

The “end of an era” in Libya? Calls to protect civilians and prevent revenge and retribution crimes ICRtoP Listserv 22 August Web: www.responsibilitytoprotect.org Info: info@responsibilitytoprotect.org

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The “end of an era” in Libya? □ Calls to protect civilians and prevent revenge and retribution killings

Following six months of war and strife, Libya appears to be nearing the end of the 42 year Qaddafi regime dictatorship. From what many are calling the “final battle for Libya”, there is hope that the mass violence and crimes committed against the population, prompting two Security Council Resolution based on the Responsibility to Protect principles, will also come to an end.

Opposition fighters stormed Tripoli on Sunday and took control of a large part of the capital, though it remains unclear whether a quick victory for the opposition or a potentially prolonged fight with remaining loyalists would ensue. Qaddafi remains in hiding and his son made a surprising speech on Tuesday morning calling on supporters to resist the rebels, defying previous reports on Monday that he had been captured. Speaking from Benghazi on Monday,

[Mustafa Abdel-Jallil](#)

, Chairman of the opposition government the National Transitional Council (TNC), announced “the end of the Qaddafi era”, stressing that the Libyan people would need critical support from the International Community.

[Ban Ki moon](#)

on Monday called for a smooth transition and assured that the international community would continue to assist the Libyan people in vital areas of post conflict planning including security and rule of law, social-economic, human rights and transitional justice. As Libyans move towards unity and transition towards the aspiration of the Libyan people, Ban prioritized the continuing focus towards justice, the protection of civilians from human rights abuses and the delivering of humanitarian assistance. He announced his plans this week to press for an emergency meeting among regional organizations including the AU, LAS, OIC and the EU.

[Oman and Bahrain](#)

announced on Tuesday that they formally recognized the National Transitional Council, following

[Egypt](#)

's announcement Monday recognizing the NTC as the “new regime”. Meanwhile the Arab League said it would meet on Tuesday to discuss whether it would also recognize the TNC as the legitimate government of Libya.

Prioritizing the protection of populations

Since the start of the crisis in February 2011, world governments and the UN have prioritized the protection of population, specifically in the Security Council Resolutions 1970 (unanimously passed 15-0) and Resolution 1973, implementing a range of diplomatic, economic, humanitarian and military tools to prevent and stop massive violations of human rights. NATO has been mandated to enforce the no-fly zone and arms embargo in Libya to protect civilians, according to Resolution 1973.

In May, the International Criminal Court (ICC) issued three warrants of arrest for Muammar Qaddafi, his son Said Al Islam Gaddafi and the head of intelligence Abdullah Al Sanousi for crimes against humanity against civilians committed in the first weeks of the conflict. The

[ICC Prosecutor](#)

said on Monday it was talking with the NTC, who previously committed to cooperating with the Court in a letter to the ICC prosecutor last April. ICC officials indicated that it was still too early to talk about the timeline or details on where a trial could take place (in national courts or at the ICC if the conditions for a fair trial are not met) as the situation remains unstable.

Human rights abuses must be avoided in moving towards peace

ICRtoP urges for a cessation of violence and a transition to peaceful dialogue, and recalls that all actors in the conflict have the responsibility to protect populations from mass atrocity crimes (genocide, war crimes, crimes against humanity and ethnic cleansing). While the NTC has made calls against revenge, the risk of retribution attacks is real and opposition leaders and other actors involved must continue to stress that retribution or revenge attacks be prohibited. □

Specifically, refugees and people internally displaced by the conflict need immediate assistance and protection and all those detailed must be treated in accordance with international human rights and humanitarian law standards.

[Refugees International](#)

yesterday also stressed the protection of third-country nationals who have been targeted because of perceived loyalty to Qaddafi.

As stressed by Human Rights Watch below, “Libya is facing the possibility of a new state that respects fundamental rights, but what happens in the next few days will set the tone for all that lies ahead”.

[Human Rights Watch –Libya: All Sides obligated to Protect Civilians](#)

[3. Citizens for Global Solution --Saif Al-Islam Gaddafi must be sent to the international criminal court](#)

1. Libyan civilians must be protected amid Tripoli fighting

Amnesty International

22 August 2011

Amnesty International has today urged all sides in Libya to protect the rights of civilians and safeguard them from attack as forces of the National Transitional Council (NTC) continued to battle for control of the capital, Tripoli. (...)

"These are momentous but extremely dangerous days for the people of Libya. All forces must respect the rights of civilians and ensure that the fighting in Tripoli and elsewhere does not result in reprisals," said Malcolm Smart, Amnesty International's Middle East and North Africa Director.

"NTC forces must make sure that Saif al-Islam al-Gaddafi is treated humanely and handed over safely to the ICC without delay to face trial, as should Colonel al-Gaddafi be if he is captured or surrenders." (...)

There have been scenes of jubilation among NTC supporters across the city but also reports of revenge attacks against al-Gaddafi loyalists, with the NTC's spokesperson today making a call for calm.

"The NTC must ensure that its members and supporters do not carry out revenge attacks or other reprisals against alleged al-Gaddafi supporters and sub-Saharan Africans accused of being mercenaries," said Malcolm Smart.

The NTC has reportedly secured the release of some political prisoners who had been detained by al-Gaddafi forces.

"The reports of releases are welcome, but urgent steps must also be taken to clarify the fate of victims of enforced disappearance held in Colonel al-Gaddafi's jails," said Malcolm Smart.

"Colonel al-Gaddafi and others who are accused of orchestrating the bloody crackdown in Libya must be held to account in accordance with international law," said Malcolm Smart. See

[ful article](#)

2. Libya: All Sides obligated to Protect Civilians Human Rights Watch

22 August 2011 As fighting reaches the Libyan capital, Tripoli, all sides to the conflict – forces loyal to Muammar Gaddafi, forces of the National Transitional Council, and the NATO allies – need to ensure that they take all feasible steps to avoid harming civilians, Human Rights Watch said today. The National Transitional Council (NTC) should instruct its forces not to engage in acts of revenge, Human Rights Watch said. (...)

Internally displaced persons in areas now controlled by NTC forces need immediate protection, Human Rights Watch said. Dark-skinned Libyans face particular risks, Human Rights Watch said, because they have frequently been accused of fighting as pro-Gaddafi mercenaries from other African countries.

Human Rights Watch also called on NTC forces to protect state institutions such as police stations, security offices, courts, prisons, and other facilities that could come under attack from NTC fighters or angry Tripoli residents. Arms depots and military facilities that may be vulnerable to looting should also be secured.

All those detained by rebel forces, including pro-Gaddafi fighters and Gaddafi supporters as well as members of the Gaddafi family, should be treated humanely in accordance with international human rights and humanitarian law standards, Human Rights Watch said. (...)

Since anti-government protests erupted in mid-February 2011, followed by armed clashes, government forces have committed numerous violations of the laws of war, including indiscriminate attacks in places with civilians such as Misrata and towns in the Western Mountains.

Rebel forces have carried out some acts of revenge in areas they captured that supported the government, including looting, arson, and some beatings of civilians. Opposition leaders have condemned such attacks and in speeches and television broadcasts over the past 24 hours have urged their fighters not to engage in retaliatory violence.

“The NTC has made welcome statements against revenge, but the danger of these attacks still exists,” Stork said. “Opposition leaders and the governments supporting them should keep pressing to avoid atrocities motivated by revenge.”

NATO forces should also take all feasible measures to avoid civilian casualties in their airstrikes, as required by international humanitarian law, Human Rights Watch. Some airstrikes in western Libya recently inspected by Human Rights Watch apparently caused civilian deaths.

“Libya is facing the possibility of a new state that respects fundamental rights,” said Stork. “But what happens in the next few days will set the tone for all that lies ahead. See [full article](#)

3. Saif Al-Islam Gaddafi must be sent to the international criminal court

Citizens for Global Solution

22 August 2011

As the National Transitional Council (NTC) moves to take control of Tripoli, Citizens for Global Solutions calls on the Council to hand over Muammar Gaddafi's son, Saif Al-Islam Gaddafi, to the

International Criminal Court at the Hague for prosecution for his participation in crimes against humanity.

Yesterday, ICC Chief Prosecutor Luis Moreno Ocampo confirmed that the NTC had captured Saif Gaddafi and placed him under house arrest. Ocampo spoke today with NTC representatives about transferring Saif Gaddafi into ICC custody and said that further talks would take place on how the process will move forward.

“When Prosecutor Ocampo issued the arrest warrants for Muammar Gaddafi, his son Saif Al-Islam Gaddafi, and intelligence chief Abdullah Al-Senussi, the National Transitional Council welcomed the charges and promised to fully cooperate with the ICC should they be captured. With Gaddafi's son under house arrest and no judicial system in place to hold a fair trial, we urge the Council to follow through and turn him over to the ICC, securing justice and accountability for victims in Libya,” said Don Kraus, Chief Executive Officer of Citizens for Global Solutions and CoChair of the Washington Working Group on the International Criminal Court (WICC).

United Nations Security Council Resolution 1970 requires Libya to cooperate with the Court. Should Muammar Gaddafi attempt to find safe haven in another country, it mandates all ICC member states around the world to hand him over to the Court should he step foot on their soil. It also urges states not party to the ICC to assist in the capture of accused war criminals.

While Libya begins this fragile transition, civilians are still in need of protection. Citizens for Global Solutions calls upon the NTC to demand that the people refrain from retaliatory attacks against Gaddafi supporters. Kraus said, “The National Transitional Council should invite United Nations peacekeepers to monitor the transfer of power, keeping the peace between the two factions, and creating stability for a new government to be formed. We urge the National Transitional Council to accept assistance from the international community. International cooperation is essential to resolve global challenges, building a safer, more secure world.”

See
[full article](#)