

HUMAN RIGHTS WATCH

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January 27, 2018

Field Marshall Khalifa Hiftar
Commander Libyan National Army forces
Al-Marj, Libya
Via e-mail: [REDACTED]@[REDACTED].ly

Subject: Meeting to Discuss Benghazi Violations

Sir,

I am writing to you as commander of the Libyan National Army (LNA) to request a meeting in Libya, to discuss our concerns about violations allegedly being committed in Benghazi under forces linked with the LNA that we have recently documented. We would welcome an opportunity to brief you on our findings and discuss with you our recommendations.

Human Rights Watch has been tracking violations against civilians in Benghazi since the 2011 uprising. Our researchers were on the ground to document the situation from the first days of the revolution. We have continued to document violations in Benghazi by all sides since the beginning in May 2014 of hostilities that continue until this day.

Research

In October and November 2017, Human Rights Watch conducted 27 interviews in Tripoli and Misrata with displaced persons from Benghazi, and documented widespread violations including forced displacement, arbitrary arrests and disappearances, torture, and seizure of private property. Human Rights Watch also reviewed photographs, death certificates, medical reports, and burial documents provided by victims and relatives of deceased or imprisoned persons.

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Forced displacement

People interviewed by Human Rights Watch said they were currently unable to return to their homes in Benghazi due to direct threats by groups under the LNA or operating in LNA-controlled territory. According to information we received, an estimated 13,000 families remain displaced by the conflict in eastern Libya according to interviews we conducted with families from Benghazi, currently displaced in Tripoli and Misrata. These include at least 3,700 families, who are forcibly displaced from Benghazi and who say they are too fearful of LNA-linked armed groups to return.

Torture, Arbitrary Arrests, and Extrajudicial Killings

We spoke with several people who alleged that at least one of their direct family members was arrested and tortured in Benghazi by the LNA or groups affiliated with the LNA since 2014. They said their relatives were tortured because they were related to them.

We also spoke with relatives of people who alleged their loved ones were arrested or kidnapped in Benghazi in 2017 by LNA or LNA-affiliated groups, disappeared and were later found dead. This includes the case of 36 men killed in a mass extrajudicial execution on October 25, 2017, in the eastern city of Alabyar.

Seizure of Private Property

The vast majority of our interviewees alleged that armed groups affiliated with the LNA in Benghazi appropriated property belonging to them, accusing them of being “Daesh” (another name for the Islamic State). They said they believed the real reason for these illegal seizures was their suspected opposition to the LNA. People also alleged that armed groups in areas under LNA control looted, deliberately destroyed, or set fire to property and businesses.

The laws of war require that all parties to a conflict take constant care during military operations to spare the civilian population.

We take note of your January 6, 2018 statement denouncing the violations against Benghazi residents including appropriation of private property and forced displacement, and your order to forces under the LNA to facilitate the return of Internally Displaced People.

Senior military commanders carry legal responsibility for ordering or failing to prevent serious violations that forces under their command are committing. Commanders can also be found criminally liable if they fail to submit the matter to the competent authorities for investigation and prosecution. Senior commanders of the LNA are obligated to support steps to hold the perpetrators accountable.

United Nations Security Council Resolution 1970 gives the International Criminal Court (ICC) jurisdiction over war crimes and crimes against humanity committed in Libya since February 15, 2011. As such, the ICC could investigate and prosecute senior military commanders or persons effectively acting as military commanders for serious crimes committed by forces or subordinates under their effective command and control. One LNA commander, Mahmoud al-Werfalli is subject to an arrest warrant by the ICC since August 15, 2017. We urge you to cooperate with the court in facilitating his handover to The Hague.

Request for Information

We respectfully ask you to answer the following questions:

1. Other than your public statement on January 6, 2018, what concrete measures have you taken to ensure that people from Benghazi, who were displaced by conflict and unable to return to their homes because of their affiliations or perceived affiliations with groups that oppose the LNA, will be able to return to their homes safely?
2. In addition, what concrete measures have you taken to ensure that private property that LNA-affiliated groups have seized will be returned to their owners?
3. We have issued several reports about mass extrajudicial executions and attacks against civilians and civilian properties attributed to LNA members and groups affiliated with the LNA, since the onset of the Dignity campaign in Benghazi, in May 2014. What measures have you put in place to ensure that people accused of serious violations are removed from active duty and are held accountable for their violations?

4. The LNA has promised many times to investigate extrajudicial killings committed by its forces since 2014. Until today the LNA has not published any of its findings and has not announced any direct consequences for those who allegedly committed or contributed to the killings and torture. What are the results of the investigations you commissioned for the crimes attributed to Mahmoud al-Werfalli?

Thank you for your attention. We plan to publicly release this letter and will reflect your responses to our queries in our report as long as we receive them by January 31, 2018.

As stated at the beginning of this letter, we would welcome the opportunity to meet you in person, discuss these issues of mutual concern, and possible ways to address them. We respectfully request your assistance to obtain all necessary documents to grant our researchers access to eastern Libya.

Respectfully,

Sarah Leah Whitson
Executive Director
Middle East and North Africa
Human Rights Watch