humiliation and violence they endure at the hands of their guards.<sup>36</sup> Since February 2011, almost 800,000 sub-Saharan migrant

31 Harvard Law School International Human Rights Clinic (IHRC), Center for Civilians in Conflict, and Center for American Progress (CAP), "Explosive Situation: Qaddafi's Abandoned Weapons and the Threat to Libya's Civilians," August 2012.

32 United Nations, "Regional Flash Appeal for the Libyan Crisis," May 18, 2011.

33 See UNOCHA's Context Analysis on The Humanitarian Situation in Libya 2012 and 2013.

34 Center for Civilians in Conflict and Refugees International, "Libya: Protect Vulnerable Minorities and Assist Civilians Harmed," November 2011.

35 "LIBYA: Detained migrants face harsh conditions, legal limbo", *IRIN*, May 3, 2012.

36 Interviews with migrant workers detained at Camp Gheryan, July 2012.

workers and their families have fled Libya to escape the ongoing violence.<sup>37</sup> According to International Organization for Migration: “Given that there were approximately 1.8 million migrant workers in Libya, a country heavily reliant on migrant workers before the crisis, it is clear that such large-scale movement has significant implications for the neighboring region and beyond, as well as for the post-crisis reconstruction of Libya itself.”<sup>38</sup>

Dark-skinned Libyans, including the Tawergha, Tebu and Tuareg, are also widely viewed as Qaddafi sympathizers, or simply as foreigners despite their Libyan nationality, and are subjected to harassment, intimidation, discrimination and other human rights abuses. Although it is true that some of the men fought for Qaddafi, many are now persecuted for their political sympathies, or simply for belonging to these communities. Armed brigades and militias carried out large-scale roundups of unarmed dark-skinned Libyans, including women and children, for detention and interrogation.<sup>39</sup> Moreover, civilians who have fled their towns are kept from returning by the *thumar*, thereby creating protracted displacement for which aid agencies are struggling to find solutions.

## Conclusion

Libya’s transition is often portrayed as one of the more promising outcomes of the Arab Spring. While moving in the right direction, it is still reeling from 40 years of Qaddafi’s divide-and-rule regime, which set the country’s myriad communities against one another. Although ousting Qaddafi momentarily brought most Libyans together in common cause, today’s political landscape is as fractured as ever and populated by heavily armed groups. What’s more, despite the end of the 2011 war, the safety of the civilian population remains precarious, and caught in the crosshairs of new communal conflicts.

Recent violence in Libya has shown that the path to stability will be far from smooth. Yet there is reason to be hopeful, including that Libyans have managed to contain the worst elements of communal violence. Further transforming conflict into cooperation will require Libya’s newly elected leaders to prioritize the protection of civilians against new forms of violence. Importantly, the government should work toward ensuring its security forces are well trained on human rights, that they will be held accountable for abuses, and that armed militias are eventually brought under a central command.

Moreover, moving toward a stable peace will also require Libyans and their international partners to revisit the past. To this end, Tripoli will have to prioritize developing and implementing a national assistance program for civilians harmed by abandoned or unexploded ordnance, and those suffering losses during the recent conflict. Ensuring assistance for all civilians who deserve it will also require Tripoli requesting NATO to investigate civilian harm it caused during its 2011 air campaign, regardless of whether international humanitarian law was violated.

Admittedly, these are tough steps to take for just about any government. But without them, it will be even tougher for the new Libya to leave behind Qaddafi’s divisive legacy.

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<sup>37</sup> International Organization for Migration (IOM), “Migrants Caught in Crisis: The IOM Experience in Libya,” 2012.

<sup>38</sup> *Ibid.*

<sup>39</sup> Internal Displacement Monitoring Centre (IDMC), “Libya: Many IDPs return but concerns persist for certain displaced groups,” November 7, 2011.