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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.

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11 December 2012

LBY104243.E

Libya: Overview of the political situation since the fall of Moammar Qaddafi (September 2011-November 2012)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Political Transition

Colonel Moammar Qaddafi ruled Libya for over 40 years (US 24 May 2012, 1; CBC 20 Oct. 2012). Anti-government demonstrations began in February 2011 (AI 2012; BBC 21 Nov. 2012a: CNN 20 Oct. 2011), and "escalated into a civil war" (ibid) Sources indicate that the civil war lasted for eight months (ibid.; US 24 May 2012, 1). Libya's National Transition Council (NTC) [also called the Transitional National Council (TNC)], the leadership of the opposition against Qaddafi, was established in February 2011 (AI 2012, US 24 May 2012, 1). The North Atlantic Treaty Organization (NATO) engaged in military operations from March 2011 to 31 October 2011 (AI 2012), in support of forces attempting to overthrow Qaddafi (*Foreign Affairs* Mar./Apr. 2012). According to Amnesty International (AI), the NTC controlled "most" of Libya by late August 2011 (2012). Qaddafi was killed on 20 October 2011 (CBC 20 Oct. 2012; US 24 May 2012, 1). On 23 October 2011, the NTC declared the country's "liberation" (ibid.; AI 2012). According to the US Department of State's *Country Reports on Human Rights Practices for 2011,* the NTC established an interim government on 23 November 2011 (US 24 May 2012, 1).

On 7 July 2012, Libyans elected the General National Congress (GNC) (AI Sept. 2012; BBC 7 July 2012), which replaced the NTC (ibid.; US 18 Oct. 2012, 1). According to the UN, 80 out of 200 seats in the GNC were allocated for political parties (17 July 2012). The National Forces Alliance won 41 seats, the Muslim Brotherhood Justice and Construction Party won 16 seats, and smaller parties won 23 seats, while the remaining 120 seats were allocated for independents (UN 17 July 2012). According to the US Congressional Research Service (CRS), the GNC assumed power on 8 August 2012, and elected Mohamed Magariaf as president in August 2012 and Mustafa Abu Shugur as prime minister in September 2012 (18 Oct. 2012, 5, 6). CRS indicates that, in a vote of no confidence regarding cabinet selection, Abu Shugur was replaced by Ali Zeidan as prime minister on 14 October 2012 (US 18 Oct. 2012, 5). On 18 October 2012, the CRS stated that Libya still did not have a cabinet or a new constitution. Sources indicate that Libya's central government is weak (Foreign Policy 24 Sept. 2012; International Crisis Group 3 July 2012)

2. Militias and Other Armed Groups

The Small Arms Survey, a Geneva-based independent research project that provides information on small arms and armed violence (n.d.), identifies the following four categories of armed groups in Libya:

- revolutionary brigades, which "emerged during the initial months of intense fighting but have since become closely integrated into local authorities and associations";

- unregulated brigades, which are "revolutionary brigades that broke away from the authority of local councils and are operating outside of their control";
- post-revolutionary brigades, which "emerged in cities or neighbourhoods as local protection forces in the security vacuum created by Qaddafi's retreating forces"; and
- militias, which are "armed groups that range from criminal networks to violent extremists." (Small Arms Survey Oct. 2012, 12)

According to the Small Arms Survey, revolutionary brigades control 75 to 85 percent of Libya's non-state fighters (ibid., Oct. 2012, 13), while militias constitute "perhaps less than two per cent" of armed groups, although their attacks have been intensifying since February 2012 (ibid., 32). The Small Arms Survey also states that armed groups can "differ dramatically from city to city" (ibid., 12). The Small Arms Survey states that the term "militias" has often been used to describe all armed groups, without making the above-mentioned distinctions (ibid., 32). CRS reports on the existence of "Salafist militia groups" (US 18 Oct. 2012, 1). Media sources indicate that Salafists are "ultraconservative Sunni" Muslims (*The New York Times* 19 Aug. 2012; BBC 23 Aug. 2012)

Sources indicate that the government works with some militias (Human Rights Watch 16 Nov. 2012; Foreign Policy 24 Sept. 2012). According to CRS, several militias are affiliated with the Ministry of Defence and the Ministry of Interior, and sponsored by the Supreme Security Committee (SSC) (US 18 Oct. 2012, 8). Sources describe the SSC as:

- a body that was set up in 2011 in an attempt to regulate armed groups (Reuters 4 Nov. 2012);
- an "umbrella group" for different armed groups that do not want to join the police or army (ibid. 5 Nov. 2012); and
- a government-run body that includes the police, the ministries of Defence and Interior, and neighbourhood committees, which brigades are supposed to report to (BBC 13 Sept. 2011).

CRS states that government authorities have designated military officers to command some well-known militias (US 18 Oct. 2012, 8).

2.1 State Security

Country Reports 2011 indicates that "emerging security institutions lacked control in the militia-dominated environment" (US 24 May 2012, 7). Sources indicate that Libya's security structure is fragmented (Small Arms Survey Oct. 2012, 12; BBC 13 Sept. 2011). *Country Reports 2011* reports on the absence of effective national police and security forces, and indicated that there is a "security and institutional vacuum" (US 24 May 2012, 7). *Country Reports 2011* adds that policing tasks have been conducted by "self-constituted decentralized militias which often exercised police power largely without training, supervision, or accountability" (ibid.). Similarly, the head of the UN Support Mission in Libya (UNSMIL), in an interview with the UN News Service, states that, without the presence of a well-functioning police force or neutral army, revolutionary brigades provide "much of the security in towns and cities" (UN 6 Aug. 2012). CRS also states that government authorities "rely on militias to provide security for key cities and facilities" (US 18 Oct. 2012, 8). BBC reports that some cities run their own military affairs (13 Sept. 2011).

CRS reports on the "continuing independence of local militias" (US 18 Oct. 2012, 19), and *Country Reports 2011* states that militias acted autonomously "more often" than acting according to governmental directives (US 24 May 2012, 1). Similarly, other sources state that some militias have not joined the police or army (AI Sept. 2012; Reuters 5 Nov. 2012). Reuters states that these militias do not want to join the police or army due to fears that these institutions are still run by Qaddafi loyalists (ibid.). CRS indicates that, according to UNSMIL, government efforts to "integrate revolutionaries and brigades have lacked overall concept and coordination" (US 18 Oct. 2012, 8).

Sources indicate that some militias have arbitrarily detained and tortured people, such as Qaddafi loyalists (AI Sept. 2012; Human Rights Watch 16 Nov. 2012; US 24 May 2012, 5). For information on the treatment and detention of Qaddafi loyalists, refer to Response to Information Request LBY104242 of 7 December 2012.

3. Ongoing Conflict

Sources report on "sporadic" violence in Libya (US 18 Oct. 2012, 8; *The Economist* 17 Nov. 2012). CRS indicates that this violence has been ongoing since late 2011, and occurs amongst "rival militia groups, criminals, and armed citizens" (US 18 Oct. 2012, 8). The Jamestown Foundation, a research and analysis institution that provides information on issues that are strategically important to the United States (n.d.), indicates that "urban violence" is ongoing, especially in Benghazi where "attacks are the most intense" (10 Sept. 2012). Sources report on bombings (*The Economist* 17 Nov. 2012; Jamestown Foundation 10 Sept. 2012), with the Jamestown Foundation noting that bombings are "common" (ibid.).

Sources report that inter-militia conflicts occur "frequently" (AI Sept. 2012; *The Economist* 17 Nov. 2012). A 27 August 2012 US Department of State travel warning reportedly indicated that "inter-militia conflict can erupt at any time or place in the country." AI reports that militias "clash using weapons like machine-guns and mortars in residential areas - leading to casualties among the population and widespread property damage" (Sept. 2012). Reuters states that on 4 November 2012, rival militias clashed in a central neighbourhood in Tripoli, firing guns and rocket-propelled grenades at each other (4 Nov. 2012). According to Reuters, civilians went home to get their own guns, as the police did not arrive and the army came 12 hours after the conflict started (4 Nov. 2012). Reuters also reports that, on 5 November 2012, rival militias belonging to the SSC clashed with guns in "a western city," wounding five people (5 Nov. 2012). Reuters added that these militias belong to the "Libyan National Shield" (5 Nov. 2012), which the Small Arms Survey describes as an "army-in-waiting" that was created by revolutionary brigades (Oct. 2012, 12). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources report on the existence of several local conflicts (UN 6 Aug. 2012; ibid. 30 Aug. 2012, 3; *The Guardian* 27 June 2012). According to the UN, although some local conflicts predated the change of regime, tensions were "exacerbated by opposing allegiances," and some conflicts have escalated and resulted in the use of heavy weapons (30 Aug. 2012, 3). Sources list the following conflicts between January and June 2012:

- The UN states that, on 10 June 2012, in the Nafusa mountains, Zintan and Mashashiya tribes clashed, resulting in 70 deaths and 150 people injured in six days (UN 30 Aug. 2012, 3).
- *The Guardian* states that, in Kufra [southeast], the indigenous Tibu people and Arab tribes have clashed and, between January and June 2012, 70 people were killed (27 June 2012). The UN reports on fighting in Kufra between the Tabu and Arab Zwaya brigades, and indicates that the Libya Shield Brigade was sent to Kufra to enforce a ceasefire but was later accused of supporting the Arab Zwaya tribe (30 Aug. 2012, 3). The UN indicates that there were several rounds of clashes, including one on 9 June 2012 which left 44 people dead and 150 people wounded (30 Aug. 2012, 3).
- *The Guardian* states that, in June 2012, more than 100 people were killed in clashes between the Zuara and the Zintan (27 June 2012).
- The UN reports that on 26 March 2012, in Sabha [south], clashes between the Tabu brigades and an Arab brigade resulted in 147 deaths and approximately 500 wounded (30 Aug. 2012, 3).
- The UN indicates that, on 14 May 2012, in Ghadamis, Arabs and Tuaregs clashed, leading to 10 deaths and the displacement of approximately 1600 Tuaregs to Dirj (30 Aug. 2012, 3).
- The UN reports that in April 2012 in the west, between the town of Zuwarah and the towns of Al-Jumail and Riqdalin, clashes occurred resulting in the death of approximately 48 people (30 Aug. 2012, 3).

According to two sources, groups in eastern Libya are concerned about not having sufficient participation in governance (UN 6 Aug. 2012; Al Jazeera 21 Nov. 2012). Al Jazeera reports that local groups held protests demanding more powers for the east (ibid.).

Sources state that Libyan authorities laid siege to Bani Walid (AI 5 Oct. 2012; Human Rights Watch 24 Oct. 2012) in late September 2012 (ibid.). Fighting and shelling were reported in Bani Walid in October 2012 (ibid.; BBC 24 Oct. 2012). BBC indicates that the shelling was being done by pro-government forces (ibid.). Human Rights Watch reports that there was a "military offensive" in Bani Walid, that the shelling was "indiscriminate," and that "armed groups" were trying to defend the town (24 Oct. 2012). Human Rights Watch states that the number of victims is unclear (Human Rights Watch 24 Oct. 2012). Estimates of the number of people killed range from 22, according to the government news agency, as reported by Human Rights Watch (ibid.), to 26 (AFP 21 Oct. 2012) to "dozens" (BBC 24 Oct. 2012). Russia Today reports that 600 people were killed in one day of fighting on 24 October 2012 (25 Oct. 2012). Information corroborating the number cited by Russia Today could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. Media sources report approximately 200 people having been wounded (BBC 24 Oct. 2012; AFP 21 Oct. 2012). Human Rights Watch indicates that thousands of residents had to flee Bani Walid (24 Oct. 2012), while, on 29 October 2012, Agence France-Presse (AFP) states that "tens of thousands" of Bani Walid residents have been displaced.

Sources report on attacks against Libyan security officials (UN 30 Aug. 2012, 3; Jamestown Foundation 10 Sept. 2012). According to the Jamestown Foundation, assassinations are "commonplace" (ibid.). Sources report on assassinations of people who used to work in the security apparatus under Qaddafi (US 18 Oct. 2012, 1; Jamestown Foundation 10 Sept. 2012). BBC reports that there were "more than a dozen" assassinations of security officials between January 2012 and 21 November 2012, and stated that they are believed to be due to the victims' ties to the former government (21 Nov. 2012b). On 21 November 2012, the Benghazi police chief was assassinated (ibid.; Al Jazeera 21 Nov. 2012). The UN states that, in the east, there has been an increase in attacks on Libyan government targets (30 Aug. 2012, 3). The UN also says that, in

Benghazi in July and August 2012, there was a "series of targeted attacks" on government installations and former security officials (30 Aug. 2012, 4). The *Economist* indicates that militias have perpetrated assassinations (17 Nov. 2012). Sources also report on attacks against international targets (US 18 Oct. 2012, 1; Jamestown Foundation 10 Sept. 2012; UN 30 Aug. 2012, 3, 4), such as US facilities and officials (US 18 Oct. 2012, 1), the International Committee of the Red Cross (Jamestown Foundation 10 Sept. 2012), the Tunisian consulate, and British officials (CSIS 14 Sept. 2012).

4. Weapons Proliferation

CRS reports on the proliferation of small arms, man-portable air defence missile systems and heavy weaponry among Libyans (US 18 Oct. 2012, 2, 19). Sources indicate that stockpiles of military weaponry, including heavy weapons, have been looted (ibid., 19; Human Rights Watch Jan. 2012, 5). Human Rights Watch adds that these weapons were looted by civilians and armed groups (ibid.). Human Rights Watch also states that "thousands of weapons such as surface-to-air and antitank missiles are missing" (10 Sept. 2011).

CRS indicates that there was high participation in 30 September 2012 weapons collection events in Tripoli and Benghazi (US 18 Oct. 2012, 8). However, BBC reports that fighters from Misrata have refused to return abandoned tanks (13 Sept. 2011). Further information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources report that mines have been laid in Libya (Human Rights Watch Jan. 2012, 3; UN 6 Aug. 2012), with the UN adding that it is a "colossal problem" (ibid.).

5. Judiciary

According to the UN, steps are being taken to strengthen the judiciary, such as a 26 May 2012 decree from the President of the Supreme Judicial Council to establish a national committee to report on judicial reform (UN 30 Aug. 2012, 6). The UN reports in August 2012 that nearly all judges and prosecutors were back to work (ibid.). Al Jazeera reports on the first trial of a Qaddafi loyalist in July 2012 (6 July 2012).

However, according to the UN, other than family and civil law cases, court sessions are not held regularly (30 Aug. 2012, 6). Other sources indicate that the judicial system has not been functioning (US 24 May 2012, 2; AI 18 Oct. 2012). In an 18 October 2012 press release, AI described the judicial system as "virtually paralysed" and indicated there were still no fair trials in Libya. Sources also report that there is a "climate of impunity" (Human Rights Watch 8 Apr. 2012; AI 12 Oct. 2012).

The UN reports that prosecutors and judges face "threats and intimidation" from brigades and former regime loyalists (30 Aug. 2012, 6). The UN also reports that in Benghazi and Darnah, brigades have physically attacked court personnel and court buildings (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources indicate that militias are not held accountable for their actions (US 24 May 2012, 7; AI Sept. 2012) and AI indicates that some militias act above the law (ibid.). *Country Reports 2011* reports on the lack of judicial mechanisms to investigate abuses by "postrevolutionary security forces" (US 24 May 2012, 7).

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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