LIBYA

THE DAY MILITIAS SHOT AT PROTESTERS

AMNESTY
INTERNATIONAL

Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

AMNESTY
INTERNATIONAL

Cover photo: Protesters march during a demonstration, calling on militia to leave, in Tripoli 19 November 2013.
©REUTERS/Ismail Zitouny

amnesty.org

CONTENTS

INTRODUCTION

"I saw six people getting killed in front of me, including one man who had been cut in half and a woman who had lost her face…"

A 32-year-old man, injured at the protest on 15 November.

On 15 and 16 November 2013, Libya's capital Tripoli saw the highest levels of violence since the end of the 2011 conflict, after militias shot at hundreds of peaceful protesters who had demanded that the militias leave the city. Angered by the government's failure to disarm militias and rebuild the police and national army, the protesters took to the streets to confront those they considered responsible for the continuing lawlessness in the capital. Their protest was peaceful but they were met with reckless force by militias, who shot at the protesters with heavy weapons and assault rifles. In the hours that followed, Tripoli descended into a state of chaos when the demonstration turned into armed clashes. Hospitals called for blood donations, ambulances struggled to transfer injured patients, and entire families rushed to hospitals looking for their relatives. For many, the scene brought back memories of the 2011 conflict. In total, 43 people died and 460 were injured at the demonstration and subsequent clashes. The death toll increased in the days that followed as militia fighting continued.

Amnesty International calls on the Libyan authorities to stand by their promise to investigate the killing of 43 people at the peaceful demonstration on 15 November and subsequent clashes in Gharghour, a neighbourhood of Tripoli. Perpetrators must be held to account. An independent and impartial investigation must also be conducted into attacks against a camp of internally displaced persons from Tawargha and further violence that took place in Tripoli on 16 November.

On 16 November, Amnesty International delegates visited four hospitals and collected 21 testimonies from eyewitnesses, who had been injured at the peaceful demonstration and subsequent clashes in the area of Gharghour the day before.

The organization also interviewed journalists and human rights activists who were present at the demonstration or in hospitals on the day of the incident, as well as doctors and medical staff of Zawiya Street Hospital, Abu Salim Trauma Hospital, Tripoli Medical Centre and al-Khadra Hospital where the injured and the dead were being transferred on the day of the protests. Amnesty International also visited the morgue at Zawiya Street Hospital and spoke to families of victims.

All testimonies seem to corroborate the same version of events. On 15 November, several hundred protesters started gathering at Abu Hdeira Square in Tripoli, in front of Al-Quds Mosque, around 2.00pm at a protest organized by the Tripoli Local Council. Many had come straight after the end of the Friday prayer at Al-Quds Mosque and were seen wearing traditional dress. Amnesty International interviews with eyewitnesses, including injured protesters and journalists, suggest that children, women and elderly men were amongst the protesters.

At about 2.30pm, the protesters started marching towards Gharghour, an area of the capital where Misratah militias had taken over a number of villas of former Gaddafi officials after the end of the 2011 conflict, and turned them into their compounds. Though acting independently, these militias are nominally affiliated to the government and receive monthly salaries.

Protesters were calling on the militias to leave Tripoli, while demanding that the police and national army return to the streets to maintain law and order. The demonstration, which was authorized by the Ministry of Interior, was organized in protest at heavy clashes in the capital between Misratah and Tripoli militias on 7 November. These clashes, which took place in a number of urban areas across the capital, lasted nearly five hours, and involved heavy weapons, including Grad missiles, machine-guns and anti-aircraft weapons. These were one of the heaviest clashes since the end of the conflict in 2011.

The Ministry of Interior stated in a press release issued on 16 November that police officers were present at the demonstration and marched together with the protesters and documented the incident. Amnesty International is concerned, however, that, although present, the police failed to provide protection to the protesters and intervene while they were being shot at. The organizers of the demonstration had obtained the necessary permits from the Ministry of Interior a week prior to 15 November. However, despite this advanced notice, it appears that the authorities have failed to take the necessary measures to protect protesters as they started marching towards the militia compounds in Gharghour.

Eyewitnesses told Amnesty International that a small number of police cars were stationed at the site of the gathering and were tasked with the management of the traffic flow. They said that most stayed behind as the crowd started marching towards Gharghour. The organization is concerned that the police failed to take the necessary steps to protect the public, despite the high likelihood of an outbreak of violence considering the track record of militias. Where outbreaks of violence are highly probable, law enforcement officials have a responsibility to communicate with organizers of demonstrations to find ways to reduce tensions and avoid unnecessary confrontation.

At about 3.00pm, when protesters arrived in Gharghour, militia members first shot into the air to disperse the crowd, and then immediately fired at protesters, with light and heavy weapons, including rifles, anti-aircraft machine-guns and rocket-propelled grenades (RPGs). Medical staff at Tripoli hospitals cited gunshot wounds by light and heavy weapons as the cause of deaths and injuries, in addition to a small number of patients that suffered shrapnel injuries. Patients were being transferred to hospitals until about 4.30am and, according to doctors, sustained injuries to different parts of their bodies, including the chest, head, stomach and lower limbs, suggesting that they were caused by reckless and random shooting.

Most people interviewed by Amnesty International said that, by 4.30pm, the demonstration had already started turning into armed clashes. After the militia opened fire at peaceful protesters, some of the participants allegedly went home to get their arms and fight back. They were joined by residents of the area, who felt they needed to defend their homes, but also by members of state security agencies acting in their own capacity. In parallel, unarmed protesters continued arriving until about 7.00pm, and many were injured in the clashes. Later in the evening, other members of Tripoli-based militias were also seen taking part in the clashes, which ended at about 4.00am. Who exactly took part in the subsequent clashes is not clear, but the event highlights that Libya is in desperate need of security sector reform and a comprehensive disarmament, demobilization and reintegration programme, compliant with human rights standards.

RECKLESS SHOOTING

According to information available to Amnesty International, those injured in the violence included at least one woman, one girl aged 11 and two boys aged 16, although the number of children is likely to be much higher. At least seven patients required amputations as a result of the injuries. One man's body was cut into two parts after he was hit with a heavy weapon, while that of an ambulance driver was dismembered and torn to pieces.

Abdelrahim Mohammed, a 39-year-old protester, who marched with the crowd from Al-Quds Square towards Gharghour, gave Amnesty International an account of the events:

"*This was a demonstration against militias and the crimes they commit. We were protesting against abductions and armed clashes. It was an initiative of civil society organizations and did not include any political parties.*

"*As soon as we arrived in Gharghour, armed men stationed on the ground started shooting in the air, and then started shooting at us randomly. They were soon joined by other militia members positioned on rooftops of nearby buildings. They used different kinds of weapons, including anti-aircraft weapons and RPGs. The first lines of protesters began to fall. I was a little further behind, and was helping one of the injured when I was shot in the right ankle with a kalashnikov [rifle].*"

Abdelrahim Mohammed noted the failure of the police to protect the protesters. He told Amnesty International:

"*There were only two, maybe three, police cars at the intersection behind us, but the police was mainly in charge of organizing the traffic [flow]. They did not come to Gharghour with us*".

A 51-year-old man, who had his left leg amputated as a result of the injury he sustained during the protest, told Amnesty International:

"*I joined the protest just after 'Asr prayer, at about 3.30pm. When I got to Gharghour, I saw people shooting from above and from the ground. I was hit by shrapnel in my left leg, which had to be amputated. Many of the protesters were old people who had just come out of the mosque after prayer. They were not armed and carried revolutionary and white flags and posters with peaceful messages. The militia were spread out; they first fired in the air and then aimed lower to disperse the people. The police were in the back but did not do anything to stop the shooting. At one point I decided to leave the protest and come to the hospital to see those who had been injured. This is when I was hit by RPG shrapnel*".

At about 7.30pm, **Ala Abdelhamid Ibrahim**, a medical student aged 20, was hit in his right shoulder as he was escaping the fighting. He was shot in the back with a 14.5mm heavy machine-gun and the bullet penetrated his chest:

"*At 4pm, I left my house in Janzour to join the demonstration. I took the bus together with a

*friend and we got off at the Souq al-Thalatha at about 5.00pm. We were against the random
shooting at protesters, which is why we went to protest. The area was filled with cars with
mounted machine-guns, but I don't know exactly who they were affiliated with. At some
point, I saw two army cars that opened fire at the militia. The army left soon after. I was shot
in the back as I was running away to a safe place. At the time we got to the demonstration,
most of the people were still wearing traditional clothes, and were unarmed*".

Ahmad Omar Ahmad al-Fazzani, aged 16, left his home at 6pm together with his younger
brother, aged 14, to join the demonstration. He was shot with a bullet in his stomach. He
was taken to Zawiya Street Hospital in an ordinary car by one of the men present at the
scene. His older brother told Amnesty International:

"*At about 9.00pm, I received a phone call from Zawiya Street Hospital telling me my
brothers were there. I went to find them and they were both covered in blood*".

Amongst the dead were at least one woman, **Aisha Sadeq al-Hashmi**, two boys aged 16 –
Musab Ahmed Reda Ben Amer and **Musa Sabri Musa al-Hajj** – and at least two paramedics,
including one ambulance driver who died as a result of an explosion after his ambulance was
hit by heavy weapons. Amnesty International was told by staff at the Zawiya Street Morgue
that his body was torn to pieces and his remains were brought to hospital in a bag, along with
two legs. The staff at the morgue told Amnesty International: "They brought his body in a
bag, along with five dinars that he had in his pockets". Amnesty International delegates were
also shown two additional legs that belonged to an unidentified body.

Ahmad Said Omar Treiki, aged 22, said:

"*I was in an ambulance when we were shot at by a 23mm anti-aircraft gun. It happened at
11.00pm. I was injured in the stomach in Gharghour by men in a Toyota truck. The
ambulance driver, **Ali Bousseifi**, died from burns after the ambulance was hit*".

It wasn't only protesters and emergency medical personnel who were killed and injured.
Bystanders were injured by stray bullets. A woman named **Mabrouka Muhadab**, aged 42, told
Amnesty International:

"*I stepped out onto the balcony to get my son's blanket when I was hit by a bullet in the
back. It was about 5.30pm and I had not been taking part in the demonstrations. Libya
Shield Brigades [a grouping of militias under the Ministry of Defence] were protecting our
area, and the fighting was taking place some 10 to 15 minutes away from our home. After I
was hit, I called for help and my neighbours and family came to my rescue and took me to
hospital*".

According to the Tripoli Journalists' Syndicate, **Saleh Ayad Hafyana**, a photographer for
Fasatu news agency, was killed while covering the demonstration. Three other journalists
were injured by gunshot bullets while two others were beaten and briefly detained by militias.

Some people explained to Amnesty International that they had problems accessing medical
treatment as militias had allegedly taken over a nearby private clinic in Gharghour, and were
searching for wounded protesters. A 32-year-old man spoke of his fear while being treated at

a private clinic on Intisar Street, where he was taken after he was wounded at the protest:

"*Upon admission, the doctor told me not to reveal my real name as it would become obvious that I am from Souq al-Jumaa [an area of Tripoli which is the base of one militia involved in the 7 November fighting]. The doctor explained that the militia came looking for another injured man, but that he prevented them from doing so, saying that the man still needed treatment. The doctor hid and treated the man under a bed until he was able to get him out and put him in an ambulance*".

The man remained in the clinic for two hours after which he was transferred to hospital. He continued:

"*I saw six people getting killed in front of me, including one man who had been cut in half and a woman who had lost her face*".

He insisted to Amnesty International that the demonstration was peaceful at first and that he marched waving a white flag.

Mohammed, aged 30, was shot in the stomach and sustained injuries to his liver and intestines. He alleged that, following his injuries, he was taken to a Libya Shield camp in the Salaheddine area of Tripoli, where he was kicked and beaten. Eventually, one of the armed men felt sorry for Mohammed, and drove him out of the military camp, and took him to an ambulance. He was then transferred to hospital for medical treatment.

ATTACKS ON INTERNALLY DISPLACED PERSONS CAMP

In what appears to be a related incident, at about 10pm on 15 November, approximately four cars carrying armed men dressed in civilian and military clothing forced their way into Fellah Camp for internally displaced Tawarghas. Although it was not clear what group they belonged to, interviewed eyewitnesses alleged that they spoke with a Misratah accent. The camp is located in the vicinity of Gharghour, and fighting was still ongoing at the time. Armed with kalashnikov rifles, the men began questioning the camp's residents gathered at the gate asking them for their identity documents. An eyewitness explained to Amnesty International:

"*They called us slaves and used other derogatory terms. **Faysal Khamis al-Marmouh**, one of the Tawargha men, became annoyed and got into an argument with the armed men, which led them to start shooting randomly. One of the buildings was also shot at, and the people had to hide for their own protection*".

Faysal Khamis al-Marmouh sustained a gunshot injury to the knee.

Despite this attack at the camp, and previous well-documented attacks by Gharghour militias against the Fellah Tawargha camp, including in July 2013, the Libyan authorities failed to provide protection for the camp on that evening.

In August 2011, the entire inhabitants of the town of Tawargha – some 40,000 black Libyans – were driven out by armed groups from Misratah who accused them of supporting Colonel al-Gaddafi's government. For months after the conflict, the Tawarghas were hunted by militias and suffered arbitrary arrests, torture and killings. Since 2011, their camps, mainly in Tripoli, have been attacked on a number of occasions with live ammunition.

The next morning, **Abdelmuttaleb Abu Baker Bouztayah**, a 28-year-old barber and a Tawargha camp resident, died after he was shot with a bullet in a second attack by Misratah militias. Two other men, **Milad Saleh Abushrida** and **Abdulrahman Salem Omar** sustained gunshot injuries and were transferred to hospital for treatment.

According to camp residents interviewed by Amnesty International, at approximately 9.30am on 16 November, a white Toyota Double Cab pick-up truck arrived at Fellah Camp carrying four armed men. The armed men entered the camp's gate and again requested identity documents from four Tawargha men, who had gathered at the entrance to protect their families from another attack. The armed men, who reportedly spoke with Misratah accents, allegedly insulted the camp's residents again by saying: "You Tawargha, we want to kill you", "we are your lords".

When Abdelmuttaleb Abu Baker Bouztayah refused to hand in his identity card, he was shot in the chest, and died on the spot. Milad Saleh Abushrida was shot in the leg, while Abdulrahman Salem Omar sustained a gunshot wound to his upper right arm. A bullet also grazed Abdulrahman Salem Omar's head.

According to the family, a forensic report states that Abdelmuttaleb Abu Baker Bouztayah died from a gunshot wound shot at a very close range. After the shooting, other camp residents intervened, at which point the armed men left. Despite the incident, and calls by the Tawargha Local Council and elders, at the time of Amnesty International's interviews on 19 and 20 November, the authorities had not provided any security for the protection of the camp's residents.

In a briefing published in October, Amnesty International urged the Libyan authorities to protect all internally displaced persons from Tawargha from threats and retaliatory attacks by militias from Misratah. The organization documented the arbitrary and unlawful use of lethal force by Gharghour militias against the Fellah Camp for internally displaced persons, which led to the death of Milad Musbah Abdellatif Qersh, a taxi driver, on 25 July 2013. Despite the incident and previous well-documented similar such attacks, the authorities have failed to provide protection to the camp, exposing its residents to further risks.

ABDUCTIONS

According to two testimonies collected from wounded patients, it appears that the militias in Gharghour were holding people in conditions amounting to enforced disappearance, including women and possibly a small number of internally displaced persons from Tawargha. They were allegedly held in villas of former al-Gaddafi officials which the militias were using as their military compounds.

Awas al-Hashmi, Mohammad al-Rajab and Adeeb al-Hashmi were amongst the Tawargha detainees who were released during an attack on the militia compound.

Hamza Toumi, aged 20, was brought to Zawiya Street Hospital at about 11.30am on 16 November after he was allegedly stopped and shot in the head by a militia in Gharghour. He was in a car together with his friend, when they were both stopped and questioned by armed men about their opinions on Misratah. They were then allegedly followed by the militia who shot at the back window of the car and one of the tyres. Amnesty International saw the damage to the car, which was parked outside of the hospital, and appeared to be consistent with the allegation. The organization's delegates were present at the hospital while Hamza Toumi was being admitted for medical treatment.

INVESTIGATIONS

Amnesty International welcomes the Prime Minister's announcement that an investigation into the killings will be initiated. On 16 November, Amnesty International visited the morgue at Zawiya Street hospital, where autopsies were being performed and preliminary forensic reports were being drafted as a first step in criminal investigations.

In a meeting with Amnesty International on 17 November, the General Prosecutor also assured Amnesty International that an investigation had been initiated. Amnesty International welcomes these statements, as well as steps taken by the Prosecution, but notes that, since the end of the conflict, investigations into militia abuses have rarely resulted in successful criminal prosecutions.

Amnesty International urges the Libyan authorities to also investigate allegations of illegal detention by militias in Gharghour. Equally, the organization urges the authorities to investigate allegations of arbitrary detention at checkpoints in Tripoli and unlawful killings and arbitrary and abusive use of force by various groups of armed men on 15 and 16 November, regardless of their political affiliation.

NEED FOR SECURITY SECTOR REFORM

After the militia opened fire at peaceful protesters, some of the participants went home to get their arms, to fight. They were initially joined by the residents of the area, who felt they needed to defend their homes. Amnesty International interviews also suggest that some members of state security agencies participated in the protests in their personal capacity. Some of the armed men who participated in the clashes appeared to have been former "revolutionaries", who integrated state institutions at the end of the conflict. They said they acted in their own capacity, and did not follow any orders. Their involvement in the clashes, as well as the failure of the police to intervene and protect protesters, bystanders and residents from reckless shootings by militias highlights the need for security sector reform. It also shows the need for the careful vetting of former "revolutionaries" prior to their integration into state institutions.

A 37-year-old former "revolutionary", who joined the Military Police at the end of the 2011 conflict, explained to Amnesty International that, after the militia used heavy weapons, including RPGs, heavy machine-guns and 23mm anti-aircraft weapons at protesters, he went home to put on his military uniform and pick up his arms. He said that other Military Police officers had participated in the armed clashes, but that they acted in their personal capacity. He alleged that by 4.30pm the demonstration had turned into armed clashes, and that other military units, such as Libya Shield and the army, were participating in the fighting. He said that he decided to fight against the Gharghour militia after he had heard that they had abducted people after the clashes with Souq al-Jumaa Brigades. He admitted that the Souq al-Jumaa Brigades had also abducted people and were holding them at a detention facility in the Mitiga base in Tripoli.

Later in the evening, a number of Tripoli-based militias also joined the fighting, exploiting the clashes to press for advantage over rival militias.

Since the end of the armed conflict, the Libyan authorities have been unable to rein in the militias that formed in 2011 to fight al-Gaddafi forces, and proceed with disarmament, demobilization and reintegration in a manner compliant with human rights standards. Instead, militias were given the choice to integrate into state security agencies without clear recruitment criteria and necessary training. Importantly, the integration of former anti-Gaddafi fighters to the Judicial Police, the Supreme Security Committee of the Ministry of Interior and other state agencies was done without a systematic vetting to weed out perpetrators of torture or other crimes under international law. Though, in many cases, paid by the state, and affiliated with various ministries, militias continue in most cases to act independently, maintaining their own chains of command and pursuing their own political or personal interests.

In March 2013, the General National Congress adopted Decision 27 following two days of clashes between Zintan militias affiliated to the Ministry of Defence and the Supreme Security Committee. The decision instructs all "illegal armed formations" to leave Tripoli and

forces affiliated with the Ministry of Interior and Defence to relocate outside of the capital. In June 2013, the General National Congress adopted Decision 53, which tasks the government to take all necessary measures to disband all illegal armed formations and present a proposal to integrate members of armed brigades by the end of 2013. In recent months, the Libyan civil society has increasingly demanded the implementation of both decisions and the return of the police and national army to the streets.

Following the killing of protesters in Tripoli on 16 November and the ensuing clashes, the Tripoli Local Council called for civil disobedience and a general strike, in protest at militia abuses in the capital. Daily demonstrations have been held in Algeria Square of the capital calling for the return of the police and army to maintain public order. On 19 November, the Head of the Local Council announced the continuation of the strike until all illegal armed groups leave the city, and called for a large demonstration on Friday, 22 November on Al-Quds Square, near Gharghour, while activists have been calling for demonstrations outside of militia compounds.

In response to calls by civil society, on 15 November, the Misratah Local Council announced the withdrawal of all militias from Misratah within 72 hours. The Local Council of Gharyan, a city located some 80km south of Tripoli, followed with a similar announcement, and militias from both cities started withdrawing from the capital.

On 19 November, the government presented a plan to remove all militias from the capital and integrate them into security forces. Amnesty International is concerned that the announcement did not mention clear recruitment criteria and vetting mechanisms to weed out perpetrators of human rights violations. As militias withdraw from Tripoli, the government must put in place measures to fight impunity and ensure that perpetrators of abuses are held accountable for their actions and brought to justice.

In parallel with a disarmament, demobilization and reintegration programme, the authorities must build the capacity of the police force, with the help of the international community, and ensure that it is well-equipped to intervene and handle policing tasks in a manner compliant with human rights standards.

LIBYA
THE DAY MILITIAS SHOT AT PROTESTERS

On 15 and 16 November 2013, Libya's capital Tripoli saw the highest
levels of violence since the end of the 2011 conflict, after militias shot
at hundreds of peaceful protesters who had demanded that the
militias leave the city.

Angered by the government's failure to disarm militias and rebuild the
police and national army, the protesters took to the streets to
confront those they considered responsible for the continuing
lawlessness in the capital.

Their protest was peaceful but they were met with reckless force by
militias, who shot at the protesters with heavy weapons and assault
rifles.

In the hours that followed, Tripoli descended into a state of chaos
when the demonstration turned into armed clashes.

amnesty.org

**AMNESTY
INTERNATIONAL**