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Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's Refworld website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the Knowledge and Information Management Unit.

25 June 2013

LBY104472.E

Libya: The Zintan brigade, including areas of operation and its relationship with the government; whether it is involved in instances of human rights abuses
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Background

Sources indicate that the Zintan brigade was founded by Mohammed [or Muhammad] Ali Madani, who died in combat on 1 May 2011 (Jamestown Foundation 19 Jan. 2012; AFP 7 Sept. 2011). In the report entitled *Divided We Stand: Libya's Enduring Conflicts*, the International Crisis Group indicates that the Zintan brigade (or militia) emerged in the city of Zintan [in the Nafusa mountains (*Jane's Intelligence Review* 17 Jan. 2013; Jamestown Foundation 19 Jan. 2012)] (International Crisis Group 14 Sept. 2012, 17). The Zintan brigade further consolidated during 2011 from "loose networks of civilian brigades" to a more "institutionalized coalition" (International Crisis Group 14 Sept. 2012, 17).

Sources indicate that inhabitants of the city of Zintan had an uneasy relationship with Muammar Gaddafi and that some of its inhabitants participated in a failed coup d'état in 1993 against his regime (Jamestown Foundation 19 Jan. 2012; NPR 23 Mar. 2011). The International Crisis Group indicates that the Western Military Command, led by Mokhtar al-Fernana, was "an earlier version" of the Zintan brigades (14 Sept. 2012, 18). Crisis Group adds that before the formation of the Zintan brigade, the Western Military Command was the organization that coordinated the rebel attack alongside NATO forces in the western mountains against the Gaddafi regime (International Crisis Group 14 Sept. 2012, 18). The *Los Angeles Times* also indicates that al-Fernana commanded the rebel forces that operated with the assistance of NATO forces in western Libya (2 July 2011). In September 2012, the International Crisis Group was writing that the Zintani and Misratan forces are "the most experienced and heavily armed groups in the west" of Libya (14 Sept. 2012, 24). An article published by the German Institute for International and Security Affairs (Stiftung Wissenschaft und Politik, SWP) indicates that Zintan militias "succeeded in gaining control over large stock of weaponry" (May 2013, 19).

2. Areas of presence

The International Crisis Group report indicates that besides Zintan, the Zintan brigade is also present in Tripoli and the western oil fields (14 Sept. 2012, 15). Sources indicate that the Zintan brigade also controls the Tripoli airport and other institutions in Tripoli (Jamestown Foundation 19 Jan. 2012; AFP 7 Sept. 2011), such as the central bank and the electric company (ibid.). However, Al Jazeera reported on 21 April 2012 that the Libyan government had "assumed control" of the Tripoli airport "from fighters who had been providing security for months in the absence of an official force."

According to the Jamestown Foundation, in 2012, Zintanis' relations with the Tripoli Military Council, the Misrata Militia and the National Army were "tense" as they were seeking to control the capital (19 Jan. 2012). A *Jane's Intelligence Review* article indicates that "[s]ince the revolution, the Libyan government has struggled to control the militias that helped remove Muammar Gaddafi from power" (17 Jan. 2013). The *Jane's* article adds that some militias grew suspect of the new bureaucracy of the Ministry of Defence, since it integrates people from the old regime; this suspicion reportedly made the militias "reluctant to cede power to the new establishment" and some refused to give up to state authorities their control over key places, such as Tripoli's airport (17 Jan. 2013). Sources report that the Zintani and the Misrata brigades engage in battles against each other (Security Council Report Mar. 2012; Reuters 1 Feb. 2012) to gain influence in the "new Libya" (ibid.).

3. Organization

Sources indicate that the Zintan brigade only recruits people who were not associated with the previous regime (AFP 7 Sept. 2011; Jamestown Foundation 19 Jan. 2012). According to the Jamestown Foundation, the Zintan brigade is characterized by its "strong and efficient organization, which allows them to implement an effective control of the areas under their informal rule" (19 Jan. 2012). It also notes that the brigade has a "strictly hierarchical mix of civilian volunteers from Zintan and former members of the Libyan national army who defected in the early stages of the revolution and are now in command positions within the Brigade" (Jamestown Foundation 19 Jan. 2012). According to Agence France-Presse (AFP), the Zintan brigade is mostly composed of people from western Libya tribes, such as Awlad Khlifa, Awlad Abulhul, Awlad Duib and Omyan (7 Sept. 2011). The SWP article indicates that the Zintan brigade has both a tribal and an urban background where tribal leaders "played a central role in political and military decision-making, with their *shura* council becoming the highest instance to which the local civilian and military councilsred" (SWP May 2013, 19). A *Jane's Intelligence Review* article says that the exact number of Zintan brigade members is unknown, but according to "some uncorroborated sources," membership may be around 4,000 (17 Jan. 3013).

The International Crisis Group lists the following major armed groups that were active in Libya in September 2012:

1. Government Forces	Commanding Officer
Chief of Staff of the Armed Forces Army, Navy, Air Force, Air Defence	Yusuf al-Manqoush
2. Auxiliary Forces	
Libyan Shield Force	Yusuf al-Manqoush
Western regions (including Zuwara, Zintan, Bani Walid)	Abdul Hakim al-Dirbala'
Central regions (including Sebha and Bani Walid)	Mohammad Moussa
Southern regions (including Sebha)	Ahmed Hosnawi
Eastern regions (including Kufra)	Ziad Bela'
The Border Guard	Sidiq Mabrouk
The National Guard (formerly independent)	Khalid ash-Sharif
The Supreme Security Committee	Abdul Latif Qudoor
3. Revolutionary Coalitions	
Revolutionary Brigades Coalition (base of operation: Benghazi)	Fawzi Bukatf
Misratan Union of Revolutionaries (base of operation: Misrata)	Salim Joha
Zintan Military Council and brigades (base of operation: Zintan)	Abu Bakr ben Juma'
The Tripoli Brigades (base of operation: Tripoli)	Hisham Buhajar
4. Other groups authorised by the Defence Ministry	
Warfalla 93/Martyrs of Wadi Dinar (base of operation: Bani Walid)	Salim al-Wa'ir
Al-Awfiya (base of operation: Tarhuna)	Bujeila Hibshi (pre-4 June 2012)
unnamed group with base of operation in Sirte	Khalifa Hiftar

(14 Sept. 2012, 38)

4. Reports of Abuses

The Associated Press (AP) reports that security in Zintan, Tripoli, Misrata and Benghazi "remains shaky as militias extend their control" (16 June 2012). The French newspaper *Le Monde* reports that transition authorities [translation] "did not have any other choice but to rely on militias to guarantee order and security" (28 Sept. 2012). The article also indicates that militias, including the Zintan brigade, assumed police and army-related responsibilities, "imposing control over entire neighbourhoods and strategic parts of the country such as public buildings, oil fields, and borders" (*Le Monde* 28 Sept. 2012). The SWP says that the Zintan brigade is notorious for "arbitrary arrests" and "other transgressions" in Tripoli (May 2013, 19).

The International Crisis Group indicates that in May 2012, the National Transitional Council passed Law 38, which "grants immunity from prosecution to 'revolutionaries' for acts committed in the name of the revolution" (17 Apr. 2013, 28). According to the International Crisis Group, the same law also grants "legal weight to interrogation reports and other information collected by 'revolutionaries,' legitimizing the seizure, detention and interrogation of detainees outside a legal framework" (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. However, according to Amnesty International (AI), calls and decrees that forbid "'revolutionary brigades'" to conduct arrests were issued by the Ministry of the Interior (July 2012, 15). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. AI further reports that in a June 2012 interview, the then Deputy Minister of the Interior admitted that unlawful arrests by militias continued in the country (July 2012, 15).

Sources report that Saif al-Islam, the son of Gaddafi, was captured [in the Libyan southern desert in November 2011(AP 16 June 2012)] by Zintani militias (AP 16 June 2012; *The New York Times* 8 Feb. 2012; *Jane's Intelligence Review* 17 Jan. 2013). The *Jane's Intelligence Review* article indicates that the Zintani militias have refused to hand him over for detention in Tripoli (ibid.). Al Jazeera reports that "[s]everal human rights groups have questioned whether the Libyan justice system can meet the standards of international laws as the interim national government struggles to impose its authority on a myriad of armed groups" (21 Apr. 2012).

Sources report on the murder of Omar Brebesh, former Libyan diplomat in France, one day after he was called in for questioning by Zintani militias on 19 January 2012 (*The New York Times* 8 Feb. 2012; Human Rights Watch 2 Feb. 2012). Human Rights Watch indicates that according to the preliminary autopsy report, the cause of death included "multiple bodily injuries and fractured ribs" (ibid.). The organization also had access to photographs of Brebesh's body, which show "welts, cuts, and the apparent removal of toenails, indicating that he was tortured prior to death" (ibid.). A *New York Times* article says that "[t]he government has acknowledged the torture and detentions, but it admits that the police and Justice Ministry are not up to the task of stopping them" (8 Feb. 2012).

The International Crisis Group indicates that "[e]ven those fighters who fall into government hands seldom face justice: potential witnesses refuse to testify for fear of retribution" (17 Apr. 2013, 29). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4.1 Treatment of Mashayshas by the Zintan Brigade

The *Jane's Intelligence Review* article indicates that the Mashayshas [or Mashashiyas, Mashashyas], a group of nomadic people who had been resettled in Zintan during Gaddafi's rule, "were persecuted" by the Zintan brigade after militias in the country were given "law and order"-enforcing attributes (17 Jan. 2013). BBC reports that tensions between Zintanis and Mashayshas date from the Gaddafi era, when "one tribe was given land expropriated from another" (20 June 2012). The AI report indicates that Zintan militia have captured people from the Mashayshas tribe, seizing them at home or from their workplace, without arrest warrant and without telling their families where they are being taken (AI July 2012, 15). According to AI, people from the Mashayshas tribe are also facing "other reprisals" (ibid., 8).

Sources indicate that in June 2012, Zintan brigade clashed with armed members of the Mashayshas tribe in the Nafousa Mountains, leaving 105 dead and about 500 injured (BBC 20 June 2012; AI July 2012, 8, 47). Similarly, the SWP article reports that in the summer of 2012, the Zintan brigades "launched several artillery attacks" against Mashayshas towns, which forced Mashayshas people to flee and prevented them from returning to their homes (SWP May 2013, 19). Amnesty International also says that many Mashayshas were "barred from returning to their homes by Zintan brigades because of their alleged support" to Gaddafi (AI July 2012, 8, 47).

Amnesty International adds that "no action has been taken to hold the perpetrators accountable or to allow the displaced communities to return home" (ibid. 16 Feb. 2012). The International Crisis Group reports that in June 2012, members of the Zintan brigade abducted an injured Mashasha [or Mashaysha] fighter from an ambulance and that the following day, he was found shot dead (17 Apr. 2013, 29-30). The International Crisis Group adds that two witnesses of the scene refused to provide statements, "fearing that brigade members would seek revenge" (International Crisis Group, 30).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Date modified: 2016-01-05