

# LIBYA: “WE ARE YOUR MASTERS”

## RAMPANT CRIMES BY THE TARIQ BEN ZEYAD ARMED GROUP

The climate of impunity in Libya has fuelled horrific crimes by the Tariq Ben Zeyad armed group against thousands of Libyans and migrants since 2016 in areas under the control of the Libyan Arab Armed Forces. Libyan authorities, those in de facto control of territory and the international community must tackle impunity and hold to account those responsible for crimes under international law.

*The image of Khalifa Haftar, General Commander of the Libyan Arab Armed Forces (LAAF), is omnipresent in areas under LAAF's effective control encompassing Benghazi and large swathes of eastern and western Libya. Armed groups under LAAF, like the Tariq Ben Zeyad armed group, have been committing horrific crimes under international law to stamp out any challenge to LAAF's iron grip on power. © ABDULLAH DOMA/AFP via Getty Images*



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# 1. EXECUTIVE SUMMARY

The armed group Tariq Ben Zeyad (TBZ) has subjected thousands of Libyans and migrants to brutal and relentless abuses since 2016 with no fear of consequences. Evidence gathered by Amnesty International points to a harrowing pattern of crimes under international law and other serious human rights violations by the TBZ, one of the most powerful armed groups operating under the Libyan Arab Armed Forces (LAAF) armed group that effectively controls and exercises government-like functions in large swathes of eastern and southern Libya.

The TBZ, which is effectively led by Saddam Haftar, son of the LAAF General Commander Khalifa Haftar and his second-in-command and nominal leader Omar Imraj', emerged in 2016 against the backdrop of ongoing military and political divisions in Libya. Since then, TBZ fighters have been committing violations of international human rights law and international humanitarian law, some of which may constitute war crimes, with total impunity in LAAF-controlled areas. Among them are torture and other ill-treatment, rape and other sexual violence, hostage-taking and other unlawful deprivation of liberty, murder of civilians and fighters hors de combat, forced displacement and pillage.

Amnesty International has documented such crimes in areas that were or remain under LAAF control, including Ajdabiya, al-Marj, Benghazi, Derna, Sabha, Sirte and surrounding areas, Tobruk, and suburbs of the capital Tripoli.

In the course of its investigations, Amnesty International spoke to 38 current or former residents of LAAF-controlled territory, including former detainees; relatives of those unlawfully killed, detained or forcibly disappeared; members of internally displaced communities; former high-ranking military LAAF officers; and a fighter with direct knowledge of TBZ operations. The organization also reviewed official statements, audio-visual evidence and reports by media, human rights organizations and UN bodies.

The information gathered reveals how TBZ fighters have systematically targeted actual or perceived LAAF opponents or critics to stamp out and deter any dissent or challenge to the TBZ's iron grip of large parts of eastern and southern Libya.

Amnesty International documented the cases of 25 individuals who were unlawfully deprived of their liberty by the TBZ between 2017 and 2022 because of their actual or perceived peaceful opposition or criticism of the LAAF and/or TBZ and their tribal, family or regional affiliations. Heavily armed TBZ fighters abducted most of them using violence during raids on their homes and refused to provide any information to their distraught families about the reasons for their abduction or where they were being taken.

The bodies of three of the 25 were found dumped in streets or morgues in Benghazi, Libya's second largest city, within days or weeks of their abduction. At least four remain forcibly disappeared and three are still arbitrarily detained at the time of writing. Fifteen were released after spending between eight days and five years in detention without contact with the outside world and without ever being brought before civilian judges or prosecutors. Some were only released after paying extortionate ransoms.

All former detainees interviewed by Amnesty International said they were tortured and otherwise ill-treated, including by severe and repeated beatings, suspension in contorted positions, and flogging. Several said they were forced to kneel and repeat "The Field Marshall [Khalifa Haftar, head of the LAAF] is my master". Conditions of detention violated the absolute prohibition of torture and other ill-treatment.

Amnesty International also gathered evidence of the TBZ's involvement in the forced displacement, pillage and looting of the homes and businesses of families suspected of opposing the LAAF during its military campaigns to take control of the cities of Benghazi and Derna in eastern Libya. TBZ fighters threatened to kill seven families, who were interviewed by Amnesty International, if they did not leave eastern Libya, and then appropriated their homes.

TBZ fighters have also committed human rights violations against migrants, refugees and asylum seekers in LAAF-controlled areas. Since January 2022, they have been increasingly involved in the forced mass expulsion of foreign nationals from southern Libya without due process and without granting them the opportunity to claim asylum. Amnesty International reviewed multiple videos where TBZ fighters can be heard making self-congratulatory statements about ridding Libya of “irregular migrants”, while hundreds of refugees and migrants can be seen boarding trucks destined for the border with Niger, where, according to witnesses, they were left stranded without food and water.

Despite the scale and gravity of these crimes, TBZ fighters and commanders enjoy absolute impunity. Survivors and victims’ relatives have no avenue to seek justice domestically and risk reprisals if they speak out. The involvement of military courts and prosecutors in areas under LAAF control in punishing their opponents and critics further deters survivors and victims’ relatives from seeking domestic remedies.

Under international law, individuals responsible for crimes under international law should be investigated and appropriately brought to justice. This includes those who commit or order a crime, as well as those who assist, facilitate and aid or abet in its commission. Under international humanitarian and criminal law, military commanders and other superiors, including civilian officials, can be held criminally accountable for the acts of their subordinates under the principle of superior or command responsibility.

Credible evidence gathered by Amnesty International, including eyewitness accounts, audio-visual material and official statements, indicates that the TBZ’s de facto leader Saddam Haftar and Omar Imraj’, his second-in-command who exercises control over day-to-day operations, knew or should have known about crimes being committed by their subordinates, but did not do everything in their power to prevent or punish them. At the very least, they were aware of violations committed in detention centres under TBZ control. For instance, 15 former detainees recounted to Amnesty International that Omar Imraj’ regularly toured the TBZ-controlled Sidi Faraj detention centre east of Benghazi and spoke to them and other detainees about the reasons for their detention. Five of them said that when they met Saddam Haftar before or after their release, he threatened them with prolonged or renewed detention for criticizing the LAAF or for refusing to express support for the LAAF publicly or agree to specific demands, including awarding government contracts to individuals affiliated to the LAAF.

Amnesty International is also aware of seven relatives of people arbitrarily detained by the TBZ who sought the intervention of Saddam Haftar and Omar Imraj’, and one former detainee who complained directly to Saddam Haftar about his ill-treatment. No action was taken in any of these cases.

In light of the evidence gathered, Amnesty International calls on the Libyan authorities to ensure prompt, impartial, independent and comprehensive investigations by civilian judicial bodies into the involvement of the TBZ in crimes under international law between 2016 and 2022 in eastern and southern Libya. Saddam Haftar and Omar Imraj’ should be investigated on the basis that there is reasonable evidence to suspect that they are criminally responsible, including through an application of command responsibility, for these crimes. If there is sufficient admissible evidence, the authorities must ensure their prosecution in proceedings in front of civilian courts that meet international fair trial standards, without recourse to the death penalty. Pending investigations, they should be removed from positions that would allow them to commit further violations, interfere in investigations or grant them immunity. The LAAF should ensure the closure of all unofficial detention centres operated by TBZ and the release of all those arbitrarily detained by the TBZ due to their peaceful opposition to or criticism of the LAAF or TBZ or on the basis of their family, tribal or regional affiliations.

The international community must also play its role in putting an end to TBZ crimes and holding the group’s commanders accountable. States should exercise universal jurisdiction where possible to investigate commanders and members of TBZ reasonably suspected of responsibility for ordering, committing, aiding and/or abetting or facilitating crimes under international law between 2016 and 2022, and if enough admissible evidence exists, issue arrest warrants and seek to prosecute them. This would send a message to the Libya authorities, those in de facto control and commanders of powerful armed groups and militias that such crimes will not go uninvestigated and unpunished.

Finally, the international community must above all ensure that justice and accountability are central to any political process designed to end Libya's political impasse and that human rights are not sacrificed in the name of peace and stability.

## 2. METHODOLOGY

To investigate violations of international humanitarian law and international human rights law by militias and armed groups in Libya, Amnesty International spoke to a range of affected individuals and other sources with direct knowledge of the involvement of the armed group Tariq Ben Zeyad (TBZ) in abuses. The interviewees included 35 current or former residents of areas under the control of the Libyan Arab Armed Forces (LAAF), including 15 former detainees, 10 family members of victims, three foreign nationals and seven human rights defenders and other activists. The organization also collected the accounts of two former high-ranking military officers and a fighter affiliated with the LAAF with direct knowledge of LAAF and TBZ operations. The interviews were conducted during a visit by Amnesty International researchers to Libya in February 2022 and remotely via secure communication applications between February and September 2022. The interviews were conducted in Arabic without the use of interpreters. Due to concerns over reprisals and on the request of individuals who shared their testimonies, all names and other identifying information have been withheld from this report.

Amnesty International reviewed videos, official statements, social media accounts and news articles relating to the TBZ. It also examined two lists of the names of 720 individuals reported to have been in custody in LAAF-controlled areas in September 2021, following their abduction by the TBZ between November 2017 and September 2021. One of the lists was shared by a former senior member of the interim government of Abdullah al-Thinni that was active in eastern Libya between 2014 and the swearing in of the Government of National Unity (GNU) in March 2021. The other was compiled by a civil society organization working on the detention of individuals whose families had been forcibly displaced from Benghazi and Derna in eastern Libya to Tripoli and Misratah in western Libya, due to their perceived opposition to the LAAF. The names of seven individuals whose abductions by the TBZ were documented separately by Amnesty International were included in both lists.

On 3 October 2022, Amnesty International sent its findings and recommendations to the Prime Minister and the Minister of Foreign Affairs and International Cooperation in the GNU; the Office of the Public Prosecutor in Tripoli; and the General Commander of the LAAF. It had not received any replies at the time of publication.

Amnesty International has long documented crimes committed by armed formations in Libya, including militias allied to the GNU.<sup>1</sup> This briefing focuses on the TBZ given its influential and ever-growing role in eastern and southern Libya, as well as the availability of witness accounts and other credible information about its involvement in widespread crimes under international law since 2016 in territories under the LAAF's control.

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<sup>1</sup> Amnesty International, "Libya: Hold Stability Support Authority militia leaders to account", 4 May 2022, [amnesty.org/en/latest/news/2022/05/libya-hold-stability-support-authority-militia-leaders-to-account/](https://www.amnesty.org/en/latest/news/2022/05/libya-hold-stability-support-authority-militia-leaders-to-account/); "Libya: State-financed militia must be held to account for extrajudicial execution in Misratah", 31 March 2022, [amnesty.org/en/latest/news/2022/03/libya-state-financed-militia-must-be-held-to-account-for-extrajudicial-execution-in-misratah/](https://www.amnesty.org/en/latest/news/2022/03/libya-state-financed-militia-must-be-held-to-account-for-extrajudicial-execution-in-misratah/); "Libya: The Internal Security Agency intensifies crackdown on freedom of expression", 23 March 2022, [amnesty.org/en/latest/news/2022/03/libya-the-internal-security-agency-intensifies-crackdown-on-freedom-of-expression/](https://www.amnesty.org/en/latest/news/2022/03/libya-the-internal-security-agency-intensifies-crackdown-on-freedom-of-expression/); "Libya: Unlawful lethal force and mass arrests in unprecedented migrant crackdown", 8 October 2021, [amnesty.org/en/latest/news/2021/10/libya-unlawful-lethal-force-and-mass-arrests-in-unprecedented-migrant-crackdown/](https://www.amnesty.org/en/latest/news/2021/10/libya-unlawful-lethal-force-and-mass-arrests-in-unprecedented-migrant-crackdown/); "Libya: Government of National Unity must not legitimize militias and armed groups responsible for harrowing abuses", 6 August 2021, [amnesty.org/en/latest/news/2021/08/libya-government-of-national-unity-must-not-legitimize-militias-and-armed-groups-responsible-for-harrowing-abuses/](https://www.amnesty.org/en/latest/news/2021/08/libya-government-of-national-unity-must-not-legitimize-militias-and-armed-groups-responsible-for-harrowing-abuses/); *Libya: 'No One Will Look for You': Forcibly Returned from Sea to Abusive Detention in Libya* (Index: MDE 19/4439/2021), 15 July 2021, [amnesty.org/en/documents/mde19/4439/2021/en/](https://www.amnesty.org/en/documents/mde19/4439/2021/en/); and *Libya: 'Between Life and Death': Refugees and Migrants Trapped in Libya's Cycle of Abuse* (Index: MDE 19/3084/2020), 24 September 2020, [amnesty.org/en/documents/mde19/3084/2020/en/](https://www.amnesty.org/en/documents/mde19/3084/2020/en/)

## 3. BACKGROUND

### 3.1 SITUATION IN LIBYA AND LAAF'S CONTROL OF TERRITORY

Since the conclusion of the 2011 armed conflict, which ended the 42-year repressive rule of Mu'ammār al-Gaddafi, militias and armed groups have proliferated across Libya, many formed along family, tribal and geographic lines. Such armed formations, whose primary allegiance is to their commanders, continue to exercise effective control over large parts of Libya, its borders and key infrastructure and installations.

Under its General Commander Khalifa Haftar, the self-declared LAAF, previously known as the Libyan National Army, exercises effective control over Benghazi, the second largest city in Libya, and all of eastern Libya. Their control stretches from Musaid on the border with Egypt to the city of Sirte, over 800km to the west.

In May 2014, then retired general Khalifa Haftar launched "Operation Dignity", a military campaign with the declared aim of eradicating terrorism in Benghazi. Gradually, his forces consolidated control over the entire east of the country, overrunning Derna, the last eastern city outside his control, in 2017. By late 2019, the LAAF had also consolidated their control over large parts of southern Libya, including Kufra in the south-east and Sabha in the south-west.

LAAF attempts to seize the capital Tripoli in April 2019 were thwarted after some 14 months of fighting. A ceasefire was declared in October 2020 and was still largely holding at the time of writing. Nonetheless, localized clashes have sporadically erupted between militias and armed groups vying for control of resources and territory, particularly in Tripoli, the western city of al-Zawiyah and the south-west of the country.

In early 2021, as part of a UN-mediated process, 75 members of the Libyan Political Dialogue Forum, representing various political groups in Libya, agreed a roadmap to end the political crisis. In February 2021, they appointed the GNU and tasked it with preparing for presidential and parliamentary elections set to begin on 24 December 2021. After being sworn in by the House of Representatives, Libya's parliament, the GNU formally took office on 16 March 2021, with Abdelhamid Dbeiba as Prime Minister. Since then, the GNU has struggled to exercise effective control, as armed groups continued to control large parts of Libyan territory and political polarization persisted. In the months leading up to the scheduled elections, political tensions flared up over the electoral framework and the candidacies of the frontrunners – Khalifa Haftar, Saif al-Islam al-Gaddafi, Abdelhamid Dbeiba and Fathi Bashagha.<sup>2</sup>

The High National Elections Commission, the state body responsible for organizing elections, issued a statement on 22 December 2021, blaming the electoral delay on the failure to resolve differences on the eligibility of candidates and the electoral framework, calling on the House of Representatives to address the obstacles. On 1 March 2022, the House of Representatives unilaterally amended Libya's Constitutional Declaration and voted for a new government, the Government of National Stability (GNS), led by Fathi Bashagha, with the backing of the LAAF.<sup>3</sup> Libya's High Council of State, an advisory body created under the UN-mediated Libyan Political Agreement of 2015, rejected the appointment of the new government. Meanwhile, the UN Secretary General raised concerns about procedural irregularities in the vote and his then special envoy, Stephanie Williams, called for negotiations between the High Council of State and the House of Representatives to agree on the

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<sup>2</sup> Amnesty International, *Libya: Elections Delayed Amid a Climate of Repression* (Index: MDE 19/5097/2021), 22 December 2021, [amnesty.org/en/documents/mde19/5097/2021/en/](https://www.amnesty.org/en/documents/mde19/5097/2021/en/)

<sup>3</sup> Fathi Bashagha is a Libyan politician from Misratah city. During and in the aftermath of the 2011 armed conflict, he was part of the Military Council of Misratah, a body implicated in violations of international humanitarian law, including torture and unlawful killings, by armed groups in Misratah. He was appointed as the Minister of Interior in the Government of National Accord (GNA) in 2018. Following his presidential bid in 2021, he met his former rival Khalifa Haftar in Benghazi, before Agila Saleh, the speaker of the House of Representatives, announced that the House of Representatives was appointing Fathi Bashagha to head a new government. He is backed by the LAAF, the speaker of the House of Representatives and some militias in western Libya primarily based in al-Zawiyah. He is reported to also enjoy the support of the government of Egypt.

constitutional basis for elections.<sup>4</sup> The GNU Prime Minister Abdelhamid Dbeiba contested the House of Representatives' vote, remained in office and promised to organize elections by June 2022.<sup>5</sup> These developments coincided with UN efforts to mediate between political rivals and to reach an agreement for a constitutional basis for holding elections.<sup>6</sup>

In late August 2022, clashes between GNU- and GNS-aligned militias in Tripoli saw pro-GNU militias expanding their control over Tripoli. At the time of writing, the political impasse and polarization persisted, and no new date for parliamentary and presidential elections had been set.

Given the political divisions in Libya with two rival governments claiming legitimacy, national institutions – including the ministries of interior, justice, education, defence and health – are also split, with separate ministers in eastern and western Libya. In eastern Libya, GNS ministers, in place since March 2022, are aligned to the LAAF and are based in the city of Sirte. A parallel government under Abdallah al-Thinni operated out of the eastern city of al-Baida between 2014 and March 2021,<sup>7</sup> and was aligned to the LAAF in opposition to Tripoli-based authorities. The LAAF-allied ministries have since 2014 been running the day-to-day government functions in territories under LAAF control, including public service provision, with observers and residents noting that the real power has been with the LAAF.

In areas under their control, the LAAF and affiliated armed groups also exercise law enforcement and policing functions, including securing government institutions, hospitals, courts, prisons and other official buildings; carrying out arrests; patrolling borders; and policing demonstrations. These groups are much more powerful and better equipped than what remains of the regular police forces following the fall of Mu'ammar al-Gaddafi. Residents of Benghazi and other areas under LAAF control consistently told Amnesty International that they report criminal acts to LAAF-affiliated armed groups, rather than to the police. In their public appearances and communications, the TBZ promulgates narratives of carrying out law enforcement operations against criminals and terrorists.<sup>8</sup>

The LAAF have also been operating a parallel military justice system in areas under their control. The House of Representatives, allied to the LAAF since 2014, passed Law No. 4 of 2017 amending the Military Penal Code and extending the jurisdiction of the military judiciary over civilians who are members of militias and those who commit "terrorist acts". Military prosecutors and judges lack independence and impartiality, as they are affiliated with the LAAF or allied armed groups. For example, Faraj Al-Soussa'a, the current head of the military prosecution in eastern Libya, also represents the LAAF in the UN-mediated Libyan (5+5) Joint Military Commission talks, while Khairi al-Sabri, head of the General Military Judiciary Authority, previously led the military intelligence under the LAAF. In turn, the judge of the permanent military court in Benghazi is subordinate to the head of the General Military Judiciary Authority. In practice, military courts in eastern Libya have convicted hundreds of civilians in grossly unfair trials aimed at punishing dissent against the LAAF, and sentencing them to long prison terms or the death penalty.<sup>9</sup>

The LAAF's control over military, security, intelligence and law enforcement agencies in eastern Libya was consolidated and codified after Agila Saleh, speaker of the House of Representatives, issued decision no. 32 of 2017 on establishing the Judiciary and Control Authority, a body under the direct

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4 United Nations Support Mission in Libya (UNSMIL), "Statement Attributable to the Spokesperson for the Secretary-General - on Libya", 3 March 2022, [unsmil.unmissions.org/statement-attributable-spokesperson-secretary-general-libya-02-march-2022](https://unsmil.unmissions.org/statement-attributable-spokesperson-secretary-general-libya-02-march-2022); and Middle East Monitor, "Libya High Council of State refuses constitutional amendments", 25 February 2022, [middleeastmonitor.com/20220225-libya-high-council-of-state-refuses-constitutional-amendments/](https://middleeastmonitor.com/20220225-libya-high-council-of-state-refuses-constitutional-amendments/)

5 France 24, *دبيبة يعلن خطة لتنظيم انتخابات تشريعية قبل نهاية يونيو*, 22 February 2022, <https://bit.ly/3UmBJU2>

6 UNSMIL, "SASG Stephanie Williams Press Statement Members of the House of Representatives and the High Council of State United Nations-Facilitated Joint Committee to Determine the Libyan Constitutional Framework for Elections", 20 June 2022, [unsmil.unmissions.org/sasg-stephanie-williams-press-statement-members-house-representatives-and-high-council-state-united](https://unsmil.unmissions.org/sasg-stephanie-williams-press-statement-members-house-representatives-and-high-council-state-united)

7 Between March 2021 and March 2022, no eastern-based government contested the Government of National Unity (GNU), while the LAAF continued to exercise effective control on the ground.

8 Libya Alhadath TV, *تقرير | اللواء طارق بن زياد يعدم ضبقيات من الخمور والمؤثرات العقلية*, 2 January 2022, [youtube.com/watch?v=hOUe\\_BkgCNY](https://www.youtube.com/watch?v=hOUe_BkgCNY), and *تقرير | عمليات اللواء طارق بن زياد تقبض على مهاجرين غير شرعيين وتسلمهم للسلطات لترحيلهم*, 10 March 2022, [youtube.com/watch?v=FdPbrV-46bl](https://www.youtube.com/watch?v=FdPbrV-46bl). See also the LAAF's military media's coverage of TBZ operations described as designed to combat crimes, including smuggling and terrorism, [facebook.com/Libya.WID](https://www.facebook.com/Libya.WID)

9 Amnesty International, "Libya: Military courts sentence hundreds of civilians in sham, torture-tainted trials", 26 April 2021, [amnesty.org/en/latest/press-release/2021/04/libya-military-courts-sentence-hundreds-of-civilians-in-sham-torture-tainted-trials/](https://www.amnesty.org/en/latest/press-release/2021/04/libya-military-courts-sentence-hundreds-of-civilians-in-sham-torture-tainted-trials/)

supervision of the General Command of the LAAF, with control responsibility over the Military Inspection Agency, the Military Police and Prisons Administration, the Military Intelligence, the Military Judiciary, and the Auditing Administration. Decision no. 32 of 2017 also brought a number of bodies under the LAAF's General Commander, including the General Investigations Bureau (an armed group later renamed the Internal Security Agency, ISA), the Borders Agency, the Central Security Force, and the General Administration for Combating Terrorism and Destructive Phenomena.<sup>10</sup>

## 3.2 TARIQ BEN ZEYAD ARMED GROUP

The TBZ is one of the most powerful armed groups within the LAAF. It is led by Saddam Haftar and his second-in-command and nominal commander Omar Imraj'. It emerged using the name TBZ Company in 2016 and has since taken part in the LAAF's military operations. The LAAF's General Commander renamed it Tariq Ben Zeyad Battalion in 2017 and then Tariq Ben Zeyad Reinforced Brigade in September 2020.<sup>11</sup>

Since its emergence, the armed group has grown in size and influence, absorbing various smaller LAAF-allied armed groups.<sup>12</sup> It currently comprises a mix of career soldiers who fought on the side of pro-Gaddafi armed forces during the 2011 conflict, and various fighters recruited from tribes aligned with the LAAF, mainly the Magarha and Firjan.<sup>13</sup> The TBZ is reported to include a sizeable number of Madkhali Salafists, who adhere to an ultra-conservative Sunni religious ideology, and holds regressive views on the rights of women and girls, religious minorities, and LGBTI+ individuals.<sup>14</sup>

The TBZ's main base is in the Sidi Faraj area in east Benghazi.<sup>15</sup> It also controls various places of detention in areas under LAAF control and controls wings of Gernada prison, near al-Baida.<sup>16</sup> Since 2020, TBZ fighters have expanded their influence over south-western Libya and intimidated those perceived to challenge LAAF rule.<sup>17</sup> For instance, TBZ-affiliated fighters surrounded the Sabha courthouse from 29 November to 2 December 2021, preventing judges from entering and examining an appeal by Saif al-Islam al-Gaddafi's lawyer against his exclusion from running in the elections scheduled for December 2021.<sup>18</sup>

The TBZ receives funding and military equipment from the LAAF, some of which appears to have originated from the UAE and Jordan, according to reports by the UN Panel of Experts on Libya established pursuant to Resolution 1973 of 2011 by the UN Security Council to monitor, among other issues, non-compliance with the arms embargo imposed on Libya.<sup>19</sup> TBZ members have received military training in Jordan, according to the Panel of Experts.<sup>20</sup>

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<sup>10</sup> "Decision of the Speaker of the House of Representatives no. 32/2017 on Establishing the Judiciary and Control Division", on file with Amnesty International.

<sup>11</sup> Alsaad24, *القائد العام يصدر قراراتين لاستبدال مسمى كتيبة طارق بن زياد والكتيبة 128 مشاة وتعيين أمرين جديدين لهما*, 13 September 2020, <https://bit.ly/3AWvSOM>

<sup>12</sup> Decisions by the LAAF General Commander, including No. 146/2021, No. 159/2022 and No. 191/2022, all of which submerged smaller armed groups under the TBZ.

<sup>13</sup> Omar Imraj' and several TBZ members had been detained by anti-Gaddafi fighters following their defeat in the 2011 armed conflict.

<sup>14</sup> Wolfram Lacher, *A Most Irregular Army: The Rise of Khalifa Haftar's Libyan Arab Armed Forces*, 2 November 2020, [swp-berlin.org/publications/products/arbeitspapiere/2020WP02\\_FG06\\_lac.pdf](http://swp-berlin.org/publications/products/arbeitspapiere/2020WP02_FG06_lac.pdf)

<sup>15</sup> Interviews in person in Tripoli and Misratah and by voice calls with former detainees and individuals with direct information on LAAF operations, February to September 2022.

<sup>16</sup> Interviews with former detainees in person and by voice calls, February to September 2022.

<sup>17</sup> Interviews with Sabha residents by voice calls, March to August 2022.

<sup>18</sup> Amnesty International, *Libya: Elections Delayed Amid a Climate of Repression* (previously cited).

<sup>19</sup> UN Security Council, *Final report of the Panel of Experts on Libya Established Pursuant to Security Council Resolution 1973 (2011)*, 9 December 2019, UN doc. S/2019/914, [securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S\\_2019\\_914.pdf](http://securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2019_914.pdf)

<sup>20</sup> UN Security Council, *Final report of the Panel of Experts* (previously cited).

## 4. CRIMES UNDER INTERNATIONAL LAW AND OTHER TBZ VIOLATIONS

Amnesty International has documented the involvement of TBZ fighters in a litany of violations of international humanitarian law and international human rights law against Libyans, refugees and migrants between 2016 and 2022 in areas that were or remain under LAAF control, including Ajdabiya, al-Marj, Benghazi, Derna, Sabha, Sirte and surrounding areas, Tobruk and Tripoli suburbs. Some of these may constitute war crimes, including torture and other ill-treatment, rape and other sexual violence, hostage-taking, murder of civilians and fighters hors de combat, forced displacement and pillage.

Amnesty International has also documented the arbitrary detention of 25 individuals, targeted on the basis on their actual or perceived peaceful opposition or criticism of the LAAF and/or TBZ and their tribal, family or regional affiliation. Of the 25, the bodies of three were found on Benghazi streets or morgues bearing gunshot wounds; three remain arbitrarily detained; and the fate and whereabouts of four remain unknown. The other 15, who were released after being held for between eight days to five years, told Amnesty International that they were subjected to enforced disappearance or prolonged incommunicado detention, during which they were tortured and otherwise ill-treated.

### 4.1 UNLAWFUL KILLINGS AND USE OF FORCE AND FIREARMS

Amnesty International documented two cases of unlawful killings in 2020, and another case in 2021, committed by men believed to be affiliated with the TBZ. Two victims appear to have been deliberately and unlawfully shot dead following their abduction in what amounted to extrajudicial executions. The third died after he was tortured and otherwise ill-treated.

Witnesses described the circumstances of the killings. They told Amnesty International that armed men, who identified themselves as the TBZ, abducted one of the victims, a 22-year-old civilian, from his home in Benghazi in December 2020. Amnesty International learned that his body was found 40 days later by passers-by on Share' al-Zeyt (al-Zeyt street) in Benghazi with gunshot wounds. He had posted on his social media comments critical of TBZ before his abduction,<sup>21</sup> content that Amnesty International has reviewed. Another unidentified body was found alongside him.

The third victim, a 47-year-old man, was abducted from his Benghazi home by the ISA armed group in December 2020. The victim was later handed to TBZ fighters in Benghazi, according to a complaint his family lodged with the LAAF and security bodies in Benghazi, which Amnesty International reviewed. His body was discovered by his family five days after his abduction in a morgue in Benghazi, according to an informed source. His family suspect that he was targeted due to his tribal affiliations and said there were bruises and burns on his body, photos of which Amnesty International examined.<sup>22</sup>

In addition to these three victims, Amnesty International collected testimonies from two individuals held in a wing of Gernada prison under TBZ control who said that they witnessed the deaths of five detainees between 2017 and 2021. According to these witnesses, who were interviewed separately, two victims died following prolonged denial of access to healthcare, and three others following severe beatings and other torture. Both witnesses identified a Syrian national who died in 2018 after being beaten by TBZ fighters.<sup>23</sup>

Amnesty International also documented the unlawful use of lethal force by TBZ fighters in the context of policing protests and other law enforcement operations. Evidence gathered by Amnesty International indicates that the TBZ used firearms in contravention of international law and standards

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21 Interview in person with family member, 9 February 2022, Tripoli.

22 Interview in person with family member, 10 February 2022, Tripoli.

23 Interviews in person with former detainees, 20 and 21 February, Tripoli.

that stipulate that security forces must not use firearms except to defend themselves or others against an imminent threat of death or serious injury, and only when less extreme and harmful means are insufficient to protect life.

Five interviewees recounted incidents in which TBZ fighters opened fire at them either at protests or checkpoints, or in their homes or shops, in Sabha, Sirte, Tobruk and Benghazi between 2021 and 2022, when they were unarmed and posed no threat to life or serious injury to the TBZ or others. For instance, one interviewee said that he was forced to flee Libya after armed men, who arrived in Toyota pick-up trucks and identified themselves as TBZ fighters, raided his house in Tobruk and shot him in the leg in August 2021. His medical records and photos of the injury examined by Amnesty International were consistent with his testimony. He believes the attack was prompted by posts he made on social media calling for the reinstatement of the 1951 Libyan Constitution and the return of the al-Senussi monarchy, a view perceived as opposing Khalifa Haftar's rule of eastern Libya.<sup>24</sup> After he lodged a complaint against the TBZ fighters with the Tobruk police, he started receiving death threats via the phone and social media, forcing him to flee the country.<sup>25</sup>

## 4.2 ABDUCTIONS AND UNLAWFUL DEPRIVATION OF LIBERTY

Amnesty International documented the cases of 25 individuals who were abducted and unlawfully deprived of their liberty by TBZ fighters between 2017 and 2022. Fifteen were released after being detained for between a few weeks to five years, while three remain held. Three others were unlawfully killed.<sup>26</sup> Four others remain forcibly disappeared, with TBZ fighters refusing to provide any information on their fate and whereabouts to their families.

Those abducted by the TBZ were targeted for their actual or perceived opposition to the LAAF, including their criticism on social media of LAAF General Commander Khalifa Haftar or his son Saddam Haftar or their allies; their tribal or family affiliations; their political activism; their refusal to cooperate with the LAAF, their media work; and/or their participation in anti-LAAF protests. At least three appeared to be targeted, at least in part, for their or their families' perceived wealth, with TBZ members holding them hostage and conditioning their release on the payment of exorbitant ransoms or handover of their businesses and other assets. These findings are in line with Amnesty International's long-term documentation of abuses committed in eastern Libya by the LAAF and allied armed groups, and are consistent with those of other human rights organizations and UN bodies, including the United Nations Support Mission in Libya (UNSMIL), the Office of the High Commissioner for Human Rights (OHCHR), the UN Panel of Experts of Libya, and the UN Fact Finding Mission on Libya.<sup>27</sup>

Amnesty International has found no evidence that any of those abducted were brought in front of ordinary civil courts and allowed to challenge the legality of their detention. In three cases documented by Amnesty International,<sup>28</sup> civilians detained by the TBZ were referred to military trials

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<sup>24</sup> In 1969, Mu'ammar Gaddafi overthrew the Senussi monarchy and established a republican system.

<sup>25</sup> Interview with witness by voice call, 9 September 2021.

<sup>26</sup> See sub-heading 4.1 "Unlawful killings and use of force and firearms".

<sup>27</sup> Amnesty International, *Libya: Benghazi's Descent into Chaos: Abductions, Summary Killings and Other Abuses* (Index: MDE 19/0001/2015), 28 January 2015, [amnesty.org/en/documents/mde19/0001/2015/en/](https://www.amnesty.org/en/documents/mde19/0001/2015/en/); Amnesty International, "Libya: Protect civilians under siege in Derna", 11 June 2018, [amnesty.org/en/latest/news/2018/06/libya-protect-civilians-under-siege-in-derna/](https://www.amnesty.org/en/latest/news/2018/06/libya-protect-civilians-under-siege-in-derna/); Amnesty International, "Evidence points to war crimes by Libyan National Army forces", 23 March 2017, [amnesty.org/en/latest/news/2017/03/evidence-points-to-war-crimes-by-libyan-national-army-forces-2/](https://www.amnesty.org/en/latest/news/2017/03/evidence-points-to-war-crimes-by-libyan-national-army-forces-2/); Amnesty International, "Libya: Lives of captives trapped under fire in Benghazi in danger", 21 July 2016, [amnesty.org/en/latest/news/2016/07/libya-lives-of-captives-trapped-under-fire-in-benghazi-in-danger-2/](https://www.amnesty.org/en/latest/news/2016/07/libya-lives-of-captives-trapped-under-fire-in-benghazi-in-danger-2/); Amnesty International, *Libya: 'Vanished off the Face of the Earth' – Abducted Civilians in Libya* (Index: MDE 19/2178/2015), 5 August 2015, [amnesty.org/en/documents/mde19/2178/2015/en/](https://www.amnesty.org/en/documents/mde19/2178/2015/en/); Amnesty International, "Libya: The LAAF is 'brutally crushing' freedom of expression and peaceful assembly", 19 April 2022, [amnesty.org/en/latest/news/2022/04/libya-the-laaf-is-brutally-crushing-freedom-of-expression-and-peaceful-assembly/](https://www.amnesty.org/en/latest/news/2022/04/libya-the-laaf-is-brutally-crushing-freedom-of-expression-and-peaceful-assembly/); and Amnesty International, "Libya: Fears mount for abducted woman politician a month since she went missing", 16 August 2019, [amnesty.org/en/latest/news/2019/08/libya-fears-mount-for-abducted-woman-politician-a-month-since-she-went-missing-2/](https://www.amnesty.org/en/latest/news/2019/08/libya-fears-mount-for-abducted-woman-politician-a-month-since-she-went-missing-2/). For findings on UN bodies, see: UN Independent Fact-Finding Mission on Libya, *Report*, 27 June 2022, UN Doc. A/HRC/50/63, paras 35, 40 and 41; United Nations Office of the High Commissioner for Human Rights (OHCHR) and UNSMIL, *Abuse Behind Bars: Arbitrary and Unlawful Detention in Libya*, 10 April 2018, [ohchr.org/en/documents/country-reports/abuse-behind-bars-arbitrary-and-unlawful-detention-libya](https://www.ohchr.org/en/documents/country-reports/abuse-behind-bars-arbitrary-and-unlawful-detention-libya); OHCHR and UNSMIL, *Report of the Human Rights Situation in Libya*, 16 November 2015, [ohchr.org/sites/default/files/Documents/Countries/LY/UNSMIL\\_OHCHRJointly\\_report\\_Libya\\_16.11.15.pdf](https://www.ohchr.org/sites/default/files/Documents/Countries/LY/UNSMIL_OHCHRJointly_report_Libya_16.11.15.pdf); and Panel of Experts on Libya, *Final Report of the Panel of Experts Established Pursuant to Resolution 1973 (2011) Concerning Libya*, UN doc. S/2022/427 para. 41, 1 June 2017, [reliefweb.int/report/libya/final-report-panel-experts-libya-established-pursuant-resolution-1973-2011-s2017466](https://www.reliefweb.int/report/libya/final-report-panel-experts-libya-established-pursuant-resolution-1973-2011-s2017466)

<sup>28</sup> See sub-heading 3.3, "Torture or other ill-treatment".

on unfounded “terrorism” and “espionage” charges. Amnesty International has consistently found that the LAAF uses military courts in territories under their control to punish opponents.<sup>29</sup>

Those abducted were arbitrarily detained in places of detention controlled by the TBZ, including unofficial facilities primarily at the TBZ Sidi Faraj base east of Benghazi as well as smaller, makeshift detention facilities in the cities of Sabha, al-Marj and Sirte. Some were also held in Gernada prison, where TBZ fighters appear to exercise control over certain wings.

The TBZ arbitrarily detained for six months an activist who had been involved in campaigning for elections and who belongs to a tribe perceived as opposing the LAAF. They held him in solitary confinement in a facility controlled by the TBZ throughout his detention, in violation of the absolute prohibition of torture and other ill-treatment. He was abducted in June 2021 from a street in an LAAF-controlled city by the ISA armed group, before being handed to the TBZ. Until his release in early 2022, TBZ fighters and commanders of other LAAF-affiliated armed groups had either denied having him in custody or acknowledged his detention but refused to reveal his fate and whereabouts to his family, subjecting him to enforced disappearance.<sup>30</sup>

In another incident documented by Amnesty International, witnesses said that in January 2022, armed men who identified themselves as TBZ fighters stormed their Benghazi home, ransacked it and abducted their 22-year-old relative after he had criticized Saddam Haftar on social media. Amnesty International reviewed a video showing pick-up trucks with weapons mounted on the back approaching the man's house.<sup>31</sup> Since then, his relatives have had no information about his fate and whereabouts. Armed groups operating in Benghazi, including the TBZ, have repeatedly denied having him in custody. He remains a victim of enforced disappearance.

TBZ fighters abducted another man from his Benghazi home in March 2022, after he posted content on his social media account critical of Khalifa Haftar and Agila Saleh, the speaker of the House of Representatives and Khalifa Haftar's ally. In a video examined by Amnesty International, armed men with TBZ logos and insignia on their uniforms are seen approaching his family home days after he posted the critical content.<sup>32</sup> Since then, his family submitted complaints to the LAAF leadership, but received no response, while various armed groups in eastern Libya denied having him in custody, subjecting him to enforced disappearance.

A wealthy Benghazi family told Amnesty International that TBZ fighters abducted their 21-year-old son in May 2021 and took him to an undisclosed location. They had no information about his fate and whereabouts until June 2021, when photos of their son and instructions to pay USD 1 million to secure his freedom were sent by phone to one of his relatives. The family contacted a senior staffer with the Ministry of Interior in the then interim government of Abdallah al-Thinni who had tribal connections to the family. They said the staffer acted as an interlocuter with Saddam Haftar, and confirmed their son's detention by the TBZ.<sup>33</sup> The family has not been able to pay the ransom and the son remains arbitrarily detained at the time of the writing.

On 20 January 2022, according to information gathered by Amnesty International from four current or former Derna residents and another informed source, TBZ fighters embarked on a campaign of mass abductions targeting relatives, tribe members and friends of five prisoners, some of them from Derna, who had escaped from Gernada prison some four days earlier.<sup>34</sup> Most of the estimated 50 men seized in the aftermath of the prison break were released within weeks or months without charge. However, to date there is no information available on the whereabouts and fate of the five prisoners who escaped and were recaptured. The five were initially detained because of their perceived opposition to LAAF rule in Derna.

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29 Amnesty International, “Libya: Military courts sentence hundreds of civilians in sham, torture-tainted trials” (previously cited).

30 Interview by voice call with former detainee, 19 September 2022.

31 Interview in person with relatives, 19 February 2022, Misratah.

32 Interview by voice call with relatives, 25 March 2022.

33 Interview by voice call with relatives, 9 March 2022.

34 Interviews in person with Derna residents and another informed source, 19 February 2022, Misratah.

TBZ fighters have also engaged in a campaign of arrests of protesters and media workers in the context of their crackdown on peaceful protests against socio-economic grievances and the LAAF's rule that have taken place between 2020 and 2022 in a number of cities under LAAF control, including Sirte, Sabha, al-Marj and Benghazi.<sup>35</sup> Most recently, in July 2022, witnesses said that armed men in three vehicles with TBZ logos on a Benghazi street stopped the car of an activist, who had participated in protests, and abducted him. Since then, the TBZ and other armed groups operating in the city have denied having him in custody, subjecting him to enforced disappearance.<sup>36</sup> Amnesty International examined his Facebook account and found content criticizing LAAF allies and expressing support of protests against power cuts and worsening economic conditions.<sup>37</sup>

### 4.3 TORTURE AND OTHER ILL-TREATMENT

The 15 former detainees interviewed by Amnesty International, who had been arbitrarily detained by the TBZ, said that members of the armed group tortured and otherwise ill-treated them as punishment for their opposition to the TBZ and/or LAAF or to extract information about other alleged opponents. Most frequently reported methods of torture included electric shocks; repeated beatings and flogging with leather belts, electric cords and water pipes; prolonged suspension in contorted positions; rape and other sexual violence; and mock executions. Those detained were held in cruel and inhuman conditions characterized by overcrowding, bans from any contact with their families and the outside world, insufficient food, lack of access to exercise or natural light, and denial of adequate medical care.

A former intelligence officer, based in eastern Libya, told Amnesty International that after he refused to cooperate with the LAAF he was abducted by men affiliated with the TBZ in 2017 and detained for four years in a TBZ base in Benghazi. There, TBZ fighters beat him with the backs of their rifles and water pipes (referred to in Libya as "tubu BBR"), punched and kicked him, burned him with cigarettes, flogged him with a leather whip, threatened him with rape, and subjected him to other threats and humiliation, including forcing him to kneel and say "the Field Marshal [Khalifa Haftar] is my master".<sup>38</sup>

Another former senior official, held between 2017 and 2021 for opposing Khalifa Haftar and Agila Saleh, confirmed that the abovementioned former intelligence officer (who Amnesty International interviewed separately) was detained at the time by the TBZ and that he saw bruises on his body. He told Amnesty International that he too was beaten by TBZ fighters and ordered to repeat "the Field Marshal is my master" upon his arrest in 2017. Both were denied family contact for the duration of their detention and their families were not informed about their fate and whereabouts throughout their incarceration.<sup>39</sup>

A photojournalist told Amnesty International that TBZ fighters raided his family home days after he had covered an LAAF military celebration in 2019 and transferred him in a violent manner to one of their bases, where they accused him of spying on the LAAF. During the first few days of his detention, he said TBZ fighters beat him, deprived him of sufficient food and barred him from showering or using the toilet. He added that one of the fighters raped him and forced him to perform other sexual acts. A military court in eastern Libya convicted him in a grossly unfair trial in 2021. He was subsequently released on bail pending appeal.<sup>40</sup>

A resident of Sirte from al-Gaddadfa tribe told Amnesty International that ISA-Sirte abducted him from his home in March, in relation to protests against the LAAF. ISA-Sirte handed him to TBZ fighters, who transferred him to Benghazi. He said that during his first three days in detention, three TBZ fighters repeatedly punched, kicked and beat him with the backs of their rifles and water pipes. On one

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35 Amnesty International, *Libya: Elections Delayed Amid a Climate of Repression* (previously cited).

36 Interview by voice call with relatives, 10 August 2022.

37 Link on file with Amnesty International, but not shared to protect his identity.

38 Interview in person with former detainee, 22 February 2022, Tripoli.

39 Interview in person with former detainee, 21 February 2022, Tripoli.

40 Amnesty International, "Libya: Military courts sentence hundreds of civilians in sham, torture-tainted trials" (previously cited).

occasion, he was ordered to walk on all fours, while one of the fighters repeatedly flogged him and hurled verbal abuse at him, including: “We [the TBZ] are your masters, you dead animal”.<sup>41</sup>

Those previously arbitrarily detained at facilities controlled by the TBZ without charge or trial also told Amnesty International that they were forced to work while in custody, including in construction and by cleaning and cooking, and that those who refused, including on health grounds, were beaten. Such treatment amounts to forced labour.

A doctor detained by the TBZ in a base in Benghazi between 2017 and 2020 told Amnesty International that TBZ fighters forced him to provide medical care to other prisoners as well as fighters, and threatened to beat him if he refused. He told Amnesty International that a member of the TBZ acknowledged upon his release without charge that he was detained for so long solely to provide medical care at the base.<sup>42</sup>

Another man detained by the TBZ in a base in Benghazi between 2019 and 2021 told Amnesty International that TBZ fighters forced him to clean the entire base along with another detainee under the threat of further sexual assault.<sup>43</sup>

#### 4.4 MASS EXPULSION OF REFUGEES AND MIGRANTS

Since 2020, after the TBZ expanded and consolidated its influence over the south-west of Libya, Amnesty International has collected information on their involvement in the forced mass expulsions of refugees, asylum seekers and migrants without due process and without granting them the opportunity to claim asylum.

Amnesty International examined dozens of posts and three videos circulated on Facebook pages operated by the TBZ, stating that the 10<sup>th</sup> Infantry Brigade, a unit of the TBZ, forcibly expelled refugees and migrants, leaving them near the border with Niger. The videos consistently showed hundreds of refugees and migrants being boarded on trucks in preparation for their deportation, accompanied by self-congratulatory TBZ statements about the expulsion of “illegal migrants” from Libya.<sup>44</sup> For instance, in one video shared by the 10<sup>th</sup> Infantry Brigade on 15 January 2022, hundreds of rounded-up refugees and migrants, some holding their belongings in plastic bags, are seen boarding trucks. The narrator notes that the expulsions are part of the LAAF’s strategy to secure the south of Libya, stating that the “illegal migrants” are currently near the border with Niger and will be expelled imminently. Amnesty International spoke to two victims, who had been expelled in January 2022, and two local activists, including a foreign national, who confirmed information regarding the TBZ’s involvement in expulsions.

One of those deported in 2022 told Amnesty International that TBZ fighters arrested him during a raid on a neighbourhood in Sabha and forced him and others to board trucks. They were then driven towards the border with Niger and left in the desert without any food or water.<sup>45</sup>

These findings are consistent with previously documented patterns by Amnesty International of forced expulsions from LAAF-controlled areas and were confirmed to an Amnesty International delegation during a meeting in Tripoli with representatives of the Ministry of Interior in February 2022.<sup>46</sup> The

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41 Interview by voice call with former detainee, 23 August 2022.

42 Interview by voice call with former detainee, 12 July 2022.

43 Interview in person with former detainee, 13 September 2021, Tunis.

44 Moral Guidance Administration Sabha Branch, Facebook Post, *عمل كبير جدا ومستمر من أجل انتهاء ظاهرة الهجرة الغير شرعية*, 15 January 2022, [facebook.com/105138885154323/videos/4727641450660588/](https://facebook.com/105138885154323/videos/4727641450660588/); Tenth Infantry Brigade, Facebook post, *قرار من قبل القائد العام للقوات المسلحة العربية الليبية*, 5 May 2022, [facebook.com/sreya10.army.ly/posts/pfbid036tbQfc4NBGLCoXWKP3FFJKV9ciBgZQTo1yrmF2xgv8wT7ruAfxpnHC3CmPJTY9hgl](https://facebook.com/sreya10.army.ly/posts/pfbid036tbQfc4NBGLCoXWKP3FFJKV9ciBgZQTo1yrmF2xgv8wT7ruAfxpnHC3CmPJTY9hgl) and Tenth Infantry Brigade Facebook post, *450 مهاجر غير شرعي*, 9 March 2022, [facebook.com/sreya10.army.ly/posts/pfbid0qr1KXWdFwELkmU4wrRjHmN7Ru2TNtLDh9qLW8VVBShUARezsuWYbrQePBM49UMI](https://facebook.com/sreya10.army.ly/posts/pfbid0qr1KXWdFwELkmU4wrRjHmN7Ru2TNtLDh9qLW8VVBShUARezsuWYbrQePBM49UMI)

45 Interview by voice call with witness, 17 February 2022.

46 Meeting with officials from the GNU Ministry of Interior, 20 February 2022, Tripoli.

organization found that at least 5,065 refugees and migrants were forcibly expelled without any due process from LAAF-controlled territories in 2020 and 2,839 in 2021.<sup>47</sup>

## 4.5 FORCED DISPLACEMENT AND PILLAGE

In the course of its long-term monitoring and documentation of violations of international humanitarian law committed in the context of the Libyan conflict, Amnesty International has found that tens of thousands of civilians have been forcibly displaced due to their perceived opposition to the LAAF in the context of LAAF military campaigns to seize full control of the cities of Benghazi and Derna between 2014 and 2019.<sup>48</sup> These people remain internally displaced in western Libya, predominantly in the cities of Tripoli and Misratah, and unable to return home for fear of reprisals. According to the International Organization for Migration's displacement matrix, 36,777 people from Benghazi and Derna remained internally displaced in June 2022.<sup>49</sup>

In February 2022, Amnesty International interviewed seven families who had been forcibly displaced by TBZ fighters between 2016 and 2019 from areas under LAAF control in eastern Libya. The families – five from Benghazi and two from Derna – provided consistent accounts of TBZ fighters' involvement in raiding and looting their homes once LAAF forces seized control of their areas, ordering them to leave and warning that they would be killed if they return.<sup>50</sup> For instance, a woman from Benghazi told Amnesty International that in October 2017, TBZ fighters looted valuables from her family home and ordered her and 18 relatives to leave Benghazi, threatening to kill them if they did not, due to their family's perceived opposition to the LAAF. Since then, her family has been scattered across western Libya, unable to return to home, which the woman said has since been occupied by an LAAF fighter.<sup>51</sup>

A woman from Derna, who has been internally displaced in Misratah with her children and other relatives since January 2019, told Amnesty International that TBZ fighters instructed the family to leave Derna, threatening to shoot them if they did not comply, in reprisal for her husband fighting with rival armed groups. Her husband had been wounded in the leg during fighting in Derna at the end of 2018 and fled ahead of LAAF's takeover of the city.<sup>52</sup> The woman said that their home in Derna had been appropriated by a TBZ commander.

## 5. COMMAND RESPONSIBILITY OF SADDAM HAFTAR AND OMAR IMRAJ'

Given the lack of transparency by the LAAF and affiliated armed groups, there is little publicly available information on the TBZ's formal structure and chain of command. However, Amnesty International has been able to obtain information from three individuals with direct knowledge of LAAF operations and 15 former detainees held by the TBZ; and through a review of publicly available information, including TBZ's social media accounts, decisions by the LAAF General Commander and audio-visual material. The evidence gathered indicates that Saddam Haftar acts as the effective commander of the TBZ, while Omar Imraj', the nominal commander, is second-in-command. It also

47 Amnesty International, *Libya: 'Between Life and Death': Refugees and Migrants Trapped in Libya's Cycle of Abuse* (Index: MDE 19/3084/2020), 24 September 2020, [amnesty.org/en/documents/mde19/3084/2020/en/](https://www.amnesty.org/en/documents/mde19/3084/2020/en/); Amnesty International, *Amnesty International Report 2021/22: The State of the World's Human Rights*, (Index: POL 10/4870/2022), 28 March 2022, [amnesty.org/en/location/middle-east-and-north-africa/libya/report-libya/](https://www.amnesty.org/en/location/middle-east-and-north-africa/libya/report-libya/); and OHCHR, *Unsafe and Undignified: The Forced Expulsion of Migrants from Libya*, May 2021, [ohchr.org/sites/default/files/2021-12/Unsafe\\_and\\_Undignified.pdf](https://www.ohchr.org/sites/default/files/2021-12/Unsafe_and_Undignified.pdf)

48 Human Rights Watch, "Libya: Displaced Benghazi families prevented from return", 1 February 2018, [hrw.org/news/2018/02/01/libya-displaced-benghazi-families-prevented-return](https://www.hrw.org/news/2018/02/01/libya-displaced-benghazi-families-prevented-return); and Human Rights Watch, "Libya: Civilians caught in tightening siege", 22 February 2019, [hrw.org/news/2019/02/22/libya-civilians-caught-tightening-siege](https://www.hrw.org/news/2019/02/22/libya-civilians-caught-tightening-siege)

49 International Organization for Migration, *Libya – IDP and Returnee Report 42 (May-June 2022)*, 23 October 2022, [dtm.iom.int/reports/libya-%E2%80%94-idp-and-returnee-report-42-may-june-2022](https://dtm.iom.int/reports/libya-%E2%80%94-idp-and-returnee-report-42-may-june-2022)

50 Interviews with multiple sources in Misratah and Tripoli, February 2022.

51 Interview in person with displaced families, 22 February 2022, Tripoli.

52 Interview in person with displaced families, 18 February 2022, Misratah.

indicates that although there is a nominal chain of command within the TBZ, both Omar Imraj' and Saddam Haftar regularly give orders directly to fighters and not down a chain of command. Furthermore, it appears that there are no formal disciplinary mechanisms, with Omar Imraj' and Saddam Haftar exercising effective control over disciplining TBZ fighters.

Other information has been provided by a former high-ranking official in eastern Libya, a former External Security Agency officer operating in LAAF-controlled areas, and an individual with direct knowledge of the 5+5 Military Committee, which comprises five members of the Libyan armed forces operating under the GNU and the LAAF. This indicates that Saddam Haftar exercises effective overall command and control over the armed group, including over Omar Imraj'.<sup>53</sup> All three individuals told Amnesty International that they had spoken to Saddam Haftar in his capacity as effective commander of the armed group, including at its bases in Benghazi and near Sirte.

Amnesty International also examined several photos showing Saddam Haftar representing the TBZ in ceremonies held in eastern Libya by the LAAF, including military parades, negotiations between the TBZ and rival militias based in western Libya, and celebrations of sportspeople in 2021 and 2022.<sup>54</sup> Libyan media and various Libyan officials and parliamentarians have also publicly referred to Saddam Haftar as leader of the TBZ since 2020.<sup>55</sup> Photos examined by Amnesty International show Saddam Haftar visiting TBZ bases and speaking with TBZ commanders and fighters in Benghazi, Sabha, Ajdabiya and Sirte. Family members of two former TBZ detainees told Amnesty International that their releases were secured following the payment of ransoms to intermediaries between them and Saddam Haftar.

Omar Imraj' has been the nominal commander of the TBZ since September 2020 following his appointment by decree no. 380 of 2020 by the LAAF General Commander. However, publicly available information, including social media posts, media articles and videos published by pro-LAAF media, indicate that he may have held that position since late 2018.<sup>56</sup> According to information received from three sources with direct knowledge of LAAF operations, including at senior level, in practice Omar Imraj' acts as the second-in-command in the TBZ and controls some operations, including detentions, while operating under the overall command of Saddam Haftar. Amnesty International examined various photos and videos depicting Omar Imraj' with TBZ fighters in Ajdabiya, Benghazi, Sabha and Sirte. In one of the videos shared by an LAAF-affiliated Facebook page in January 2019, Omar Imraj' is heard, following his visit to the detention centre controlled by the TBZ in southern Libya, claiming: "The prison is working efficiently and in line with laws and procedures."<sup>57</sup>

Information collected by Amnesty International indicates that both Saddam Haftar and Omar Imraj' in their capacity as the military leaders of the TBZ knew or should have known about crimes being committed by their subordinates, and did nothing to prevent, repress or punish them.

International organizations, UN bodies, Libyan human rights organizations and Libyan media have repeatedly reported crimes committed by the TBZ since at least 2017, making it inconceivable that TBZ's commanders were not aware of claims of abuse.<sup>58</sup> In addition, Amnesty International is aware of

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53 Interviews in person with witnesses, 15 and 21 February 2022, Tripoli.

54 Nabd, "صدام حفتر يستقبل البطل الليبي", 13 June 2022, <https://bit.ly/3FjhzWT>

55 Ahrar February, Facebook video post. *واحد أفراد كتيبة طارق بن زياد يدافع عن صدام حفتر وكتيبته من تهمة قتل حنان البرعصي*, 21 November 2020, [facebook.com/watch/?v=206115521131526](https://www.facebook.com/watch/?v=206115521131526); Criminal Investigations Apparatus-Gharbia Branch, YouTube video, *وكيل وزارة الداخلية فرج اقديم رفقة أمر*, [www.youtube.com/watch?v=625344195321986](https://www.youtube.com/watch?v=625344195321986); اللواء طارق بن زياد العقيد صدام خليفة حفتر *أشكر اللواء طارق بن زياد وأعتذر للعقيد صدام*, Libya Live, Facebook Video, [www.facebook.com/watch/?v=625344195321986](https://www.facebook.com/watch/?v=625344195321986)

56 Libya Alaan, Twitter post, *كلمة أمر كتيبة طارق بن زياد الرائد عمر مراجع المقرحي*, 25 December 2018

[twitter.com/libyaalaan/status/1077655219251675136](https://twitter.com/libyaalaan/status/1077655219251675136), *انتفاضة الكرامة: قلعة السدادة*, Facebook video, 24 December 2018, [facebook.com/watch/?v=324256571512603&paipv=0&eav=AFZZ\\_vSABY8HB\\_zup5zXY14o6aVuHMzso2WjZLVFmobXCx3eKS2HyQRWmwbmAmUcQs](https://www.facebook.com/watch/?v=324256571512603&paipv=0&eav=AFZZ_vSABY8HB_zup5zXY14o6aVuHMzso2WjZLVFmobXCx3eKS2HyQRWmwbmAmUcQs) and AfricaGate News, *الجيش الليبي اسود ونسور #*, *أمر طارق بن زياد: قدمنا لمحاربة الإرهاب ولن نتعرض لأي مدينة*, 24 December 2018, and *محمور\_الحيلة درنه*, 22 April 2018, <https://bit.ly/3VHFkBS>

57 The Joint Security Room-the Triangle, Facebook video, *قام أمر غرفة عمليات الجنوب - الرائد - عمر امراجع صباح يوم الامس بتفقد لمقر الغرفة*, 28 January 2019, [fb.watch/fhJt92-AQT/](https://www.facebook.com/watch/?v=fbJt92-AQT/)

58 Independent Fact-Finding Mission on Libya, *Report*, UN Doc. A/HRC/50/63, paras 35, 40 and 41, [ohchr.org/en/documents/country-reports/ahrc5063-report-independent-fact-finding-mission-libya](https://www.ohchr.org/en/documents/country-reports/ahrc5063-report-independent-fact-finding-mission-libya); and Human Rights Watch, "Libya: After prison escape, Derna residents rounded up", 8

at least seven relatives of victims who wrote letters to both Omar Imraj' and Saddam Haftar between 2017 and 2022 regarding abuses committed against their loved ones and asking them to intervene, to no avail. At least one detainee also complained directly to Saddam Haftar about his treatment while still in custody, but no action was taken.

Further information collected from former detainees and their families also indicates that Omar Imraj' regularly visited the detention centre in Sidi Faraj run by the TBZ, and so must have been at least aware of the abysmal conditions there. The 15 detainees, who were interviewed by Amnesty International following their release from the detention centre, all confirmed seeing Omar Imraj' touring the facility and the cells and asking detainees their names and the reasons for their detention.<sup>59</sup> Five of them said Omar Imraj' asked them to face the wall after they told him their names.<sup>60</sup> One former detainee told Amnesty International that he had visible bruises on his face when Omar Imraj' saw him in detention, but said that Omar Imraj' did not ask him about the circumstances in which he sustained the injuries and he was too afraid of reprisals to complain directly. Another former detainee appealed to Omar Imraj' to allow him to contact his family, but no action was taken. A third former detainee said that Omar Imraj' verbally abused him and called him a "*daeshi*" (a term used to refer to alleged members of Islamic State armed group).

Two former detainees recounted to Amnesty International meeting Saddam Haftar at an office at the Sidi Faraj detention facility while they were held there. Three others said they met him following their release upon his request in the TBZ headquarters. All said he threatened them to cease all their political activism and cooperate with the LAAF or face prolonged or renewed detention or "worse". One activist, who was subjected to enforced disappearance and repeated torture by TBZ fighters for months, recounted to Amnesty International the warning he received from Saddam Haftar upon his release: "You have a choice, either you work for us, or live like an animal who eats and sleep without hopes or dreams or aspirations."<sup>61</sup>

In another case documented by Amnesty International, Saddam Haftar was made aware of allegations of crimes by a former detainee, who he met twice while in custody in 2017 and 2020, and to whom he complained on the second occasion about his arbitrary detention, torture and bans from family contact. However, no action was taken.<sup>62</sup>

## 6. FAILURE TO ENSURE ACCOUNTABILITY

Despite the scale and gravity of crimes under international law and other serious human rights violations committed by the TBZ since 2016 in territories under LAAF control, there have been no effective, impartial, independent and thorough investigations carried out.

In LAAF-controlled areas, criminal cases of a political nature and/or those related to the armed conflict have in practice fallen under the jurisdiction of the military justice system, which lacks independence and impartiality. The practice was codified under Law No. 4 of 2017 amending the Military Penal Code, meaning that investigations against TBZ members or commanders would fall under the jurisdiction of the military judiciary in LAAF-controlled territory.<sup>63</sup> Under international law and standards, the military judiciary should not have jurisdiction over crimes under international law and human rights violations committed by military personnel or security officials, and such investigations must be carried out by competent, impartial and independent civilian judicial bodies. Notwithstanding

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March 2022, [hrw.org/news/2022/03/08/libya-after-prison-escape-derna-residents-rounded](https://www.hrw.org/news/2022/03/08/libya-after-prison-escape-derna-residents-rounded); Libyan Crimes Watch, *Human Rights Violations in May 2021*, 1 June 2021, <https://bit.ly/3VIVc8M>; Alaraby Aljedid, "Abduction of women on the rise in eastern Libya", 5 November 2019, [shorturl.at/IR047](https://shorturl.at/IR047)

<sup>59</sup> Multiple interviews with former detainees conducted either in person or remotely between February and September 2022.

<sup>60</sup> Multiple interviews by voice call with former detainees, September 2022.

<sup>61</sup> Interviews on voice call with multiple former detainees, September 2022

<sup>62</sup> Interview in person with former detainee, 21 February 2022, Tripoli.

<sup>63</sup> Law No. 4/2017 on amending some articles of the Military Penal Code and Military Code of Procedures.

concerns over the involvement of the military judiciary, Amnesty International is not aware of the civilian or military prosecution in eastern Libya investigating any allegations of abuse by TBZ fighters or commanders.

Most of the affected individuals interviewed by Amnesty International said they refrained from lodging complaints with the police or prosecution in eastern Libya out of concern for their and their loved ones' safety. Their fears appear to be justified. Amnesty International is aware of one former detainee in Gernada prison who complained to a military prosecutor in eastern Libya in 2020 about being tortured by TBZ fighters. He said that his complaint was dismissed, and that TBZ fighters removed him from his cell the day after he complained and subjected him to further beatings to punish him for speaking out.

Victims told Amnesty International that prior to their release they were threatened by TBZ fighters or commanders and warned not to take any action against the TBZ or LAAF or publicly speak out about their ordeals. Affected individuals, lawyers and human rights defenders consistently told Amnesty International that it was impossible to seek justice in Libya, citing LAAF control of the military judiciary in eastern Libya and lack of power or political will by civilian judicial authorities. Those who sought to lodge complaints with the public prosecution in Tripoli, after having fled to territory out of LAAF control, said prosecutors told them they lacked the ability to investigate TBZ crimes, citing lack of jurisdiction.

## 7. LEGAL FRAMEWORK

In a non-international armed conflict, as in the context of Libya since 2011, international humanitarian law is binding on all parties to the conflict, including the TBZ, and applies concurrently with international human rights law. Serious violations of international humanitarian law constitute war crimes and entail individual criminal responsibility. Libya is a party to the four Geneva Conventions of 1949 and their Additional Protocols I and II. Common Article 3 binds all parties to the conflict to respect, as a minimum, that persons taking no direct part in hostilities as well as those placed hors de combat shall be treated humanely, without any adverse distinction. It prohibits violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture, taking of hostages, and outrages upon personal dignity. Deliberate killing of individuals, who do not participate or are no longer directly participating in hostilities, including fighters hors de combat or those who have been captured, is a serious violation of international humanitarian law and constitutes the war crime of murder. Civilian property is protected from attack under international humanitarian law, and pillage is prohibited and constitutes a war crime. Additional Protocol II, applicable in non-international armed conflict, prohibits "the displacement of the civilian population... for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand".

Individuals who are responsible for crimes under international law should be investigated and appropriately brought to justice. This includes those who commit or order a crime, as well as attempting to commit, assist, facilitate, and aid or abet a crime. Under international humanitarian and criminal law, military commanders, and other superiors, including civilian officials, can be held criminally accountable for the acts of their subordinates under the principle of superior or command responsibility. Commanders or superiors are criminally responsible if they knew or should have known of the crimes and wilfully failed to prevent or punish them. A superior does not necessarily need to know the identity of subordinates who carried out crimes. It is sufficient that the commander or superior have "effective control" over the forces responsible for the crimes. Effective control means the material ability, at the time relevant to the crimes, of superiors to prevent or punish the crimes of their subordinates.

Where de facto authorities, such as the LAAF, are in control of territory and exercising government-like functions, they are also bound by international human rights law.

The right not to be arbitrarily deprived of life is a fundamental and universally recognized right. In its General Comment 36, the UN Human Rights Committee, which monitors the implementation by states parties of the International Covenant on Civil and Political Rights (ICCPR), states: “loss of life occurring in custody, in unnatural circumstances, creates a presumption of arbitrary deprivation of life by State authorities, which can only be rebutted on the basis of a proper investigation which establishes the State’s compliance with its obligations under article 6 [of the ICCPR].” Libya is party to the ICCPR. Unlawful and deliberate killings carried out by order of a government or with its complicity or acquiescence constitute extrajudicial executions, a serious violation of the right to life and a crime under international law.

The right to liberty of person and prohibition of arbitrary detention is enshrined in Article 9 of the ICCPR, and is a rule of customary international humanitarian law. Anyone detained has the right to be promptly brought before a judge or other officer authorized by law to exercise judicial power to review the lawfulness of the detention and its continued necessity and proportionality; and to order less coercive measures, if warranted, or unconditional release. The UN Working Group on Arbitrary Detention has found that detention can be arbitrary even when allowed by domestic law if it contravenes international standards or is incompatible with other human rights such as the rights to freedom of expression, peaceful assembly or belief.

Torture is a crime under international law. Under international law, torture and other cruel, inhuman or degrading treatment or punishment (other ill-treatment) are prohibited absolutely, in all circumstances and without exception. The prohibition of torture and other ill-treatment was recognized in 1948 in Article 5 of the Universal Declaration of Human Rights. The prohibition has been included in many subsequent human rights treaties, and other international and regional instruments to which Libya is a state party, including the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the ICCPR (Article 7); the African Charter on Human and Peoples’ Rights (Article 5); and the Geneva Conventions and Protocols. Article 4 of the ICCPR provides that this prohibition is non-derogable, that is, it cannot be repealed or relaxed even in “times of emergency which threatens the life of the nation”. The prohibition of torture and other ill-treatment is also a rule of customary international law, binding on all states whether or not they are parties to particular treaties that contain the prohibition. Indeed, the prohibition of torture is widely recognized as one of a relatively small number of particularly fundamental norms of general international law. When committed in the context of an armed conflict, cruel treatment, torture and humiliating or degrading treatment are war crimes.

Individuals subject to deportation are entitled to procedural safeguards, including the ability to challenge deportation decisions and access interpretation and legal services. They also have the right to challenge the decision to deport them. Furthermore, Libya is obliged to respect the principle of non-refoulement and to identify, or permit the UN refugee agency UNHCR to identify, those in need of international protection.

## **8. CONCLUSION AND RECOMMENDATIONS**

The prevailing crisis of impunity in Libya since the end of the 2011 conflict has fuelled patterns of horrific crimes under international law and other human rights abuses committed by armed groups and militias across Libya, amid the failure of successive authorities to rein them in. Instead, successive governments and those in de facto control of territory have relied on abusive armed groups and militias to stay in power, and have sought their allegiance through integrating them in state institutions and providing them with financial support and legitimacy, allowing them to amass more power and further entrenching impunity. This impunity has enabled the TBZ to emerge as one of the most powerful armed groups in Libya and terrorize the population in LAAF-controlled areas without fear of consequences. Victims have no recourse to justice domestically, given the LAAF’s dominance over the justice system in areas under their control and persecution of anyone daring to speak out or criticize LAAF actions.

The international community must demonstrate its commitment to accountability in Libya, and take all measures in its power to tackle the prevailing crisis of impunity. The situation in Libya has been referred to the International Criminal Court (ICC) through UN Security Council resolution 1970 of 2011, but the ICC has yet to issue arrest warrants against commanders of armed groups or militias in Libya, against whom there is reasonable evidence of involvement in crimes under international law, and its open cases have yet to result in prosecutions. To signal to TBZ and other abusive militias and armed groups that their crimes will not go uninvestigated and unpunished, states must exercise universal jurisdiction to criminally investigate commanders of militias and armed groups against whom there is evidence of involvement of crimes under international law. Without swift action, countless more people in Libya will continue to live at the mercy of unaccountable militias and armed groups running amok.

Amnesty International is consequently making the following recommendations:

### **TO THE LIBYAN AUTHORITIES IN TRIPOLI:**

- Ensure that civilian judicial bodies initiate effective, independent and impartial investigations into all allegations of unlawful killings, enforced disappearances, torture and other ill-treatment, including rape and sexual violence, forced displacement and pillage by the TBZ. Where there is sufficient admissible evidence, seek to prosecute – in proceedings that meet international standards for fair trial in civilian courts and without recourse to the death penalty – those suspected of ordering, instigating, committing, aiding or abetting, or otherwise assisting or facilitating the commission of crimes under international law and other human rights violations in territories under LAAF control. Such people include commanders and state officials who knew or should have known that subordinates were committing or about to commit crimes but did not take all the reasonable and necessary measures within their power to prevent and punish the crimes;
- Cooperate fully with any investigations into crimes under international law and other serious human rights violations committed in Libya being carried out by the International Criminal Court, the Fact-Finding Mission on Libya established by the UN Human Rights Council in June 2020 and third states, under the principle of universal jurisdiction, and ensure that they have unfettered access and the necessary support to conduct investigations in Libya; and
- Put in place measures to ensure that funding for the LAAF and other militias and armed groups does not facilitate crimes under international law and other serious human rights violations and abuses.

### **TO THE LIBYAN ARAB ARMED FORCES (LAAF) ARMED GROUP:**

- Ensure that all those arbitrarily detained or otherwise unlawfully deprived of their liberty by the TBZ or other armed groups under the LAAF are released, including those held solely on account of their actual or perceived criticism of or opposition to the TBZ and LAAF, or their tribal or family affiliations, and hostages held for ransom. Those charged with internationally recognized criminal offences by ordinary civilian judicial authorities must be transferred to facilities under the control of the judicial police and tried by civilian courts in proceedings that meet international fair trial standards and without recourse to the death penalty;
- Close unofficial detention facilities controlled by the TBZ. Pending their closure, instruct TBZ fighters to end torture and other ill-treatment and ensure that those detained are treated in accordance with international standards on the treatment of prisoners, including granting them access to their families, lawyers and any medical treatment they require, and allow access to such detention facilities to international experts and bodies;
- Publicly instruct TBZ commanders and fighters to end all crimes under international law and other human rights violations and ensure that those reasonably suspected of responsibility for

crimes under international law are removed from posts that would allow them to commit further violations, interfere in investigations or grant immunity, pending investigations. In line with this, suspend Saddam Haftar and Omar Imraj' from their posts pending independent criminal investigations and prosecutions;

- Collaborate with any investigations into crimes under international law and other serious human rights violations in Libya being carried out by national or international bodies, including the International Criminal Court and the UN Fact Finding Mission, and ensure that they have unfettered access and the necessary support to conduct investigations in areas under LAAF control;
- Order the TBZ and all armed groups under the LAAF to cease the mass expulsion of migrants and refugees; and
- Take steps to establish an independent body, in consultation with displaced communities, to organize and monitor the safe and dignified return of internally displaced persons from Benghazi and Derna without fear of reprisals and ensure that they are able to reclaim their homes and other property.

#### **TO THE INTERNATIONAL COMMUNITY:**

- Exercise universal jurisdiction where possible to investigate commanders and members of the TBZ reasonably suspected of responsibility for ordering, committing, aiding and/or abetting or facilitating crimes under international law between 2016 and 2022, and if enough admissible evidence exists, issue arrest warrants and seek to prosecute them;
- Cooperate with ongoing investigations by the International Criminal Court into the crimes under international law committed in Libya, and provide the Court with necessary funding and other support to enable it to carry out its work;
- Pursuant to its Resolution 1970 of 2011, the UN Security Council members should consider including Saddam Haftar and Omar Imraj' on the sanctions list for their role in crimes under international law;
- Enforce the UN Security Council's comprehensive arms embargo on arms supplies to and from Libya, which was unanimously adopted in 2011 (Resolution 1970); and
- Use all measures to inspect vessels on the high seas off the coast of Libya believed to be in violation of the arms embargo, in accordance with UN Security Council Resolution 2292 of 2016.

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## Contact

  
info@amnesty.org

  
facebook.com/  
AmnestyGlobal

  
@Amnesty

  
amnesty.org



Amnesty International  
Peter Benenson House  
1 Easton Street  
London WC1X 0DW, UK

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