



‘EVERY DAY WE DIE A THOUSAND TIMES’

IMPUNITY FOR CRIMES AGAINST HUMANITY IN TARHOUNA, LIBYA

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Cover photo: Workers in white uniforms recovering eight decomposed bodies from the "Rubbish dump/landfill" mass grave site in Tarhouna on 3 January 2023 © (Courtesy of the General Authority for Search and Identification of Missing Persons - GASIMP)

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ACRONYMS

ACRONYM	DESCRIPTION
CTF	Counter Terrorism Force, a Misratah-based militia with a branch in Tarhouna
DACTO	Deterrence Apparatus for Combating Terrorism and Organized Crime, known as Al-Radaa
FFM	(UN) Fact-Finding Mission on Libya
GASIMP	General Authority for Search and Identification of Missing Persons
GNA	Government of National Accord
GNC	General National Congress
GNS	Government of National Stability renamed to the “Libyan Government”, which is allied to the Libyan Arab Armed Forces and controls most of eastern and southern Libya
GNU	Government of National Unity, which controls the capital Tripoli and most of western Libya
ICC	International Criminal Court
ISA	Internal Security Agency in eastern Libya, an armed group affiliated to de facto authorities
LAAF	Libyan Arab Armed Forces, an armed group in control of large swathes of eastern and southern Libya, which exercises government-like functions in that territory
LNA	Self-declared Libyan National Army headed by Khalifa Heftar, later renamed the LAAF
OHCHR	Office of the High Commissioner for Human Rights
TVA	Tarhouna Victims Association
UNSC	UN Security Council
UNSMIL	United Nations Support Mission in Libya

1. EXECUTIVE SUMMARY

“We were sleeping when we heard the commotion outside. My husband hid in the kitchen but when six or seven masked militiamen came into the house and pointed their rifles at me asking about my husband, he came out from the kitchen to avoid them searching the house and scaring the children... I had hoped that he would be released promptly, but in fact I never saw him again.... They [al-Kaniat armed group] destroyed our family for no reason at all. In our family alone there are now 39 children who have lost their fathers.”

Ibtisam Miftah Saad, whose husband, three brothers and three uncles were unlawfully killed or remain forcibly disappeared after being abducted by al-Kaniat armed group in Tarhouna between September and December 2019

In June 2020, Libyan government forces made grim discoveries of mass graves in Tarhouna after defeating the local al-Kaniat armed formation¹ that had exercised absolute control over Tarhouna city and surrounding areas since 2015. Over the following days, weeks and months, additional individual and mass graves, containing hundreds of bodies, were located, revealing the shocking scale and severity of crimes committed by al-Kaniat against local residents. Four years later, the fate and whereabouts of at least 68 Tarhouna residents abducted by al-Kaniat are still unknown, while justice and adequate reparations for survivors and relatives of victims remain elusive. In an important step towards justice, in October 2024, the International Criminal Court (ICC) announced arrest warrants against six leaders, senior members, and affiliates of al-Kaniat, but the six remain at large and/or have yet to be surrendered to the court.

During their five-year reign of terror over the estimated 250,000 residents of the Tarhouna district, a semi-rural area around 90km south of the capital Tripoli, al-Kaniat abducted, tortured, killed and forcibly disappeared hundreds of people in the area, with 343 people confirmed dead and 68 still missing. While some of those targeted were fighters affiliated with Tarhouna-based armed groups or militias allied to government forces, most of those abducted and unlawfully killed were civilians, including at least four women and three children, according to testimonies from survivors, relatives of victims, forensic experts and other evidence collected by Amnesty International. Al-Kaniat also forcibly displaced their victims' entire extended families and, in some cases, seized private property and stole valuables.

Al-Kaniat's shocking crimes spanning years were enabled by their successive allies: the then UN-recognized Tripoli-based Government of National Accord (GNA) until April 2019, and subsequently the self-declared Libyan Arab Armed Forces (LAAF), the *facto* authorities of large parts of eastern and southern Libya. Not only did they provide support, legitimacy and funding to al-Kaniat, but they also turned a blind eye to mounting evidence of their crimes.

These crimes must be investigated as war crimes as well as crimes against humanity, as they were carried out as part of a widespread and systematic attack against the civilian population of Tarhouna. Al-Kaniat not only targeted their actual or perceived rivals, but also their relatives and extended families in collective punishment with the aim of imposing and maintaining absolute domination over Tarhouna and eliminating any actual or potential challenge to their rule.

¹ Amnesty International uses the term “militia” to refer to an armed formation affiliated to the successive UN-recognized governments in Libya, including the Government of National Accord (GNA). An “armed group” denotes a non-governmental armed entity that uses armed force to achieve political aims, such as the Libyan Arab Armed Forces (LAAF) and its affiliated armed formations. The al-Kaniat armed formation, which shifted its allegiance between parties to the conflict in Libya during its control of Tarhouna, acted as a militia when allied to the GNA and as an armed group when allied to the LAAF. In this report, it is simply referred to as al-Kaniat.

Survivors and families of victims are still reeling from the crimes committed in Tarhouna by al-Kaniat amid pervasive impunity. The targeting of entire families left deep wounds that will take years to heal.

Survivors, relatives of victims and other residents of Tarhouna know that such crimes could not have been committed for years without the support or at the very least knowledge of successive governments and powerful militias and armed groups in control of Libyan territory, and deserve full truth, justice and adequate reparations, including guarantees of non-repetition.

Amnesty International's findings are primarily based on research carried out in Tarhouna and Tripoli in Libya in February 2022 and remote research carried out mainly between May and October 2024. Amnesty International researchers interviewed 74 affected individuals, including witnesses, former detainees and relatives of victims. Based on their testimonies and other collected evidence, Amnesty International documented the cases of 159 individuals belonging to 23 extended families in Tarhouna abducted by al-Kaniat between 2012 and 2020 and subsequently killed or disappeared to date.

While in Tarhouna, the organization's researchers visited three grave sites and two former detention centres. They also interviewed medical, forensic and humanitarian personnel with direct knowledge of the events, as well as government officials. Between 6 June and 5 July 2024, Amnesty International shared its findings and recommendations with the Tripoli-based Office of the Public Prosecutor, the Prime Minister of the Government of National Unity (GNU) and the General Commander of the LAAF, but received no responses by the time of publication.

Al-Kaniat's reign of terror

Al-Kaniat emerged as a powerful armed formation led by seven brothers of the al-Kani family in Tarhouna in 2012, in the aftermath of the collapse of state institutions following the demise of Mu'ammār al-Gaddafi's repressive decades-long rule in 2011. By 2015, the group exercised full control of Tarhouna city and surrounding areas, which it retained until June 2020. Al-Kaniat's alliances and allegiances shifted throughout their grip on Tarhouna. They were initially allied and operating under the Ministry of Defence of the GNA, the then internationally recognized government based in Tripoli. In April 2019, al-Kaniat joined the military offensive of the self-declared Libya National Army (LNA) armed group (later renamed the LAAF) against the GNA and allied militias. Until their defeat in June 2020, al-Kaniat operated under the name of the Ninth Brigade of the LAAF.

Al-Kaniat maintained their stranglehold over Tarhouna by brutally eliminating any actual or potential opponents or critics and punishing their extended families. They targeted entire families of their suspected rivals. Al-Kaniat's modus operandi was to abduct all adult men within a family and then order the remainder of their extended families to abandon their homes and leave Tarhouna, an abusive practice amounting to forced displacement. Al-Kaniat would then seize the property and other assets of forcibly displaced families, suggesting that financial gain was a motivating factor – at least in part – for the commission of the crimes.

Based on the evidence it has gathered, Amnesty International finds reasonable grounds to believe that during their reign over Tarhouna, al-Kaniat committed the crimes against humanity of murder, "imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law", enforced disappearance, torture and other inhumane acts.

Murder

In September 2024, President of the Libyan General Authority for Search and Identification of Missing Persons (GASIMP), Dr. Kamal Abu Bakr Al-Siwi, confirmed to Amnesty International that at least 343 bodies had been recovered from more than 100 individual or mass graves in 20 locations around Tarhouna. He added that all the bodies examined by GASIMP bore gunshot wounds, mainly to the head or upper body, and most had the hands tied behind the backs and/or were hooded or blindfolded.

According to information gathered by Amnesty International, al-Kaniat abducted the overwhelming majority of victims between April 2019 and June 2020, when they were operating under the LAAF as its Ninth Brigade. Al-Kaniat also abducted dozens of people between 2015 and March 2019 when they controlled Tarhouna and were allied to Tripoli-based governments, and between 2013 and 2015 when they were seeking to consolidate their grip over the town and wrestle control from their main local rivals, the Naaji family. In some cases documented by Amnesty International, a surge in abductions of several members of the same family coincided with or took place in the immediate aftermath of other pivotal developments, including armed clashes between al-Kaniat and rival militias or armed groups or the killing and/or wounding of al-Kaniat commanders, indicating that the attacks were retaliatory and/or served as a deterrent to further challenges to al-Kaniat rule.

Large groups of armed men, some of them masked, wearing a mixture of civilian and military clothes seized most victims during raids of their homes or workplaces. While the vast majority of those abducted by al-Kaniat and later found dead were men, Amnesty International documented the abduction and unlawful killing of at least three children in 2020 and four women in 2019, in apparent retaliation for their relatives' perceived opposition to the group and to intimidate the larger community.

Enforced disappearance

Most victims of unlawful killings were subjected to enforced disappearance or had been missing for up to nine years before their bodies were uncovered and identified through DNA testing following al-Kaniat's defeat in June 2020. The fate and whereabouts of at least 68 others seized by al-Kaniat remain unknown to date, according to Abdelmoneim Hassan Alhamel, executive director of the Tarhouna Victims Association (TVA), a network of survivors and families of victims in Tarhouna advocating for truth, justice and reparations.

Women have been particularly impacted by the disappearances of male relatives, as this left them to deal with the emotional trauma and economic consequences for the household. Their pain and suffering are compounded by the continued failure of the Libyan authorities to provide them with adequate reparation, including financial compensation. To date, the authorities have yet to put in place a mechanism to provide the necessary material and psychosocial support to survivors and families of victims.

As of June 2024, the families of only 37 victims of unlawful killings in Tarhouna had received financial support since 2023 from the General Authority for the Care of Families of Martyrs and Missing and Amputees, a state body established to provide monthly allowances and other support for families of victims and others harmed since the 2011 armed conflict in Libya. According to the Tarhouna Victims Association and other sources, recipient families are exclusively those whose loved ones were abducted and unlawfully killed during al-Kaniat's alignment to the LAAF, or between 4 April 2019 and June 2020. Eight families from Tarhouna interviewed by Amnesty International about their efforts to obtain financial compensation for over four years said they were met with bureaucratic obstacles, empty promises, delays, dismissals or refusals.

Torture and other inhumane acts

Testimonies collected by Amnesty International from six survivors and nine relatives of former detainees who were released from al-Kaniat custody between 2015 and 2020, as well as reports by national NGOs and UN bodies, reveal that al-Kaniat systematically subjected those they abducted to torture and other inhumane acts and detained them in conditions which themselves violated the absolute prohibition of torture and other ill-treatment. Most frequently reported methods of torture included:

- beatings with various objects such as water pipes, whips and rifle butts;
- kicking;
- forcing detainees into stress positions for prolonged periods;
- exposure to extreme heat;
- electric shocks; and
- sexual violence.

On 13 February 2022, Amnesty International visited "Boxat", an agricultural compound that al-Kaniat used as a makeshift detention facility. There, the organization's researchers observed a line of box-like structures, each measuring approximately 1m³, with three sides and a ceiling built from concrete-like material with a metal door. According to former detainees, al-Kaniat forcibly placed detainees in crouching stress positions in the boxes for prolonged periods, in some cases for days or weeks, without access to toilets and with little food. Survivors recounted how al-Kaniat fighters routinely lit fires on top on the structures, exposing them to extreme heat and suffocation from fumes.

Complicity of Libyan authorities and those in de facto control of territory

The Libyan authorities and those in de facto control of territory enabled al-Kaniat to exercise effective control over Tarhouna for years. The then internationally recognized GNA and the LAAF armed group turned a blind eye to the shocking crimes under international law and other serious human rights abuses committed by al-Kaniat from 2012 until June 2020. They also granted al-Kaniat legitimacy by integrating them into state forces or their ranks, respectively, to advance their political or military aims.

Reports about al-Kaniat's involvement in unlawful killings including of families of their opponents began circulating in Libyan traditional and social media as early as 2012, and new crimes were periodically publicly reported from that time until their defeat in June 2020, making it impossible for successive governments and

those with de facto control to claim that they were unaware of the crimes before the discovery of mass graves.

In addition, Amnesty International confirmed that before June 2020 at least four relatives of those abducted as well as a former detainee had filed complaints with judicial bodies, including the Tripoli-based Office of the Public Prosecutor, or approached officials and superiors with command responsibility over al-Kaniat, through tribal connections, seeking their interventions in preventing abuses.

In fact, GNA officials only began denouncing crimes under international law and human rights abuses by al-Kaniat after they allied to the LAAF and joined its military offensive on Tripoli in April 2019. Similarly, the LAAF claimed, contrary to the evidence, that crimes committed by al-Kaniat only took place when they were operating under the GNA.

Long road to justice

Following the withdrawal of al-Kaniat from Tarhouna in June 2020, Tripoli-based authorities announced investigations and vowed to hold to account those responsible for crimes. Over four years later, concerns remain over the promptness, independence, effectiveness, thoroughness and transparency of the ongoing investigations at the national level. To date, very few prosecutions and trials have taken place of individuals against whom there is sufficient admissible evidence of ordering, instigating, committing, aiding or abetting these crimes or otherwise assisting or facilitating their commission. The four trials that took place, resulting in the convictions of at least 29 people – five of them detained and 24 of them at large and tried in their absence², were marred by concerns over severe violations of fair trial rights. The surviving al-Kani brothers remain at large, while at least 51 alleged members of al-Kaniat, mostly rank and file, are detained by militias and armed groups, amid concerns over torture and other ill-treatment. Since the capture of Tarhouna by GNA forces in June 2020, the Tripoli-based Public Prosecution has announced investigations, but concerns remain about them falling far short of international standards, including as set-out in the Minnesota Protocol on the Investigation of Potentially Unlawful Death. The investigations have been limited to al-Kaniat fighters and commanders, and have not involved examining the role, complicity and command responsibility of officials and militia leaders who remain in positions of power, including how their actions or omissions facilitated the commission of crimes by al-Kaniat.

Investigations and prosecutions in connection to crimes committed by al-Kaniat have been further undermined by the lack of clarity over jurisdiction, with both the Office of the Public Prosecutor and the Tripoli-based military prosecution involved in opening criminal investigations and in issuing separate arrest warrants for those accused of involvement in the Tarhouna abductions and unlawful killings.

The involvement of the Deterrence Apparatus for Combating Terrorism and Organized Crime (DACTO) militia and other militias and armed groups that have well-documented records of committing widespread crimes under international law in evidence collection as well as the arrest, interrogation and detention of individuals suspected of committing crimes in Tarhouna, further undermines the integrity of investigations and criminal prosecutions, and risks perverting the course of justice.

According to information shared by the Office of the Public Prosecutor in January 2024, 400 arrest warrants had been issued in relation to crimes committed by al-Kaniat, with 51 suspects held in pretrial detention pending investigations, and 194 cases referred to courts. According to publicly available information, two trials in front of civilian courts have taken place in al-Khoms, which has geographic jurisdiction over Tarhouna, and Tripoli. These led to the convictions of four individuals. Three were sentenced to imprisonment and one to death.

In parallel, the Tripoli-based military prosecution has been carrying out investigations and has announced the issuing of over 3,000 arrest warrants, but the number of those arrested and in custody on the basis of these warrants is unknown. Publicly available information indicates that two military courts issued convictions and sentences in relation to crimes committed by al-Kaniat. In February 2023, a military court in Tripoli convicted 27 individuals, including 24 al-Kaniat leaders and members tried in their absence, of a range of crimes including murder and enforced disappearance. The military judiciary's role has been marred by concerns over lack of jurisdiction, independence, impartiality and transparency, including its abject failure to communicate with families of victims – let alone the public at large – about steps taken during investigations and their findings. Under international law and standards, the military judiciary should not

² Three of the five detained individuals - Salaheddin Abdul Khaliq Abdullah Akish, Alamin Muhammad Abdullah al-Rishi and Abdullah Muflih Saeed al-Tawati - were convicted and sentenced to prison terms in two separate trials, one in front of a military court, and the other in front of a civilian court.

have jurisdiction over crimes under international law and human rights violations committed by military personnel or security officials.

The four trials known to have taken place since June 2020 – two in front of civilian courts and two in front of military courts – in relation to crimes committed by al-Kaniat have also been marred by the publication of forced “confessions”, allegations of torture and other ill-treatment, and concerns over other violations of fair trial rights, including the rights to presumption of innocence, to not self-incriminate, and to a public trial in front of an independent, impartial and competent tribunal. Videos have been periodically published online by several militias in western Libya and armed groups in eastern Libya that show individuals under apparent duress giving forced “confessions” to crimes they committed while members of al-Kaniat.

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution. In all circumstances, the death penalty violates the right to life and is the ultimate cruel, inhuman and degrading punishment. Under international law, the imposition of the death penalty following an unfair trial violates the right to life and the prohibition of cruel, inhuman or degrading treatment or punishment. In view of the irreversible nature of the death penalty, international law requires that the proceedings in capital cases scrupulously observe all relevant international standards protecting the right to a fair trial, no matter how heinous the crime.

At the international level, the Prosecutor of the ICC has been investigating crimes committed in Tarhouna. He travelled to Tarhouna during his official visit to Libya in November 2022, visiting sites of mass graves and former detention facilities used by al-Kaniat. On 4 October 2024, the ICC announced arrest warrants against six al-Kaniat leaders, senior members and affiliates for their alleged responsibility in the war crimes of murder, outrages upon personal dignity, cruel treatment and torture in Tarhouna. He reported to the UN Security Council (UNSC) that he aimed to conclude investigations in Libya by December 2025. Five of those under arrest warrant, including Abdelrahim al-Kani, one of the seven brothers who led al-Kaniat, remain at large. The sixth, Abdelbari Ayyad Ramadan Al Shaqaqi, a senior al-Kaniat member, is believed to be held by the DACTO militia in Tripoli, and should be immediately handed over to the ICC.

The UN Fact-Finding Mission (FFM) on Libya, established by resolution 43/39 at the UN Human Rights Council in June 2020 with a mandate to investigate violations and abuses of human rights throughout Libya by all parties since the beginning of 2016, found that there are reasonable grounds to conclude that al-Kaniat committed crimes against humanity. It called for a Special Tribunal for Tarhouna to prosecute crimes under international law. Building on the FFM's findings, the Human Rights Service of the UN Support Mission in Libya (UNSMIL) and the Office of the High Commissioner for Human Rights (OHCHR) published a report in August 2024 detailing killings, disappearances, sexual violence, abductions, torture, ill-treatment, forced displacement and other gross human rights violations and abuses, as well as serious violations of international humanitarian law, committed by al-Kaniat. The report recommends a comprehensive transitional justice and reconciliation process, with meaningful truth-seeking measures and effective reparations for victims – including legal aid and mental health support and guarantees of non-repetition, designed in consultation with those directly affected. It also calls for robust accountability measures, through investigations and prosecutions of alleged perpetrators in line with international standards.

Legal framework and recommendations

Al-Kaniat, who shifted their allegiance between state and non-state actors, were bound by international humanitarian law throughout their involvement in the armed conflict, including the entire time they were controlling Tarhouna. Additionally, the Libyan state is directly responsible, under international human rights law, for violations committed by al-Kaniat between 2012 and 2014 and between 2016 and 2018, when they were formally allied with internationally recognized Tripoli-based governments, operated under state institutions and received state salaries.

According to the evidence gathered by Amnesty International, there are reasonable grounds to conclude that al-Kaniat subjected Tarhouna residents to an attack meeting all the contextual elements of crimes against humanity under international law. The attack on the civilian population appears to have been systematic as the victims were subjected to a pattern of similar crimes – arbitrary deprivation of liberty, torture and other ill-treatment, unlawful killings and burial in mass or individual graves. All those detained were held in locations controlled by al-Kaniat and their allies. Evidence shows that this systematic attack against the civilian population – in this case real or perceived opponents of al-Kaniat control – was committed in pursuit or in furtherance of an organizational policy to establish and maintain al-Kaniat's control over Tarhouna. These crimes were also committed to further the financial gains of al-Kaniat's leadership. These acts were targeted at those deemed by al-Kaniat as impeding their interests, and intended to instil fear among the population and crush any challenge to their rule.

Amnesty International therefore finds that al-Kaniat and their allies:

- **carried out a planned, systematic and large-scale attack against the civilian residents of Tarhouna;**
- **committed prohibited acts**, namely:
 - murder;
 - imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
 - torture; and
 - enforced disappearance.

Based on the evidence available, there are reasonable grounds to conclude that these constitute crimes against humanity under international law.

As many of these acts were committed in connection with the armed conflict, many of them are also:

- **serious violations of international humanitarian law** and constitute **war crimes**, including:
 - murder;
 - cruel treatment and torture, humiliating and degrading treatment;
 - seizure of property of an adversary without military necessity;
 - forced displacement; and
 - enforced disappearance.

To ensure adequate reparation for the harm suffered and to prevent the commission of similar crimes in the future, Amnesty International calls upon both the Libyan government and LAAF to issue public apologies to the survivors and relatives of victims and for the Libyan authorities to ensure that criminal investigations into crimes committed by al-Kaniat are prompt, thorough, impartial, transparent and effective and carried out by a competent and independent civilian body. The ICC should consider the applicability of the crimes against humanity of murder, torture, enforced disappearance and imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law within its current investigation of crimes under international law committed in Tarhouna.. The Libyan authorities, LAAF and members of the international community must cooperate with the ICC, and intensify their efforts to secure the arrest and surrender to the ICC of those under arrest warrant in relation to crimes committed in Tarhouna.

In parallel to criminal investigations and prosecutions, the Libyan authorities, with support from the international community, must put in place a mechanism to ensure that all survivors and relatives of victims receive adequate reparation, including financial compensation, without discrimination on any grounds and without overly onerous bureaucratic requirements such as demonstrating proof of death of their loved ones.

2. METHODOLOGY

This report focuses on crimes under international law and other serious human rights abuses committed in the town of Tarhouna and the surrounding area while they were under the control of the local al-Kaniat armed formation. Amnesty International uses the term “militia” to refer to an armed formation affiliated to the successive UN-recognized governments in Libya, including the Government of National Accord (GNA). An “armed group” denotes a non-governmental armed entity that uses armed force to achieve political aims, such as the Libyan Arab Armed Forces (LAAF) and its affiliated armed formations. The al-Kaniat armed formation, which shifted its allegiance between parties to the conflict in Libya during its control of Tarhouna, acted as a militia when allied to the GNA and as an armed group when allied to the LAAF. In this report, it is simply referred to as al-Kaniat.

The report is predominantly based on research conducted during an Amnesty International visit to Libya between 9 and 23 February 2022, including to the cities of Misratah, Tarhouna and Tripoli, complemented by interviews carried out remotely between May and October 2024.

During and after the visit, Amnesty International researchers interviewed 74 individuals, including former detainees and other witnesses and survivors; and members of the Tarhouna Victims Association (TVA), a group established by Tarhouna residents affected by crimes committed by al-Kaniat, and other family members of victims. Based on their testimonies, Amnesty International documented the cases of 159 Tarhouna residents who were killed or remain disappeared following abduction by al-Kaniat between 2012 and 2020. Amnesty International also interviewed medical, forensic and humanitarian personnel with direct knowledge of the events in question.

All interviews were carried out in person in private or through secure messaging applications or by phone and in Arabic by Amnesty International researchers without the help of interpreters or other intermediaries. Some interviewees requested anonymity out of concern for their safety. As a result, Amnesty International has used pseudonyms (indicated by inverted commas around the names) and removed identifying details from some of the cases featured in this report.

In Tarhouna, the organization’s researchers visited three mass grave sites, namely those locally referred to as the “Harouda Farm” (Mashru’at al-Rabt), “Agricultural Project” (Kilometre 5) and the “Rubbish dump/landfill” (Makab al-Kemam al-Ama), which all contained multiple mass and individual graves. They also visited the “Triangle of Death” (Muthalath al-Mout), which was a checkpoint used for dumping bodies without burying them. Additionally, the organization’s researchers visited two former detention centres that had been controlled by al-Kaniat, namely the General Administration of Central Support under the Ministry of Interior (known as al-Da’am al-Markazi), and “Boxes” (“Boxat”), a makeshift detention centre.

Amnesty International reviewed official documents such as death certificates, cards certifying disappearances and complaints lodged by survivors or family members of victims with police, prosecution or other authorities; open-source material, including official statements as well as media interviews with Libyan officials and members of armed groups and militias; and reports by UN bodies and other human rights organizations. Amnesty International also reviewed lists compiled by the TVA of Tarhouna residents who were killed or went missing from 2012 and 2020.

During the organization’s visit to Tripoli, researchers met at the president of the General Authority for Search and Identification of Missing Persons (GASIMP) on 15 February 2022 and representatives of the Ministry of Interior of the Government of National Unity (GNU) on 24 February 2022. Amnesty International requested to meet the team of prosecutors established by the Public Prosecutor, Sadiq al-Sour, to investigate the Tarhouna mass graves and the forensic doctor responsible for identifying the human remains uncovered in Tarhouna, but both offices requested prior authorization from the Public Prosecutor to meet the delegation.

Repeated written requests made to Libyan authorities, including the Office of the Public Prosecutor, ahead of and during the delegation's visit to the country to meet the Public Prosecutor to seek information about the investigation into the Tarhouna events and requests for authorization to meet with the aforementioned officials involved in investigations, went unanswered.

On 6 June, 3 July and 5 July 2024, respectively, Amnesty International wrote to the Tripoli-based Public Prosecutor, the GNU Prime Minister and the General Commander of the LAAF, sharing its findings and seeking information and clarifications about the progress of investigations into the events in Tarhouna between 2012 and 2020 as well as the establishment of mechanisms to ensure adequate reparations for survivors and victims, but received no response by the time of publication.

3. BACKGROUND

3.1 LIBYA SINCE 2011

Anti-government protests against Mu'ammār al-Gaddafi's repressive 42-year rule erupted in February 2011 in Benghazi, Libya's second largest city. As the protests grew and spread across Libya, al-Gaddafi forces responded with lethal force and brutal repression. Within weeks, protesters overwhelmed security forces in several cities and the situation quickly evolved into an armed conflict between various armed groups under the nominal command of the National Transitional Council (NTC) and al-Gaddafi forces. In mid-March 2011, the UN Security Council (UNSC) established a no-fly zone and authorized intervention to protect civilians. Two days later, an international alliance began aerial attacks on al-Gaddafi forces, and by late March, the North Atlantic Treaty Organization (NATO) took over military operations. By August 2011, anti-Gaddafi forces, at the time referred to as "thuwwar" (revolutionaries), seized control of the capital, Tripoli, and declared victory on 23 October 2011, when al-Gaddafi was captured and killed. Indiscriminate attacks, extrajudicial executions and other unlawful killings, enforced disappearances, forced displacement and torture marked the conflict.³

The NTC pledged to respect human rights, committed to national reconciliation, and passed a Constitutional Declaration that enshrined fundamental rights. However, the security vacuum left by the fall of al-Gaddafi's government was filled by abusive and unaccountable militias, amid the failure of successive governments to rein them in. In August 2012, the NTC handed over to the newly elected General National Congress (GNC), but power struggles, violence and other unrest continued. By May 2014, following months of deepening political polarization, Libya was again engulfed in armed conflict. In eastern Libya, then retired General Khalifa Hefhtar launched Operation Dignity ('Amaliyat al-Karama) against Islamist armed groups with the declared goal of eradicating "terrorism". The outgoing GNC allied itself with Libya Dawn (Fajr Libya), a coalition of militias from Tripoli, Misratah and other cities in the west of Libya formed in July 2014, and established the Government of National Salvation (GNS). The GNS took over Tripoli-based institutions and ministries. The incumbent interim government relocated to eastern Libya and aligned itself with Hefhtar's self-declared Libyan National Army (LNA), later renamed to the LAAF, and the then recently elected House of Representatives.

In March 2015, the House of Representatives formally appointed Khalifa Hefhtar as General Commander of the LNA. In December 2015, the Libyan Political Agreement, reached under the auspices of the UN, established the GNA, which assumed fragile control of Tripoli in March 2016 and which then became the internationally recognized government. By May 2017, the GNA consolidated its control over the capital and parts of western Libya with the support of powerful Tripoli-based militias. The House of Representatives never endorsed the GNA as envisaged by the Libyan Political Agreement, and eastern Libya remained under the de facto control of Khalifa Hefhtar and his allies.

Protracted armed conflict intensified in April 2019 after Khalifa Hefhtar, backed by the United Arab Emirates (UAE), Egypt and Russia, launched a military offensive on the capital. By June 2020, the GNA and affiliated militias, backed by Turkey, consolidated control of most of western Libya, after some 14 months of fighting. Khalifa Hefhtar's forces, renamed the LAAF, retreated east towards Sirte. The fighting ended in a stalemate and a ceasefire, which was declared in October 2020 and was largely still holding at the time of writing. Nonetheless, localized clashes have sporadically erupted between militias and armed groups vying for

³ Amnesty International, *Libya: The battle for Libya: Killings, disappearances and torture* (Index: MDE 19/025/2011), 13 September 2011, <https://www.amnesty.org/en/documents/MDE19/025/2011/en/>

control of resources and territory, particularly in Tripoli, the city of al-Zawiyah, 50km west of Tripoli, 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 on a roadmap to end the political crisis. They appointed the GNU in February 2021 tasked with preparing for presidential and parliamentary elections set to begin on 24 December 2021. After being sworn in by the House of Representatives, the GNU formally took office on 16 March 2021, with Abdelhamid AIDabaiba as prime minister. Since then, the GNU has struggled to exercise effective control, as armed groups continue to control large swathes of Libyan territory and political polarization persists. In the months leading up to the scheduled elections, political tensions flared up over disagreements about the electoral framework and controversies over the candidacies of the frontrunners – Khalifa Heftar, Saif al-Islam al-Gaddafi, Abdelhamid AIDabaiba and Fathi Bashagha.⁴

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 around the eligibility of candidates and the electoral framework, calling on the House of Representatives to resolve 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), later renamed the "Libyan Government", led by Fathi Bashagha.⁵ Libya's High Council of State, an advisory body created under the Libyan Political Agreement, rejected the appointment of the new government. 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 House of Representatives to agree the constitutional basis for elections.⁶ The GNU Prime Minister Abdelhamid AIDabaiba contested the House of Representatives vote, remained in office and promised to organize elections by June 2022.⁷

The GNU has retained control of Tripoli despite multiple failed attempts in 2022 by armed formations allied with Fathi Bashagha to drive it out.⁸ A parallel "Libyan Government", allied to the LAAF and the House of Representatives, continued to operate out of eastern Libya under the leadership of the designate prime minister, Osama Hammad, who replaced Fathi Bashagha after the House of Representatives suspended him on 16 May 2023.⁹

Despite pledges by political rivals to unify institutions and agree an electoral framework, Libya's political deadlock and polarization have persisted, and no new date for parliamentary and presidential elections has been set. In March 2023, the High Council of State announced its approval of the House of Representatives' 13th Constitutional Amendment, which sets out the system of governance, including the role of the president, prime minister and a two-chamber parliament.¹⁰ While the amendment was presented by the High Council of State and the House of Representatives as a step towards elections, it failed to address critical contentious issues, including eligibility requirements for presidential candidates. Following the unilateral adoption of electoral laws by the House of Representatives on 4 October 2023 and their rejection by the head of the High Council of State, Abdoulaye Bathily, the Special Representative of the UN Secretary-General for Libya and Head of the United Nations Support Mission in Libya (UNSMIL) intensified efforts to

⁴ Amnesty International, *Libya: Elections Delayed amid a Climate of Repression* (Index: MDE 19/5097/2021), 22 December 2021, <https://www.amnesty.org/en/documents/mde19/5097/2021/en/>

⁵ Fathi Bashagha is a Libyan politician from the coastal city of Misratah. 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, then operating under the Military Council's umbrella. For further details, see

<https://www.amnesty.org/en/documents/mde19/007/2012/en/>. He was appointed as the GNA's Minister of Interior in 2018. Following his presidential bid in 2021, he met his former rival Khalifa Heftar in Benghazi, before Agila Saleh, the speaker of the House of Representatives announced that the House of Representatives would appoint Fathi Bashagha to head a new government. He was then backed by the LAAF, the speaker of the House of Representatives, some militias in western Libya primarily based in al-Zawiyah, and was reported to have also enjoyed the support of the government of Egypt.

⁶ United Nations Support Mission in Libya (UNSMIL), "Statement attributable to the spokesperson for the Secretary-General on Libya", 3 March 2022, <https://unsmil.unmissions.org/statement-attributable-spokesperson-secretary-general-libya-02-march-2022>; Middle East Monitor, "Libya High Council of State refuses constitutional amendments", 25 February 2022, <https://www.middleeastmonitor.com/20220225-libya-high-council-of-state-refuses-constitutional-amendments/>

⁷ France 24, "ليبيا: دبيبة يعلن خطة لتنظيم انتخابات تشريعية قبل نهاية يونيو", 22 February 2022, <https://vo.la/LyNxQD> (in Arabic).

⁸ Reuters, "Libya's Bashagha says he will enter Tripoli peacefully within days", 31 March 2022, <https://www.reuters.com/world/asia-pacific/libyas-bashagha-says-he-will-enter-tripoli-peacefully-within-days-2022-03-31/>; Reuters, "Clashes force Libya's Bashagha from Tripoli after brief attempt to enter", 17 May 2022, <https://www.reuters.com/world/middle-east/libyas-bashagha-arrives-tripoli-al-arabiya-2022-05-17/>; CNN, "Libya, Tripoli suffers worst fighting in years. Here's what to know about the crisis", 29 August 2022, <https://edition.cnn.com/2022/08/29/africa/libya-tripoli-violence-explainer-intl/index.html>

⁹ Al Jazeera, "Libya parliament suspends rival eastern-based PM Bashagha", 16 May 2023, <https://aje.io/Oxf09v>

¹⁰ Libya Herald, "High State Council passes 13th amendment – paving way for Libyan elections", 2 March 2023, <https://libyaherald.com/2023/03/high-state-council-passes-13th-amendment-paving-way-for-libyan-elections/>

resolve controversial issues pertaining to the adoption of electoral laws and the establishment of a unified government.¹¹

However, in April 2024, Abdoulaye Bathily announced his resignation, noting that rival factions “have set various pre-conditions for agreeing on the clear roadmap and timeline for the electoral process, including the adoption of [a] new constitution, amendments to agreed electoral laws, and the formation of a new government”, and citing concerns over the lack of political will among Libyan rival leaders and the lack of a unified approach by the international community.¹² In her first address to the UNSC in June 2024, his successor, Stephanie Khoury, Deputy Special Representative of the Secretary-General for political affairs and acting head of UNSMIL, warned against deepening political divisions and the patterns of arbitrary detention, enforced disappearances and deaths in custody.¹³

The aftermath of the 2011 armed conflict witnessed the proliferation and growth of militias and armed groups across the country, with 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 swathes of Libya, its borders and key infrastructure and installations. Successive Libyan governments have not only failed to hold commanders and members of those groups to account for their involvement in war crimes and serious human rights violations, but have also exacerbated impunity by integrating them into national institutions without any vetting to exclude those reasonably suspected of crimes under international law, relying on them for law enforcement, security and military operations, and paying them salaries. Successive governments have also promoted commanders of armed groups with well-documented histories of abuse to leadership roles in official state security bodies, thereby emboldening them to continue committing crimes under international law and other serious human rights violations without fear of any consequences.¹⁴

3.2 RISE AND FALL OF AL-KANIAT

Al-Kaniat’s rise to power began during the security vacuum left by the collapse of state institutions following al-Gaddafi’s fall. Al-Kaniat emerged as a powerful armed formation in Tarhouna, a semi-rural area around 90km south-east of Tripoli. The population of the town itself is estimated at 70,000, while the district has an estimated population of around 250,000, according to statistics received from the UN Fact-Finding Mission (FFM) on Libya from the municipality of Tarhouna in 2022.¹⁵

By 2015, the group exercised full control of the city and surrounding areas, which it retained until its defeat and withdrawal from the area in June 2020.¹⁶ As with the plethora of other armed groups and militias that emerged in the aftermath of al-Gaddafi’s fall, al-Kaniat’s alliances and allegiances shifted throughout their eight-year operations in Tarhouna, seeing them engaged in armed hostilities against or in support of various parties to the conflict. While they controlled Tarhouna, al-Kaniat claimed to be acting to eradicate crime and restore stability and security in the area, and labelled their rivals as “terrorists” and “criminals”, according to residents and independent researchers.¹⁷

¹¹ UNSMIL, “Statement by United Nations Support Mission in Libya Regarding the Outcome of the 6+6 Committee”, 7 June 2023, <https://unsmil.unmissions.org/statement-united-nations-support-mission-libya-regarding-outcome-66-committee>; and The Libya Observer, “HCS dissolves team in 6+6 Committee, says will stick to Bouznika outcomes”, 5 October 2023, <https://libyaobserver.ly/news/hcs-dissolves-team-66-committee-says-will-stick-bouznika-outcomes>

¹² UNSMIL, “SRSG Abdoulaye Bathily’s Remarks to the Security Council Meeting on Libya”, 16 April 2024, https://unsmil.unmissions.org/sites/default/files/20240416-srsg_remarks_to_secco_eng_final.pdf

¹³ UNSMIL, “DSRG Koury’s remarks on Libya to the UN Security Council – 19 June 2024”, 19 June 2024, <https://unsmil.unmissions.org/dsrg-kourys-remarks-libya-un-security-council-19-june-2024>

¹⁴ Amnesty International, “Libya: The Internal Security Agency Intensifies Crackdown on Freedom of Expression”, 23 March 2022, <https://www.amnesty.org/en/latest/news/2022/03/libya-the-internal-security-agency-intensifies-crackdown-on-freedom-of-expression/>; Amnesty International, “Libya: Hold Stability Support Authority Militia Leaders to Account”, 4 May 2022, <https://www.amnesty.org/en/latest/news/2022/05/libya-hold-stability-support-authority-militia-leaders-to-account/>; Amnesty International,

“Libya: State-financed militia must be held to account for extrajudicial execution in Misratah”, 31 March 2022, <https://www.amnesty.org/en/latest/news/2022/03/libya-state-financed-militia-must-be-held-to-account-for-extrajudicial-execution-in-misratah/>; Amnesty International, *Annual Report 2023/24*, 23 April 2024, <https://www.amnesty.org/en/location/middle-east-and-north-africa/north-africa/libya/report-libya/>

¹⁵ UN Fact-Finding Mission (FFM) on Libya, *Detailed findings on the situation in Tarhouna*, 1 July 2022, UN Doc. A/HRC/50/CRP.3, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/regularsession/session50/2022-07-20/A-HRC-50-CRP-Tarhouna-E.pdf>

¹⁶ FFM, *Detailed findings on the situation in Tarhouna* (previously cited).

¹⁷ Harouchi, Jalal, *Tarhouna, mass graves, and Libya’s internationalized civil war*, War on the Rocks, 30 July 2020, <https://warontherocks.com/2020/07/tarhouna-mass-graves-and-libyas-internationalized-civil-war/>

According to Tarhouna residents and other sources with direct knowledge, al-Kaniat was led by seven brothers of the al-Kani family from Tarhouna, namely: Abdelkhalek al-Kani (in charge of tribal relations), Mohammed al-Kani (supreme head of the family), Mu'amar al-Kani (responsible for the family's finances), Abdelrahim al-Kani (responsible for internal security), Mohsen al-Kani (responsible for al-Kaniat's military operations), Ali al-Kani (member of the Tarhouna Military Committee until his assassination in November 2012) and Abdelazim al-Kani (military field commander of al-Kaniat forces).¹⁸

Tarhouna did not witness armed hostilities during the 2011 armed conflict. The Awfiya Brigade led by Bou Ajila al-Habashi, originally from Tarhouna, which fought on behalf of anti-Gaddafi forces outside of Tarhouna, took control of the city without any clashes in August 2011. Subsequently, Tarhouna was ruled by the Tarhouna Military Committee, which was headed by Bou Ajila al-Habashi and included members of the al-Kani and Naaji families.¹⁹

In June 2012, Bou Ajila al-Habashi, whose fate and whereabouts remain unknown, was abducted by unknown men in Tripoli,²⁰ against the backdrop of growing power struggles between the al-Kani and Naaji families over control of Tarhouna. According to testimonies collected from members of the Naaji family in Tarhouna in February 2022, tensions escalated after Ali al-Kani, a member of the Tarhouna Military Committee, was killed on 4 November 2012, and al-Kaniat carried out revenge attacks against the Naaji family, whom they accused of responsibility for the killing.²¹ The successor to Bou Ajila al-Habashi as head of the Military Committee of Tarhouna, Abdelbasit Abu Naamah from the Naaji family, was abducted and killed the next day, on 5 November. His relatives accused al-Kaniat of involvement.²² Residents told Amnesty International that the power struggle between the two families spilled over into violent clashes and led to the displacement of civilians and destruction of civilian property.

According to Tarhouna residents, who spoke on condition of anonymity, and other sources with direct knowledge, al-Kaniat were influential in the Tarhouna Security Operations Room, established by the Tripoli-based Libyan authorities in 2013 with a mandate to "participate in maintaining security in the region of Tarhouna and its surrounding areas, and affiliated with the Chief of Staff of the Army in the Western Region and working under the supervision of the Chief of Staff".²³

Tarhouna residents and other informed sources told Amnesty International that following the emergence of two competing governments in mid-2014, al-Kaniat allied with the Tripoli-based GNC and western-based militias against Khalifa Hefar's LNA and the then internationally recognized government in eastern Libya, led by Prime Minister Abdallah al-Thinni. Sources added that al-Kaniat had secured support, funding and weapons through the GNC.²⁴ Former Naaji fighters interviewed in Tarhouna also told Amnesty International that they were severely outgunned by al-Kaniat during that period.

By 2015, al-Kaniat had emerged victorious in the power struggle in part due to their alliance with powerful Tripoli- and Misratah-based militias, including the Abu Salim militia (later renamed the Abu Salim Central Security Force) under the leadership of Abdel Ghani al-Kikli (known as Gheniwa), the Forsan Brigade under the command of Salah al-Marghani, and the Samoud Brigade under the command of Salah Badi.

With the defeat of their main rivals from the Naaji family by 2015, al-Kaniat consolidated their grip over Tarhouna and surrounding areas and exercised effective control over all aspects of life, state institutions and

¹⁸ Information received from Tarhouna residents and compared with media sources.

¹⁹ Monte Carlo Doualiya, " هكذا حررنا ترهونة وسنستمر حتى النهاية " ["Khalil al-Arabi: 'This is How we Liberated Tarhouna and Will Continue till the End'"], 6 September 2011, <https://www.mc-doualiya.com/articles/20110906-libya-tarhouna-battle-khalil-alarabi-interview> (in Arabic); Libya True, YouTube video: " وصول كتيبة الأوفياء ترهونة الى مدينة ترهونة " ["Arrival of Awfiya Battalion in Tarhouna"], 26 August 2011, <https://www.youtube.com/watch?v=maD5H9CkSUY> (in Arabic)

²⁰ Aljazeera, " انسحاب ثوار ترهونة من مطار طرابلس " ["Withdrawal of Tarhouna revolutionaries from Tripoli airport"], 4 June 2012, <https://amn.st/600891MnA> (in Arabic)

²¹ Libya Ahrar TV, Facebook post: " أمن ترهونة يلقي القبض على مشتبه بهم في مقتل الكاني " ["Tarhouna security arrest suspects in killing al-Kani"], 7 November 2012, <https://www.facebook.com/LibyaAlAhrarTV/photos/a.209066049131914/462412840463899/> (in Arabic); Interviews on 12 February 2022, Tarhouna.

²² Law of Libya, " علي خليفة عبد الرحيم " ["Tarhouna: Body of 'Ali Khalifa Abdel Rahman' found"], 6 November 2012, <https://amn.st/600991Mbx> (in Arabic); interview on 9 February 2022, Tripoli.

²³ The Libyan Cabinet, " قرار رقم 857 لسنة 2013 م بإنشاء غرفة للعمليات الأمنية المشتركة بمدينة ترهونة " [Resolution No. 857 of 2013 to establish a room for joint security operations in the city of Tarhouna], 29 December 2013, <https://amn.st/600991MW1> (in Arabic). At the time, security operations rooms were established throughout the country, and were generally composed of local armed formations, including those who participated in the 2011 armed conflict.

²⁴ FFM, *Detailed findings on the situation in Tarhouna* (previously cited); Afrigate News, " فجر ليبيا: تنهي عملية نقل عتاد معسكر سوق الأحد إلى " ["Libya Dawn' finishes moving Souq al-Ahad equipment to Abu Salim"], 17 August 2015, <https://www.afrigatenews.net/a/81770> (in Arabic); Maghreb News, " ليبيا : استمرار القتال في مدن سبها و سرت و ترهونة " ["Libya: Continued fighting in Sabha, Sirte and Tarhouna"], 12 August 2015, <https://amn.st/600191Mgz> (in Arabic); United Nations Development Programme (UNDP), *Instability and insecurity in Libya*, 2015, <https://docslib.org/doc/9059805/instability-and-insecurity-in-libya>; Financial Times, " Militias drain Libya's coffers ", 10 April 2013, <https://www.ft.com/content/be1fe01c-9fab-11e2-b4b6-00144feabd0c>; interviews with Tarhouna residents, February 2022, Tripoli and Tarhouna.

public services in the area, including the Tarhouna City Council as well as security, military and judicial bodies encompassing the Military Police, the police, the Support Unit of the Ministry of Interior, the Judicial Police and the Office of the Public Prosecutor.²⁵ Residents told Amnesty International that al-Kaniat were also involved in criminal activities, including extorting “protection money” from businesses and confiscating land and other assets belonging to their opponents.²⁶ These claims are consistent with findings of the FFM that al-Kaniat controlled all aspects of life in Tarhouna between 2015 and 2020, including “the town’s infrastructure, services, businesses, taxes and security”, and misused their power to expropriate land and other assets and impose “protection” payments on businesses they did not own.²⁷

Al-Kaniat allied themselves to the internationally recognized GNA, which assumed fragile control of Tripoli in March 2016. In February 2017, Al-Mahdi al-Barghathi, the then Minister of Defence of the GNA, integrated al-Kaniat into the Ministry of Defence under the name of the Seventh Brigade.²⁸ Al-Kaniat’s alliance with the GNA and Tripoli-based militias soured in 2018, reportedly over control of territory and resources. On 30 August 2018, the Presidential Council of the GNA announced the dissolution of the Seventh Brigade, citing an April 2018 decision.²⁹ In response, al-Kaniat publicly denounced the decision, which they claimed was signed by Prime Minister Fayez al-Sarraj under duress from Tripoli-based militias,³⁰ and demanded that all other militias withdraw from Tripoli.³¹ By 27 August 2018, Tripoli was once again embroiled in heavy fighting between al-Kaniat forces supported by the LNA’s newly formed 22 Infantry Brigade headed by Imran Al-Jadi Ali Faraj,³² and the Misratah-based Samoud Brigade³³ on the one hand, and Tripoli-based militias, including the Tripoli Revolutionaries Brigade, Al-Nawasi, the Abu Salim Central Security Force, the 301st battalion, and the Special Deterrence Force (later renamed to the Deterrence Apparatus for Combatting Terrorism and Organized Crimes, DACTO), on the other hand.³⁴ Major fighting ended with al-Kaniat’s withdrawal from Tripoli’s outskirts by late September 2018.³⁵ Smaller clashes sporadically erupted in Tripoli’s outskirts until January 2019.³⁶

Al-Kaniat forces joined the LNA’s offensive on Tripoli in April 2019, advancing from the south of Tripoli under the new name of the Ninth Brigade of the LNA (later renamed the LAAF), backed by the Russian security company Wagner and other affiliated armed groups.³⁷ On 13 September 2019, Abdelwahab al-Maqri, head of the Ninth Brigade, as well as brothers Mohsen and Abdelazim al-Kani, were killed in a suspected drone

²⁵ Interviews in person, 9- 13 February 2022, Tarhouna and Tripoli.

²⁶ Interviews in person, 9- 13 February 2022, Tarhouna and Tripoli.

²⁷ FFM, “Detailed findings on the situation in Tarhouna”, para. 41 (previously cited)

²⁸ Libyan Ministry of Defence, Decision 149/2017, 2 February 2017, <https://drive.google.com/file/d/1N9GKbPCA7aLUi5NaxCMj1f9PotTSeE9X/view?usp=sharing>

²⁹ Government of National Accord, Facebook post: “كلمة رئيس المجلس الرئاسي لحكومة الوفاق الوطني” [“Statement of President of the Presidential Council”], 30 August 2018, <https://www.facebook.com/LibyanGovernment/posts/pfbid02FDfgvYLYptsKngXZaNmEKiNKVHLMxKz5zbXGYcaTW3wnUns6S5RVJHxP8LchhTl> (in Arabic).

³⁰ Erem News, “‘The Seventh Brigade’ in Libya rejects decision to dissolve it”, 2 September 2018, <https://www.erenews.com/news/1479116> (in Arabic).

³¹ Alwast, “‘The Seventh Brigade’ renews its willingness for a conditional immediate ceasefire”, 1 September 2018, <https://alwasat.ly/news/libya/218034> (in Arabic); Alwast, “MP Mohamed al-Abani defends ‘the Seventh Brigade Move’ towards the capital”, 17 September 2018, <https://alwasat.ly/news/libya/219942> (in Arabic); Erm News, “‘The Seventh Brigade’ in Libya rejects decision to dissolve it” (previously cited); Ewan Libya, “حكومة الوفاق تتبرأ من اللواء السابع والحرس الرئاسي”, 29 August 2018, <https://vo.la/hGsdh> (in Arabic).

³² Alsiyan Baten Aljabal, Facebook post: “تشكيل اللواء 22 مشاه ترهونه” [“Forming the 22nd infantry brigade in Tarhouna”], 7 September 2018, <https://www.facebook.com/100044347638036/posts/733511090320157/> (in Arabic).

³³ UN Secretary General, *United Nations Support Mission in Libya: Report of the Secretary-General*, 7 January 2019, UN doc. S/2019/19, para. 10, https://unsmil.unmissions.org/sites/default/files/sg_report_on_unsmil_s_2019_19e.pdf

³⁴ Al Jazeera, “Armed groups vie for control in deadly Tripoli clashes”, 27 August 2018, <https://www.aljazeera.com/news/2018/8/27/libya-armed-groups-vie-for-control-in-deadly-tripoli-clashes>; Al Jazeera, “اشتباكات طرابلس الليبية.. من يقاتل من ولماذا؟” [“Tripoli clashes who is fighting whom and why?”], 4 September 2018, <https://amn.st/600291Msa> (in Arabic).

³⁵ Alwast, “‘Reconciliation Committees’: The withdrawal of the ‘Seventh Brigade’ came under an agreement between the sheikhs and notables of Tripoli and Tarhouna”, 25 September 2018, <https://alwasat.ly/news/libya/220979> (in Arabic).

³⁶ Reuters, “Tripoli airport reopens after closure due to clashes”, 26 September 2018, <https://www.reuters.com/article/us-libya-security-idUSKCN1M615N/>; Almarsad, “مصادرتنا : انسحاب اللواء السابع لسابق مواقعه في جنوب طرابلس”, 15 November 2018, <https://amn.st/600891Mvy> (in Arabic); Almarsad, “صور | قوة حماية Tripoli defence force claims control over Tripoli airport and Qasr Bin Ghashir”, 17 January 2019, <https://amn.st/600591Mx5> (in Arabic).

³⁷ Kharief, Akram, “Wagner in Libya – combat and influence”, Rosa Luxemburg Stiftung, January 2022, <https://rosaluxna.org/publications/wagner-in-libya-combat-and-influence/> and UN Panel of Experts established pursuant to Security Council Resolution 1973 (2011), “Letter addressed to the President of the Security Council”, 8 March 2021, UN Doc. S/2021/229, paras 93-97, https://digitallibrary.un.org/record/3905159/files/S_2021_229-EN.pdf

strike in Tripoli.³⁸ On 20 December 2019, GNA forces supported by the Martyrs of Tarhouna, a militia formed by members of the Naaji family and other anti-Kani Tarhouna residents, launched an attack on al-Kaniat in Tarhouna, in which Abdelrahim al-Kani was reported to have sustained injuries.³⁹ While initially the LAAF and al-Kaniat forces repelled the attack and recaptured territory, they then began to lose ground to their rivals who were backed by Turkey. By early June 2020, Wagner fighters left the city as part of their wider withdrawal from western Libya, followed by LAAF forces shortly after.⁴⁰ On 5 June, the 444 Brigade, a militia under the GNA's Ministry of Defence led by Mahmoud Hamza, entered Tarhouna without armed resistance and quickly established control over the city.

Ahead of the 444 Brigade's capture of the city, the surviving al-Kani brothers, other al-Kaniat commanders and fighters, and their families fled Tarhouna; many headed eastwards to Benghazi and other LAAF-controlled areas. On 27 July 2021, members of the LAAF-affiliated Tariq Ben Zeyad armed group announced the killing of Mohammed al-Kani in Benghazi, during what was described as an exchange of fire after he had resisted arrest.⁴¹ The whereabouts of the three surviving brothers (Mu'amar, Abdelrahim and Abdelkhalek) are unknown.

Between November 2020 and May 2021, the USA, EU and UK added Mohammed and Abdelrahim al-Kani to their respective sanctions lists, subjecting them to travel restrictions and asset freezes.⁴² They cited as grounds for their inclusion their leadership role in al-Kaniat militia and evidence of involvement in crimes under international law and other serious human rights violations, including extrajudicial executions and enforced disappearances. Reuters reported that Russia blocked adding al-Kaniat leaders to the UN Security Council sanctions list.⁴³

The UN Panel of Experts on Libya, established pursuant to Resolution 1973 of 2011 by the UNSC to monitor, among other issues, non-compliance with the arms embargo imposed on Libya, also established the responsibility of Abdelrahim al-Kani in cases of unlawful deprivation of liberty "leading to murder".⁴⁴

³⁸AfrigateNews, "جهاز الردع: هذه تفاصيل اغتيال الكاني والمقري (فيديو)" ["Deterrence Force: Details of the assassination of al-Kani and Maqri (video)"], 2 March 2020, <https://www.afrigatenews.net/a/247075> (in Arabic).

³⁹Anadolu Agency, "رئيس أركان الحكومة الليبية: قواتنا باتت قريبة من وسط مدينة ترهونة" ["Chief of staff: Our forces are near Tarhouna downtown"], 21 December 2019, <https://amn.st/600591MOP> (in Arabic).

⁴⁰Interviews on 12 February 2022, Tarhouna.

⁴¹Alshar al-Awsat, "مقتل زعيم «الكانيات» في بنغازي" ["Kaniat leader killed in Tarhouna"], 28 July 2021, <https://amn.st/600691MNI> (in Arabic).

⁴²Office of Financial Sanctions Implementation HM Treasury, *Consolidated list of financial sanctions targets in the UK*, <https://assets.publishing.service.gov.uk/media/656896d4cc1ec500138eefbf/Libya.pdf> (accessed on 18 November 2024); UK Government, "UK sanctions Libyan al-Kaniyat militia and its leaders: Minister's statement", 13 May 2021, <https://www.gov.uk/government/news/uk-sanctions-libyan-al-kaniyat-militia-and-its-leaders-ministers-statement>; Official Journal of the European Union, *Council Decision (CFSP) 2021/481*, 22 March 2021, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32021D0481&from=EN>; U.S. Department of the Treasury, "Global Magnitsky designations", 25 November 2020, <https://ofac.treasury.gov/recent-actions/20201125>; U.S. Department of the Treasury, "Treasury sanctions militia and its leader in connection with serious human rights abuse in Libya", 25 November 2020, <https://home.treasury.gov/news/press-releases/sm1192>

⁴³Reuters, "U.S. blacklists Libyan militia, leader after Russia stops U.N. sanctions", 25 November 2020, <https://www.reuters.com/article/libya-security-sanctions-int-idUSKBN2852C8/>

⁴⁴UN Panel of Experts established pursuant to Security Council Resolution 1973 (2011), "Letter addressed to the President of the Security Council", 8 March 2021, UN Doc. S/2021/229, https://digitallibrary.un.org/record/3905159/files/S_2021_229-EN.pdf, paras 36-39; and UN Panel of Experts established pursuant to Security Council Resolution 1973 (2011), "Letter addressed to the President of the Security Council", 27 May 2022, UN Doc. S/2022/427, https://digitallibrary.un.org/record/3976750/files/S_2022_427-EN.pdf, para. 47.

4. AL-KANIAT'S REIGN OF TERROR

“If someone criticized or opposed them [al-Kaniat], they didn’t just kill him; they also killed all his brothers and any relatives who could take revenge.”

Ahmad Abdelmola Saad, whose five brothers were abducted by al-Kaniat in November 2019

The shocking scale and severity of crimes under international law and other serious human rights abuses committed by al-Kaniat in Tarhouna between 2012 and June 2020 came into sharp focus with the discovery of mass graves containing hundreds of bodies, following al-Kaniat’s defeat and withdrawal from the city in June 2020. Crimes documented by Amnesty International include unlawful deprivation of liberty, murder and other unlawful killings, torture and other ill-treatment, enforced disappearance and abduction, forced displacement, pillage and appropriation of property.

Al-Kaniat targeted not only their actual or suspected rivals, but also their rivals’ relatives and extended families with the aim of imposing and maintaining absolute domination over Tarhouna and eliminating any actual or potential challenge to their rule. While some of those targeted were fighters affiliated with groups engaged in armed clashes with al-Kaniat, most of those targeted, including for abduction and killing, were civilians. Al-Kaniat also forcibly displaced entire extended families of those they abducted and murdered and, in some cases, seized private property and stole valuables.⁴⁵ The fate of at least 68 people abducted by al-Kaniat remains unknown, according to records of the TVA.

The gravity of the abuses perpetrated by al-Kaniat against those who refused to comply with their orders or who criticized or opposed them sent a chilling warning to other Tarhouna residents, which in turn strengthened al-Kaniat’s stranglehold on Tarhouna.

These crimes under international law continued for years because of the impunity al-Kaniat enjoyed under successive governments.

4.1 ABDUCTION, MURDER AND OTHER UNLAWFUL KILLINGS

While they controlled Tarhouna, al-Kaniat abducted and unlawfully killed hundreds of local residents, dumping their bodies in individual or mass graves only discovered after their defeat. On 10 September 2024, the head of GASIMP,⁴⁶ Dr Kamal Abu Bakr Al-Siwi, confirmed to Amnesty International the recovery of at

⁴⁵ Several families reported that their relatives’ refusal to hand over property partly motivated the attacks by al-Kaniat against their relatives.

⁴⁶ According to Law No. 1 of 2014, GASIMP is mandated to search for and identify the missing; record the existence and preserve mass graves; cooperate with relevant authorities to determine the identity of victims for judicial purposes; and establish an official genetic

least 343 bodies and body parts from more than 100 individual or mass graves in 20 locations around Tarhouna, with an additional 106 bodies found in the morgue of Tarhouna's hospital in June 2020.⁴⁷ By August 2024, GASIMP had identified 237 of the 343 bodies exhumed from graves through DNA testing. DNA samples taken from a further 70 human remains exhumed from graves did not match any DNA samples collected from families of those missing and stored in GASIMP's laboratories.⁴⁸ According to Dr Kamal Abu Bakr Al-Siwi, all the bodies received by GASIMP bore gunshot wounds, mainly to the head or upper body, and the majority had their hands tied behind their back and/or were hooded or blindfolded.

Dr Kamal Abu Bakr Al-Siwi emphasized that not all recovered bodies were received by GASIMP, noting that additional bodies found in the immediate aftermath of al-Kaniat's withdrawal in June 2020 were buried without DNA testing or transferred to institutions other than GASIMP. Several Tarhouna residents told Amnesty International that immediately following the discovery of the first mass graves in June 2020, authorities handed over remains of some of those found to families for burial without DNA testing, after the latter identified their next-of-kin through items of clothing or other features or belongings.⁴⁹

The 106 bodies found at the Tarhouna hospital were sent to hospitals, including in Tripoli and Misratah. According to informed sources, most were not believed to be bodies of Tarhouna residents but fighters suspected to have died in armed clashes.⁵⁰ As of June 2024, about 30 of the 106 bodies discovered in the Tarhouna hospital morgue had been identified as LAAF fighters, according to Dr Kamal Abu Bakr Al-Siwi. He added that GASIMP had made efforts to "encourage families of [the] missing, including fighters, to provide DNA samples. This is the only path to discover the whereabouts of their loved ones."⁵¹

Evidence gathered by Amnesty International indicates that the overwhelming majority of victims were abducted between April 2019 and June 2020, a period when al-Kaniat were allied to the LAAF under the name of the Ninth Brigade. Others were abducted between 2015 and March 2019 when al-Kaniat exercised effective control over Tarhouna and were allied to the GNA, with several abductions and unlawful killings also recorded between 2012 and 2015 when al-Kaniat were seeking to consolidate their grip over the town and wrest control from their main local rivals, the Naaji family.⁵² According to records kept by the TVA and examined by Amnesty International, out of 290 recorded victims, 36 were abducted before 1 April 2019 while 216 were abducted after that date. The dates of abductions of another 38 people were not recorded.

In some cases documented by Amnesty International, a surge in abductions of several members of the same family coincided with or took place in the immediate aftermath of other key developments, including armed clashes between al-Kaniat and other militias or armed groups or the killing and/or wounding of al-Kaniat commanders, indicating that the attacks were retaliatory and/or intended as a deterrent to further challenges to al-Kaniat rule.⁵³

Amnesty International documented in detail the cases of 23 families, who were reeling from the abductions and subsequent killings or continuing disappearance of at least 159 relatives. The majority of these families were ordered by al-Kaniat to leave Tarhouna and later discovered that their homes and businesses had been looted.

According to information gathered by Amnesty International, most victims were seized during raids of their homes or workplaces during the night by large groups of heavily armed men, some of them masked, wearing a mixture of civilian and military dress, in front of their relatives or colleagues, respectively. Witnesses said that they were able to identify al-Kaniat fighters based on insignia on their vehicles and/or recognized some of those involved, and pointed out that no other armed formation was in control of Tarhouna and carrying out abductions between 2015 and 2020. Those carrying out house searches and abductions never presented an arrest or search warrant. Several witnesses told Amnesty International that a prominent leader of al-Kaniat was present and giving orders during house raids that ended with the abduction and subsequent enforced disappearance and murder of their loved ones.⁵⁴

databank. General National Congress, Law No. 1 of 2014 on assisting the families of martyrs and missing persons of 17th February Revolution, 9 January 2014, (an unofficial English translation is available at <https://security-legislation.ly/latest-laws/law-no-1-of-2014-on-assisting-the-families-of-martyrs-and-missing-persons-of-17th-february-revolution/>)

⁴⁷ Meeting in person with GASIMP, 15 February 2022, Tripoli and an interview through voice call on 10 September 2024.

⁴⁸ Interview with GASIMP through voice call, 7 June 2024.

⁴⁹ Further information around concerns over the process of exhuming and identifying bodies is available in section 6.1 of this report.

⁵⁰ Multiple interviews in person, Tripoli and Tarhouna, February 2022.

⁵¹ Interview with GASIMP through voice call, 7 June 2024.

⁵² See Chapter 3 for more details about al-Kaniat's emergence and consolidation of control over Tarhouna.

⁵³ For example, 10 members of the Jaballah family were abducted on 21 December 2019 – the day after a major battle between al-Kaniat and armed residents allied with Tripoli-based militias, during which Abdelrahim al-Kani was reportedly injured. Anadolu Agency, " رئيس " قواتنا باتت قريبة من وسط مدينة ترهونة "أركان الحكومة الليبية: قواتنا باتت قريبة من وسط مدينة ترهونة" ["Chief of staff: Our forces are near Tarhouna downtown"] (previously cited).

⁵⁴ His name is on file with Amnesty International.

Al-Kaniat targeted entire families of their suspected rivals, in some cases for seven years. Al-Kaniat's modus operandi was to abduct all males in a family perceived to be of fighting age, forcibly displace the remainder of their extended families, and seize their property and other assets, suggesting that financial gain was a motivating factor – at least in part – for the commission of the crimes. According to several families interviewed by Amnesty International, al-Kaniat intensified the attacks on them after they refused to hand over their possessions or complained about their possessions being taken.

A Tarhouna resident, Ahmad Abdelmola Saad (family also known as Jreiwa), whose five brothers were abducted on the night of 13 November 2019 by al-Kaniat, described their tactics to eliminate any potential threats and prevent revenge attacks:

“If someone criticized or opposed them [al-Kaniat], they didn't just kill him; they also killed all his brothers and any relatives who could take revenge. They persecuted the whole family. They wanted everybody to fear them.”

Ahmad Abdelmola Saad told Amnesty International that al-Kaniat seized his five brothers: Moussa, a 48-year-old employee of the agricultural ministry and father of seven; Abdelaziz, a 42-year-old teacher and father of four; Abdelbasset, a 32-year-old civil servant and father of four; and twins Saad and Mesaoud, aged 29 at the time. Relatives witnessed the capture of four of the brothers from their homes by a large group of heavily armed men belonging to al-Kaniat, while the fifth brother was captured outside his home. One of the brothers, Abdelaziz, alerted Ahmad of his abduction at around 7pm by phone, before it was disconnected. After the withdrawal of al-Kaniat from Tarhouna, only the body of Moussa was uncovered in the “Mashrua al-Rabt” mass grave; his identity was established through DNA testing.

Ahmad Abdelmola Saad told Amnesty International that he evaded a similar fate by hiding in the dark on the night of his five brothers' abduction and fleeing the following day to Tripoli's western outskirts, together with a friend, Maati Amer Mosbah. He learned that Maati Amer Mosbah was subsequently abducted from a market as soon as he returned to Tarhouna a couple of days later and detained in “Boxat”, one of the makeshift detention facilities run by al-Kaniat,⁵⁵ where he remained for several weeks. Ahmad Abdelmola Saad added that Maati Amer Mosbah's body was found seven or eight months after the withdrawal of al-Kaniat from the town. He believes that al-Kaniat targeted his friend in retaliation for helping him escape.

Ahmad Abdelmola Saad only returned to Tarhouna once it had been taken over by GNA forces, and found that the family's homes and businesses, including a supermarket and a car dealership, had been looted. He lamented:

“They destroyed my family, like they destroyed so many families. They could do whatever they wanted.”

Amnesty International documented how al-Kaniat intensified their attacks on Tarhouna residents during periods of challenges to their rule or in revenge for the killing or injuring of their commanders. For instance, two days after Abdelrahim al-Kani was reported to have sustained injuries in armed clashes with rivals on 20 December 2019, al-Kaniat targeted the Ramadhna family (also known as the Rummani family). In the early hours of 22 December 2019, al-Kaniat seized seven Ramadhna brothers: Fathi Said, a 42-year-old metal worker and father of 10; Abdellatif Said, a 40-year-old farmer and father of four; Mansour Said, a 35-year-old Judicial Police officer and father of five; Hussein Said, a 36-year-old daily labourer and father of five; Milad Said, a 36-year-old rescue worker and father-of-four; Nouri Said, a 34-year-old member of one of the Tripoli-based militias and a father of three; and Abdelathim Said, a 31-year-old cleaner with the Tarhouna municipality and father-of-three.

Amnesty International separately interviewed the wives of the seven men, who described witnessing a large al-Kaniat force, composed of armed men, some of them masked, abducting six of the men from their homes in the middle of the night. The seventh brother was taken from his workplace later that night. Their seven bodies were found on 9 June 2020 together in one of the first mass graves discovered in the town and recognized by relatives by their clothes. While family members do not know why the brothers were targeted, the affiliation of Nouri Said Ramadhna to a Tripoli-based militia may have been a contributing factor.

Mansour Said Ramadhna's wife, Hasna Miftah al-Hammali, described to Amnesty International how a large number of vehicles surrounded their area, where the brothers and their families lived in adjacent homes. She said the armed men, some of them masked, identified themselves as belonging to the Ninth Brigade and searched their home. Her husband was not home, and she later learned that he had been taken from his workplace in front of two colleagues. She added that two days later, two military vehicles arrived in their street and a group of armed men alighted, informing them that their relatives had been killed and ordering all the families to leave Tarhouna. She lamented:

⁵⁵ See section 4.3 for further details of the detention facilities used by al-Kaniat.

“I went to my family in Bani Walid and my sisters-in-law went to their parents and other relatives. We scattered here and there. We had no choice but to leave in order to save our children.”

Abdellatif Said Ramadhna’s wife, Ibtisam Miftah Saad, told Amnesty International that the armed men who entered her home and took her husband away initially asked about weapons, but did not search the house. She recounted:

“We were sleeping when we heard the commotion outside. My husband hid in the kitchen but when six or seven masked militiamen came into the house and pointed their rifles at me asking about my husband, he came out from the kitchen to avoid them searching the house and scaring the children... I hoped that he would be released promptly, but in fact I never saw him again.

“At that time my three brothers had already been abducted by al-Kaniat some months earlier and we had no news of their fate and whereabouts, so I was very scared that the same would happen to my husband. And that is what happened. They destroyed our family for no reason at all. Just in our family there are now 39 children who have lost their fathers. I was pregnant when my husband was abducted; my youngest child will never know his father.”

Between September and October 2019, al-Kaniat also abducted Ibtisam Miftah Saad’s brothers Abdelhakim Miftah Saad, a 43-year-old car-wash worker and father of four; Saad Miftah Saad, a 50-year-old office clerk; and Ridha Miftah Saad, a 35-year-old water tanker driver and father of one.

An eighth brother, Abu-Bakr Said Ramadhna, was killed in 2015 in unclear circumstances. His relatives believe that al-Kaniat were also behind his death.

Al-Kaniat targeted the Jaballah family in retaliation a day after clashes took place in Tarhouna between al-Kaniat and rivals allied with Tripoli-based militias, during which Abdelrahim al-Kani was reported to have been injured.⁵⁶ Members of the Jaballah family told Amnesty International that on 21 December 2019 at about 1pm, a large number of vehicles and several hundred heavily armed men from al-Kaniat surrounded the area and stormed their homes. The deployment of such a large force suggests that the attackers likely expected armed resistance. The attack ended with the abduction of 10 members of the family – essentially all the men of fighting age who could potentially pose a challenge to al-Kaniat rule.

Surviving relatives told Amnesty International that hours after the abductions, al-Kaniat members, including a senior commander,⁵⁷ came to the family home and ordered them to leave the city. Rabia Omran, whose husband Suleiman Faraj Jaballah, aged 53 at the time, was among the 10 men abducted, told Amnesty International:

“I left with my children and hundreds of our relatives. Fifty-four [nuclear] families from our extended family were forced to abandon their homes and businesses and go take shelter wherever possible.”

She added that al-Kaniat also seized four of her brothers (Fawzi Omran, aged 45; Anwar Omran, 40; Akram Omran, 34; and Issam Omran, 29); three of her cousins (brothers Bader Jaballah Jaballah, 28, Abdelhamid Jaballah Jaballah, 26, and Abdallah Jaballah Jaballah, 17); and two of her uncles (AlRadhi Bashir Jaballah, 51, and Khalil Hadi Jaballah, 55). Al-Kaniat also held her 11-year-old son captive for several hours.

The family heard rumours that the 10 men were killed shortly after they were abducted. These rumours were confirmed after the capture of Tarhouna by GNA forces in June 2020, when the bodies of nine of the victims were found. Eight were found in Mashrou al-Rabt mass grave, while AlRadhi Bashir Jaballah was found in Makab al-Kemama al-Ama mass grave with dozens of others. They were identified by their clothes and other belongings.⁵⁸ The body of Abdelhamid Jaballah Jaballah was found in “Agricultural Project” (Kilometre 5) mass grave months later.

4.1.1 MURDERS OF WOMEN AND CHILDREN

While the vast majority of those abducted by al-Kaniat and later found dead were men, Amnesty International documented the abduction and unlawful killing of at least three children in 2020 and four women in 2019, in apparent retaliation for their male relatives’ perceived opposition to the group and

⁵⁶ Further details are in section 3.2.

⁵⁷ His name is on file with Amnesty International.

⁵⁸ Libyan Ministry of Justice, Facebook post, “بعض أسر الضحايا الذين عثر عليهم في المقابر” [“Some of the families of the victims found in the graves”], 20 February 2021, <https://www.facebook.com/moj.gov.ly/posts/pfbid0j1QoCXf3tfzezfjoN1C4M9kEvoJiHqoXKk2tdXqt1vg9FNBkynNtwMSE3phPdmwRl> (in Arabic).

possibly to intimidate the larger community. The FFM on Libya noted, in its detailed findings on Tarhouna issued in July 2022, the recovery of the bodies of five children and at least six women.⁵⁹

Al-Kaniat deliberately and unlawfully killed the three children of Abdelali al-Fellus – Mohammed, 10; Abdelmalik, 14; and Abdelrahman, 15 – who were abducted on 3 April 2020 together with their father and sole surviving brother Mouadh, who was only eight years old at the time. The children’s mother, Ghazal Miftah, told Amnesty International that at around 11pm four armed members of al-Kaniat entered their home without showing a search or arrest warrant and took her husband and sons away. The following day, the armed men returned and, following a search, took a car and phone. They also took a large sum of money from her husband’s workplace, a foreign exchange located at Masraf al-Tijari in Imarat al-Fellus in Tarhouna.

Ghazal Miftah learned, based on the account of her surviving child, that al-Kaniat killed her husband and other sons on the night of their abduction:

“They [al-Kaniat] put them against the fence and shot them dead, all four of them, and little Mouadh was forced to watch... He remains traumatized to this day. Before leaving the farm [Mashrou al-Rabt] He [prominent leader of al-Kaniat]⁶⁰ told Mouadh ‘when you grow up will you fight al-Kaniat?’... He was held in a cell [in a facility near the judicial police] with a girl... He is better now [after psychological support] but it is difficult for a child to overcome such a horrific experience.”

Some 20 days after the abductions, al-Kaniat drove Mouadh to his school, and instructed him to walk home. Ghazal Miftah said that her son was able to identify a prominent leader of al-Kaniat who held and interrogated him, based on photos shown to him, and described him as having visible injuries. ⁶¹These identifying features are consistent with descriptions received by Amnesty International from other witnesses and local residents.

The bodies of the three children and their father were recovered in January 2021 in a single grave in Mashrou al-Rabt. Their relatives identified them from their underwear, according to the children’s mother.

Two days after the abduction and murder of these children, on 5 April 2020, al-Kaniat abducted three sisters from the Harouda family: Hawa (known as Rahma), 46; Leila (known as Salma), 45; and Reem, 37, a mother of four who was pregnant at the time. Their relatives believe they were targeted to punish their brother Mahmoud for his involvement with Tripoli-based anti-Kaniat militias and to pressure him to stop supporting al-Kaniat’s opponents.

Their surviving sister, Azhar Harouda, told Amnesty International that al-Kaniat initially took Hawa from the family home, and later seized her two sisters and her brother-in-law who had rushed home on hearing about the raid. ⁶²According to information gathered by the family, they were initially taken to the Judicial Police headquarters in Tarhouna. The family desperately sought information about their relatives’ fate and whereabouts, but to no avail.⁶³ The sisters’ bodies were found together on 22 January 2021 at the Mashrou al-Rabt mass grave site, on their family’s land appropriated by al-Kaniat, and were identified by their relatives from their clothes and personal belongings. The family later learned that al-Kaniat shot them dead on the night of their abduction.

The abduction and murder of the three sisters was not the first time that al-Kaniat targeted the Harouda family. According to Azhar Harouda and other Tarhouna residents, in 2014, the al-Kani brothers appropriated some of the family’s farms and other land in the centre of Tarhouna and built a shopping mall on the land. Azhar Harouda recounted that in August 2016, al-Kaniat abducted her cousin Hisham Mohammed Salah Harouda, whose fate remains unknown. Rumours suggest that al-Kaniat unlawfully killed him upon capture. She said other family members were also targeted, including her 39-year-old brother Miftah, taken in February 2018 during a raid on the family home in Tarhouna. Her 38-year-old brother Ali, who was not home at the time of the raid, disappeared later that day. The family has been unable to obtain any information about the fate and whereabouts of Ali and Miftah.

⁵⁹ FFM, *Detailed findings on the situation in Tarhouna*, (previously cited) paras 134, 69,

⁶⁰ Name on file with Amnesty International.

⁶¹ Interview in person, Tarhouna, 12 February 2022

⁶² Interview in person, Tripoli, 10 February 2022

⁶³ See sections 4.2 and 6.2.

Another woman, 54-year-old Zahra Mohamed Salem Maatouq Massa'ud, disappeared on 24 December 2019 after she travelled from Tripoli to the central police station in Tarhouna to bring her detained husband's identity documents, hoping to secure his release. Her husband, Adel Shukri al-Ghariani, was abducted on 12 December 2019 from the couple's home in a southern suburb of Tripoli and taken to Tarhouna. On 12 August 2021, the GASIMP informed Zahra Mohamed Salem Maatouq Massa'ud's family that her body, which had been recovered on 2 July 2020 in a mass grave at the Mashrou al-Rabt site, had been identified. According to the forensic report, reviewed by Amnesty International, she was killed by gunshots to the head and abdomen. Her husband's body was found at the same location.

Mohamed Mohamed Salem Maatouq Massa'ud, Zahra's brother, told Amnesty International that his sister received a phone call from her husband's mobile phone the day after his abduction. The caller instructed her to bring her husband's identity documents to Tarhouna's central police station so that his identity could be verified and he could be released. Fearing for her safety, Zahra's family advised her against travelling to Tarhouna. However, after nearly two agonizing weeks without news of her husband and repeated phone calls instructing her to go to the Tarhouna police station, she travelled there on 24 December 2019. In her last phone call to her brother that same night, she said she was at Tarhouna's central police station awaiting her husband's imminent release. The following day, a man who identified himself as "Mohamed" rang her brother using her phone, and asked him to collect his sister from Tarhouna. Similar phone calls to Zahra's brother and nephews continued for four weeks. The family was warned by well-connected acquaintances not to travel to Tarhouna for their safety, given the pattern of al-Kaniat killing the relatives of their victims. Her brother told Amnesty International:

"She died because she tried to find her husband. She knew it was dangerous to go to Tarhouna but she wanted to save her husband".

4.2 ENFORCED DISAPPEARANCES

Most victims of unlawful killings were subjected to enforced disappearance or went missing for up to nine years, until their bodies were uncovered and identified following al-Kaniat's demise in June 2020. At least 68 remain missing after being seized by al-Kaniat, according to records of the TVA.

The ordeal invariably started with families of those abducted hoping that their loved one/s would be released. However, such hopes faded fast as families were confronted with either a wall of silence, conflicting information or warnings not to inquire about their relatives and the reason for their detention. Days turned into weeks, months and years.

Like other parties to the conflict in Libya, including state security bodies as well as armed groups and militias,⁶⁴ al-Kaniat consistently used abductions followed by refusal to reveal the fate and whereabouts of victims with the effect of depriving them of the protection of the law, as a strategy to spread terror among the population of Tarhouna – leveraging the feeling of insecurity and fear such abuses generate to intimidate the families of victims and the community as a whole.⁶⁵ State authorities in Libya are responsible for these acts of enforced disappearance, a crime under international law, when al-Kaniat were affiliated to the GNA and

⁶⁴ See, for example, Amnesty International, *'No one will look for you': Forcibly returned from sea to abusive detention in Libya* (Index: MDE 19/4439/2021), 15 July 2021, <https://www.amnesty.org/en/documents/mde19/4439/2021/en/>; Amnesty International, "Libya: Ten years after uprising abusive militias evade justice and instead reap rewards", 17 February 2021, <https://www.amnesty.org/en/latest/news/2021/02/libya-ten-years-after-uprising-abusive-militias-evade-justice-and-instead-reap-rewards/>; UN Working Group on Enforced or Involuntary Disappearances, *Report of the Working Group on Enforced or Involuntary Disappearances*, 7 August 2020, A/HRC/45/13, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/202/90/PDF/G2020290.pdf?OpenElement>; Amnesty International, *Militias threaten hope for new Libya* (Index: MDE 19/002/2021), 16 February 2012, <https://www.amnesty.org/en/documents/mde19/002/2012/en/>. Prior to being ousted following the 2011 armed conflict, the al-Gaddafi government likewise consistently used enforced disappearances against its opponents and critics. See, for example: Amnesty International, *Long struggle for truth: Enforced disappearances in Libya* (Index: MDE 19/008/2010), 29 June 2010, <https://www.amnesty.org/en/documents/MDE19/008/2010/en/>; Amnesty International, *Libya: detainees, disappeared and missing* (Index: MDE 19/011/2011), 29 March 2011, <https://www.amnesty.org/en/documents/MDE19/011/2011/en/>

⁶⁵ Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance defines enforced disappearance as the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law. See <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>

thereby acted as state agents. As these acts were carried out as part of a systematic, as well as widespread, attack on the civilian population, they constitute the crime against humanity of enforced disappearance.

Relatives of those disappeared sought information about their loved ones by either directly approaching al-Kaniat, including at known detention facilities or the Tarhouna shopping mall, where al-Kaniat brothers could frequently be found, according to residents, or pleaded with well-connected acquaintances to inquire on their behalf. Most relatives of the disappeared interviewed by Amnesty International said they had refrained from lodging official complaints or formally reporting the abduction and disappearance during al-Kaniat's rule due to fear of retaliation against their disappeared loved ones and exposing themselves and other family members to the same fate.

Zeinab Mahfoudh Mohammed, whose husband Ali Milad Harouda, a security guard at Tarhouna University, has been forcibly disappeared since 12 February 2018, told Amnesty International that on that day he left home to buy baby formula and other provisions, and never returned. Shortly after he left, her sister-in-law called her in a panic to report the abduction of Ali's brother Miftah by al-Kaniat fighters from the family home and to warn her that they were searching for Ali. Zeinab Mahfoudh Mohammed tried to call her husband in vain. She described her efforts to uncover her husband's fate and whereabouts:

"I went to ask about him at the shopping mall and I managed to speak to [al-Kaniat commander]⁶⁶ who said Ali was just being questioned and would be home soon and in the meantime I could bring a change of clothes for him and would be able to see him. But when I brought the clothes, I was not allowed to see him... I feared that if I complained, they would torture him more or even kill him, or that they would harm the children."⁶⁷

Despite her fears, Zeinab Mahfoudh Mohammed continued to ask al-Kaniat members about her husband for some three years, and said she was repeatedly given assurances that he was alive and that a visit would be granted. She only lost hope when mass graves were uncovered following the withdrawal of al-Kaniat from Tarhouna and the discovery of the bodies of her three sisters-in-law, abducted about two years after her husband.⁶⁸

Other families sought information about their disappeared loved ones and urged the intervention of al-Kaniat's military and political allies, including those with command responsibility over al-Kaniat. For instance, Harouda family members travelled to Benghazi in August 2020 to seek information from the LAAF leadership about the fate and whereabouts of the three sisters from their family (see section 4.1 above). According to relatives, they spent nearly five months seeking to meet LAAF commanders and other officials. When they secured some meetings, the officials claimed that the three sisters were detained at an undisclosed location and made vague promises to arrange a visit.

The fate of at least 68 others abducted by al-Kaniat remains unknown, and their families continue to be tormented by anguish and uncertainty. "Mohammed", whose four brothers have been missing since November 2019, described his mother's unimaginable suffering:

"The disappearance of my brothers has destroyed my mother... Since the day her sons were taken she thinks about nothing else every waking moment of every day. Only the remains of one of my brothers were found in a mass grave. There is no news about the other three and my mother hopes and prays every day for their safe return. How can I tell her that it is virtually certain that they are dead when there are no bodies to bury and grieve over? She clings to the hope that they may be alive in some prison and cannot believe otherwise so long as the bodies have not been found. It is the cruellest thing to do to a mother."

Tarhouna resident Abdelkarim Saad Abu Kleish told Amnesty International that the fate of his uncle and three of his cousins who were abducted in December 2019 by the Military Police in Tarhouna, then affiliated to al-Kaniat, remains unknown. The body of another cousin, Salah Fraj Abu Kleish, who was also abducted in January 2020 by the Military Police, was found following the capture of Tarhouna in the Harouda family farm.⁶⁹

⁶⁶ Name on file with Amnesty International

⁶⁷ Interview in person, 11 February 2022, Tarhouna.

⁶⁸ Three of Ali Milad Harouda's sisters were abducted on 5 April 2020 and their remains were found in a mass grave in January 2021. See section 4.1.1.

⁶⁹ Interview in person, 11 February 2022, Tarhouna.

According to Abdelkarim Saad Abu Kleish, on 20 December 2019, the Military Police stopped Ousama al-Mabrouk Abu Kleish, a member of the armed forces during al-Gaddafi's rule, at the Meiji checkpoint on the outskirts of Tarhouna and transferred him to a facility controlled by the Military Police in Tarhouna city centre the following morning. His father, al-Mabrouk Salah Abu Kleish, rushed there and was told by armed men at the checkpoint to inquire about his son at the Military Police in Tarhouna. He went there accompanied by another son, Abderrazzaq al-Mabrouk Abu Kleish. Shortly after, a third son, Mustafa al-Mabrouk Abu Kleish, was called on the phone by an individual who identified himself as a member of al-Kaniat, and instructed him to come to the Military Police to collect his father and two brothers. He did as instructed, but soon after his phone was disconnected. That same evening the whole family fled Tarhouna fearing further abductions and other reprisals. Al-Mabrouk Salah Abu Kleish and his three sons were never seen again.⁷⁰

4.3 EMOTIONAL AND FINANCIAL IMPACT ON FAMILIES AMID AUTHORITIES' FAILURE TO PROVIDE ADEQUATE REPARATION

The impact of Al-Kaniat's reign of terror in Tarhouna continues to devastate the lives of hundreds of families. Women have been particularly impacted by the disappearance of their male relatives, who were often the breadwinners.⁷¹ Wives, mothers and daughters are left to pick up the pieces and deal with the emotional trauma and economic consequences on the household. Their pain and suffering are compounded by the continued failure of the Libyan authorities to provide them with adequate financial compensation, psychological support and other forms of reparation.

Over four years after the GNA imposed control over Tarhouna and the mass graves were discovered, the authorities have still not put in place a concrete mechanism to provide the necessary material and psycho-social support to survivors and families of victims, as required by the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.⁷²

Ghazala Ramadhna, whose sons disappeared after being abducted by al-Kaniat, shared with Amnesty International the devastating impact of al-Kaniat's crimes:⁷³

"We have more than 30 fatherless grandchildren in this household who are asking for their fathers and I have no answer. How can I comfort them when my heart is burning as I have lost all my sons? Some of the children are old enough to remember when their fathers were abducted in front of them, and we told them their fathers would come back soon and now we don't know how to tell them that their fathers are not coming back... Most of their mothers don't have a job, yet the children have to be fed, clothed and educated every day and as they grow up their needs increase. They need support."

Zeinab Mahfoudh Mohammed described the devastating emotional and financial impact of her husband's disappearance:

"How can I tell them [their six children] that he won't come back... They destroyed my family. I have six children and from one day to the next I found myself with the whole responsibility to provide for them but without the means to do so. Even our house is not fit for habitation and I can't afford the repairs. We depend on the charity of relatives and good people. God help us."⁷⁴

The precarious legal status of the disappeared – who cannot be certified dead until their bodies have been found or identified through DNA testing – means their wives face numerous hurdles to access bank accounts and social services, and claim or retain ownership of assets, particularly given the discrimination

⁷⁰ Interview in person, 11 February 2022, Tarhouna.

⁷¹ Women's participation in the labour market remains limited in Libya. See, for example, <https://data.unwomen.org/country/libya>

⁷² Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law

⁷³ Interview in person, 11 February 2022, Tarhouna. Ghazala Ramadhna's six sons were all abducted in December 2019, together with their seventh half-brother from a different mother. An eighth half-brother was killed in 2015 and a ninth has been missing since 2011.

⁷⁴ Interview in person, 11 February 2022, Tarhouna

faced by women in Libya in law and practice, including in relation to inheritance and decisions concerning children.

Spouses of deceased public sector employees are eligible to receive a pension based on the salary of the deceased, but without a death certificate, spouses of the disappeared cannot access the same support.

Successive Libyan authorities and those in de facto control did not institute specific measures to facilitate the provision of death certificates for those subjected to enforced disappearance or who went missing, including in Tarhouna. This particularly affected women who lost their husbands. Libyan personal status laws stipulate that the death of a missing husband is acknowledged four years after he is registered as missing. In relation to other missing persons, their death can only be registered following a court decision or proof of death. According to Article 25 of Law No. 17 of 1992, “the missing status ends with the proof of the missing person’s life or death, or a judgment considering him/her dead.”⁷⁵

Women whose husbands remain disappeared told Amnesty International that they face bureaucratic challenges in obtaining certain official documents for themselves and their children that require the signature of the male guardian. While these can be resolved by having other male relatives act in lieu of the disappeared, this forces women to further depend on these relatives – which in turn can leave women at risk of exploitation and reduce their autonomy.

Even families of victims of unlawful killings in Tarhouna who have obtained death certificates following identification of the bodies through DNA testing have struggled to obtain any or timely financial compensation and other forms of reparation for the harm suffered. Only a small minority have benefited from various funds for victims’ families and survivors established by successive Libyan authorities in the aftermath of the 2011 armed conflict.

Since the fall of Mu’ammar al-Gaddafi, successive Libyan authorities have introduced legal amendments to Gaddafi era-laws and adopted new legislation and polices to provide financial assistance and other support for the families of “martyrs” and missing persons as well as those injured as a result of armed clashes and other unrest, explosive remnants of war, and military operations.⁷⁶ While no singular definition of “martyr” exists in Libya legislation, various decrees adopted since 2011 expanded the definition to include members of the armed forces and other officials who died in the “line of duty”, “thuwwar” (revolutionaries) who fought on behalf of anti-Gaddafi forces, as well as “innocent civilians” who were harmed as a result of the armed hostilities during the 2011 conflict and subsequent localized or national conflicts.

The laws and policies stipulate that dependent family members of those killed or missing in various periods of armed conflict and unrest since February 2011 are entitled to receive a monthly allowance equal to the salary of the highest ranked military official, which in June 2024 was approximately LYD 5,280 (USD 1,093).⁷⁷ In February 2024, the GNU approved a monthly financial grant to adult children of martyrs of LYD 2,112 (USD 437), only 40% of the salary of the highest military rank.⁷⁸

⁷⁵ General People’s Congress, Law No. 17 of 1992 regulating minors and those of equivalent status, 28 October 1992, (Unofficial English translation available at <https://lawsociety.ly/en/legislation/law-no-17-of-1992-regulating-of-minors-and-those-of-equivalent-status/>).

⁷⁶ General People’s Congress, Law No. 19 of 1989 approving benefits for those killed in military operations, missing persons and prisoners, 18 November 1989, (Unofficial English translation available at <https://security-legislation.ly/latest-laws/law-no-19-of-1989-on-privileges-for-the-dead-of-military-operations-missing-persons-and-prisoners/>); General People’s Congress, Law 12 of 1991 on determining the rights and benefits of military and civilian personnel who lose their lives in the line of duty, 22 July 1992, (Unofficial translation available at <https://security-legislation.ly/latest-laws/law-no-12-of-1991-on-the-rights-and-privileges-of-military-and-civilians-who-lost-their-lives-in-line-of-duty/>); General National Congress, *قانون رقم 4 لسنة 2013 في شأن تقرير بعض الأحكام المتعلقة بذوي الإعاقة المستديمة من مصابي حرب التحرير*, [Law No. 4 of 2013 on some provisions relating to people with permanent disabilities who were injured in the Liberation War], 26 February 2013, <https://amn.st/6001913pV> (in Arabic); General National Congress, *قانون رقم 1 لسنة 2014 بشأن رعاية أسر الشهداء والمفقودين بثورة 17 فبراير* [Law No. 1 of 2014 on caring for the families of martyrs and missing persons in the February 17 Revolution], 9 January 2014, <https://amn.st/6002913kO> (in Arabic); General Commander of the Libyan Army, *قرار رقم 9 لسنة 2022 بشأن تقرير بعض الأحكام في شأن متوفيين*, [Decree No. 9 of 2022 on determining some provisions regarding deceased persons and people with disabilities], 27 February 2022, <https://amn.st/6005913Ev> (in Arabic); GNA, *قرار رقم 177 لسنة 2022 باعتبار متوفيين شهداء عمليات عسكرية*, [Decree No. 177 of 2022 on the deceased as martyrs of military operations], 6 April 2022, <https://amn.st/6004913JQ> (in Arabic); General Commander of the Libyan Army, *قرار رقم 16 لسنة 2023 بشأن تقرير بعض الأحكام في شأن متوفيين وذوي الإعاقة من العسكريين والقوة المساندة*, [Decree No. 16 of 2023 on the determination of some provisions regarding deceased and disabled soldiers and the supporting force], 11 April 2023, <https://amn.st/6004913Mp> (in Arabic); GNA, *منشور رقم 4 لسنة 2023 بشأن سير العمل والتزاما بأحكام التشريعات النافذة المنظمة لشهداء الواجب*, [Circular No. 4 of 2023 on the progress of work and compliance with the provisions of the legislation in force regulating martyrs of duty], 8 March 2023, <https://amn.st/6003913P3> (in Arabic).

⁷⁷ Calculation is based on an exchange rate of US 1 to LYD 4.829, effective on 7 June 2024, XE currency converter.

⁷⁸ GNA, *قرار رقم 90 لسنة 2024 م بتقرير حكم*, [Resolution No. 90 of 2024], 25 February 2024, <https://amn.st/600291Mh2> (in Arabic).

Libyan legislation and policies exclude from compensation families of unmarried men and women, male widowers, and children of women killed. This reflects discriminatory provisions in Libya's law and practice, as well as deeply held norms around gender roles that assume men are responsible for providing financially for the family.

Nonetheless, since 2011, thousands of families of martyrs and missing people have been added to the government payroll by decrees.⁷⁹ The latest decree listing beneficiaries, published by the Prime Minister's office on 10 June 2024, included 1,141 names, none of whom is from Tarhouna, according to informed sources.⁸⁰

These funds are distributed by the General Authority for the Care of the Families of Martyrs and Missing Persons and Amputees (hereafter the General Authority). The General Authority has been mandated to develop policies, strategies and plans to support families of martyrs and missing persons, among others who were harmed.⁸¹ Among its listed tasks are to record data on the families of martyrs and missing people, oversee the provision of "social, health and social security" support, and put in place relevant mechanisms to distribute funds to families of martyrs and missing persons. The General Authority also has a mandate to put in place programmes, according to available resources, to train families to acquire technical skills and utilize them in establishing small and medium investment projects.⁸² The General Authority opened an office in Tarhouna in December 2020 and has been receiving requests from families of victims for financial assistance.

According to Abdelmoneim Hassan Alhamel, executive director of the TVA, families of only 37 victims of unlawful killings in Tarhouna have been receiving financial support since 2023 from the General Authority, as of June 2024. He noted that this was despite the identification through DNA testing of 219 people abducted by al-Kaniat in Tarhouna and buried in mass or individual graves, clearly making their families eligible for support. He emphasized that the recipient families were exclusively those whose loved ones were abducted and unlawfully killed during al-Kaniat's alignment to the LAAF, or between 4 April 2019 and June 2020. He noted receiving several verbal commitments from officials from the General Authority during meetings, including one in June 2024, to approve applications submitted by the families of victims in Tarhouna, including those abducted while al-Kaniat were allied to the Tripoli-based government. According to the TVA, nearly all families submitted applications either to the General Authority's office in Tarhouna or its headquarters in Tripoli. These promises had not been met at the time of writing.⁸³

Amnesty International interviewed eight families from Tarhouna specifically in relation to their efforts to obtain financial compensation. All said they had been met with bureaucratic obstacles, empty promises, delays, dismissals or refusals. They told Amnesty International that they suspected the reason lay with the victim's sex, marital status or date of abduction.

Zahra Al Farjani told Amnesty International about her family's efforts to receive reparations for the unlawful killing of her 51-year-old brother Adel Al Farjani, whose body was returned to his family three days after he was abducted by al-Kaniat on 12 November 2017.⁸⁴

"My family submitted a request to the General Authority... in 2022 to benefit from the compensation and other assistance granted by this authority, but unfortunately we did not receive any compensation. My brother was not recognized by this authority, and my family was not included among the families benefiting from its services."

⁷⁹ For example, see GNA, *قرار رقم 387 لسنة 2022 م باعتبار متوفين شهيد واجب* [Resolution No. 387 of 2022 considering the deceased as duty martyrs], 28 August 2022, <https://vo.la/bxJHfe> (in Arabic).

⁸⁰ The General Authority for the Care of the Families of Martyrs and Missing Persons, Facebook post: *قرار مجلس الوزراء رقم (339) لسنة 2024* "قرار مجلس الوزراء رقم (339) لسنة 2024 regarding considering the deceased as martyr of duty", 10 July 2024, <https://www.facebook.com/share/p/DiMuyD3R5iTiBhkn/> (in Arabic).

⁸¹ GNA, *قرار رقم 778 لسنة 2019 بشأن اعتماد الهيكل التنظيمي للهيئة العامة لرعاية أسر الشهداء والمفقودين والمبتورين*, 9 July 2019, the adoption of the organizational structure of the General Authority for the Care of Families of Martyrs Missing Persons and Amputees], 9 July 2019, <https://vo.la/jrefm> (in Arabic); General National Congress, Law No. 1 of 2014 on assisting the families of martyrs and missing persons of the 17th of February Revolution, 9 January 2014, (Unofficial English translation available at <https://security-legislation.ly/latest-laws/law-no-1-of-2014-on-assisting-the-families-of-martyrs-and-missing-persons-of-17th-february-revolution/>).

⁸² GNA, *قرار رقم 89 لسنة 2024 بشأن استحداث إدارة بالهيكل التنظيمي وتحديد اختصاصات بالهيئة العامة لرعاية أسر الشهداء والمفقودين والمبتورين*, [Resolution No. 89 of 25 February 2024, creating a department in the organizational structure and defining competencies in the General Authority for the Care of Families of Martyrs Missing Persons and Amputees], 25 February 2024, <https://vo.la/eWBNe> (in Arabic).

⁸³ Interview in person, 27 May 2024, Tunis.

⁸⁴ Interview in person, 21 May 2024, Tunis.

She added that while the family was not given a formal reason for the rejection, they suspect it was because he was killed while al-Kaniat were allied to the GNA.

Youssef Mohammed Faraj al-Showeibi, whose four brothers in law and 14-year-old son were killed by al-Kaniat in November 2014,⁸⁵ told Amnesty International that his family has not received any compensation. He said that he tried to access relevant information concerning reparation mechanisms, but gave up after attempting to access the General Authority's website, which he said was down, and his calls to the number provided went unanswered. He lamented:

"I contacted most of the relevant authorities in the country regarding recognizing my son as a martyr. I was left to pick up the pieces of my shattered life. The government's silence was deafening. We stood alone, abandoned by the system meant to protect us."

In addition to their deep anguish and suffering due to the loss of their loved ones, the Harouda family is still addressing the financial consequences of al-Kaniat's crimes and struggling to obtain any financial compensation from the state. Azhar Harouda⁸⁶ told Amnesty International that the family did not receive any support from the General Authority for the disappearance and unlawful killings of her three sisters and two brothers despite submitting a formal request:

"The family spent LYD 70,000 (USD 14,495) for the medical treatment for my brother Jamal Harouda, aged 23, who has epilepsy, and whose health deteriorated since the abduction of our sisters. Currently, he is still receiving treatment for epilepsy, and the GNU has refused to pay financial assistance to my brother and family... My two brothers were abducted before 4 April 2019, so they are not recognized as martyrs by the GNU government. While my three sisters were killed after this date, the General Authority obstructed monthly compensation. They told us we are not entitled to receive a martyr's salary."

Azhar Harouda believes that the rejection was because two of the sisters were unmarried and the third did not have dependents.

In 2022, the Harouda family, represented by another sister, Najat Harouda, filed a lawsuit against GNU's Prime Minister Abdelhamid AlDabaiba and the Minister of Justice Halima Abdel Rahman before the North Tripoli Court of First Instance, requesting financial compensation for moral and material harm suffered by the family due to the unlawful killings of the three Harouda sisters. The lawsuit argued that since the murder of her three sisters took place within a Correction and Rehabilitation Institution, nominally overseen by Judicial Police of the Ministry of Justice, the government was responsible. It also argued that the Prime Minister and the Ministry of Justice did not comply with Libyan laws as they continued to pay salaries of those working in the Correction and Rehabilitation Institution and did not publicly announce that the facility in Tarhouna was no longer under the authority of the state. The plaintiff requested LYD 10 million (about USD 2 million) as compensation for moral damages and LYD 5 million (about USD 1 million) as compensation for material damages.

After the Court of First Instance ruled in favour of the family's lawsuit on 20 June 2023,⁸⁷ the GNU appealed. On 14 June 2024, the Tripoli Court of Appeal for the Eleventh Circuit, issued its verdict, which was reviewed by Amnesty International. The court rejected the appeal submitted by the Tripoli-based Prime Minister and Minister of Justice and ordered them to pay the family LYD 1.5 million (USD 310,623) as compensation for the damage they suffered as a result of the killing of the three sisters. The court did not explain the basis of the sum allocated. At the time of writing, the ruling had not been implemented.

Ahmad Abdelmola Saad⁸⁸, whose five brothers were abducted by al-Kaniat in November 2019, told Amnesty International that his family did not receive compensation for the material damage and loss of earnings, including for the arson and destruction of his home, the looting of his supermarket, and the theft of his car by al-Kaniat. The family is still waiting for a response after applying for compensation through the General Authority in 2021. He said the only support received from the General Authority consisted of five mattresses provided to them and other families in Tarhouna in 2021. He added that on Eid al-Adha in June 2021, the meat of a sacrificed lamb and a one-off payment of LYD 500 (USD 102) were distributed to all families of those killed or missing in Tarhouna.

⁸⁵ For more details on this case, see section 6.1 below.

⁸⁶ See section 4.1.1

⁸⁷ Case No. 1376/2022.

⁸⁸ See section 4.1

Similarly, Hala Hisham Mohamed Saleh Harouda told Amnesty International that her family has not received any financial compensation or other forms of reparation, despite lodging complaints and requests with the Office of the Public Prosecutor since 2021.⁸⁹ The family lost two brothers: Hisham Mohammed Saleh Harouda, aged 39, who has been missing since his abduction by al-Kaniat in Tarhouna on 3 August 2016; and Hani Mohammed Saleh Harouda, who was killed on 11 December 2016, aged 24. She told Amnesty International:

“We are still suffering on all levels, financially, socially, and psychologically. We are still facing a profound and multifaceted trauma that affected all my family, especially my mother and my younger brother Haroun. They both failed to cope with the permanent loss and the associated feelings of sadness, anger, and helplessness. Eight years after the abduction of my brothers, my mother still has pervasive fear and anxiety about our safety and well-being.”

Zouhaira al-Wafi, a mother of six, also told Amnesty International that she has not received any state support since her husband, Ousama Mohammed Ramadhan Shiqshaq, then aged 40, was abducted on 6 December 2019 on the same day that al-Kaniat abducted three of his brothers.⁹⁰ She said her husband’s body was found in June 2020 and identified in December 2021 through DNA testing.

4.4 TORTURE AND OTHER ILL-TREATMENT

Testimonies collected by Amnesty International from six survivors and nine relatives of former detainees who were released from al-Kaniat custody between 2015 and 2020, as well as reports by national NGOs and UN bodies,⁹¹ reveal that al-Kaniat systematically subjected those they abducted to torture and other ill-treatment. Most frequently reported methods of torture included severe beatings with various objects such as water pipes, electric cables, whips and rifle butts; kicking; forcing detainees into stress positions for prolonged periods; exposing them to extreme heat; and subjecting them to electric shocks. In at least three cases documented by Amnesty International, detainees said they were raped or subjected to other sexual violence. Survivors also told Amnesty International that they witnessed fellow detainees being tortured before being taken away never to be seen again.

In all cases documented by Amnesty International, al-Kaniat tortured and otherwise ill-treated people for the purposes of punishment, intimidation and humiliation. In some cases, torture was used to elicit information about detainees’ families or acquaintances suspected of opposing al-Kaniat.

Al-Kaniat held those they abducted in conditions that themselves violated the absolute prohibition of torture and other ill-treatment at a number of facilities, including “Boxat”, the Judicial Police and the General Administration of the Central Support (Da’am al-Markazi). In the cases documented, those held were denied any contact with their relatives and the outside world, and were held in conditions akin to enforced disappearance.⁹²

On 13 February 2022, Amnesty International visited “Boxat”, an agricultural compound, which al-Kaniat used as a makeshift detention facility. There, the organization observed a line of box-like structures each approximately 1m³ in size and consisting of three sides and a ceiling built from concrete-like material, and a metal door. According to witnesses, al-Kaniat forced detainees into crouching stress positions in the boxes for prolonged periods, in some cases lasting days or weeks, without access to toilets and with little food and water. Survivors recounted how al-Kaniat fighters routinely lit fires on top on the structures, thereby subjecting them to extreme heat and suffocation from fumes.

Youssef Faraj Mohamed, a 45-year-old Tarhouna resident and member of the Naaji family, said men affiliated with al-Kaniat abducted him in March 2015 and transferred him to “Boxat”, where he was held for four months and tortured and otherwise ill-treated solely for his family links. He recounted:

⁸⁹ Interview in person, 21 May 2024, Tunis.

⁹⁰ His brother AbdelBaset Mohammed Ramadhan Shiqshaq, aged 40, and his half-brothers Bashir and AbdelHakim Ahmad al-Gheriani, aged 38 and 41, respectively. Interview in person, 12 February 2022, Tarhouna.

⁹¹ FFM, *Detailed findings on the situation in Tarhouna* (previously cited) paras 101-110; UN Panel of Experts Established pursuant to Security Council Resolution 1973 (2011), “Letter addressed to the President of the Security Council”, 8 March 2021, UN Doc. S/2021/229, para. 38 and annex 16.

⁹² For further details, see section 4.2.

"I was walking in Berket el-Khadra [a neighbourhood in Tarhouna], when [a commander with al-Kaniat]⁹³ appeared with three men. They ordered me to stand against a school wall, then fired shots at the wall. They took me to a prison; there they tied [my hands], threatened to kill me and beat me with water pipes and weapon butts... They kept saying I am Dai'shi [a member of Daesh, the Arabic acronym for the Islamic State armed group] and [a] terrorist and were questioning me about other [members of the] Naaji [family]."⁹⁴

After his release he fled to Tripoli, where he submitted a complaint with the Office of the Public Prosecutor, including about al-Kaniat's appropriation of his businesses, but said no action was taken. He has yet to receive any redress or reparation.⁹⁵

Other former detainees held in "Boxat" by al-Kaniat said they were tortured and otherwise ill-treated. For instance, "Karim" said he was held there for over a month in 2019, severely beaten and raped by insertion of an object into his anus. He added that the fighters forced him to strip naked before taking pictures of him.⁹⁶

Fathi Al-Mabrouk told Amnesty International that on 20 April 2020 al-Kaniat abducted his 69-year-old uncle Mohamed Al-Mabrouk because of his tribal affiliation with the Naaji family, while he was alighting from his car on a street in Tarhouna, and took him to "Boxat". Fathi Al-Mabrouk recounted his uncle's testimony that al-Kaniat had subjected him to electric shocks, forced him into a painful stress position for a prolonged period, exposed him to extreme heat from a fire lit above him, and threatened to kill or otherwise harm him and all of his relatives.⁹⁷

Another former detainee, "Ibrahim", told Amnesty International that after his abduction together with two of his brothers by armed men affiliated with al-Kaniat, who identified themselves as members of Central Security Support on 13 November 2019, he was tortured and otherwise ill-treated at a detention facility they controlled. He recounted being confined to a small cell with about 35 other people without access to a toilet or potable water, and being denied sufficient food and any contact with the outside world. He said that al-Kaniat fighters regularly took the detainees out of their cells for interrogations about their alleged connections to the GNA and/or the Islamic State armed group, during which they beat them with sticks and rifle butts, kicked them and stepped on them with their military boots. He was released when GNA forces took control of Tarhouna in June 2020.⁹⁸

"Alaa" recounted how al-Kaniat fighters tortured and otherwise ill-treated him after seizing him from his Tarhouna home on 18 November 2019. He told Amnesty International that he was transferred to the Judicial Police prison in Tarhouna, where he was interrogated about his opposition to al-Kaniat and beaten with sticks and electric cables. He added that he was subjected to painful flogging on the soles of his feet, a method of torture commonly referred to as *falaqa*, and threatened with rape.⁹⁹ He recounted seeing dozens of other prisoners being tortured. He also told Amnesty International that one night, al-Kaniat fighters took him to an interrogation room, where two fighters held him down, and a third one removed his fingernails with pliers until he lost consciousness.

"Malek" told Amnesty International that he was abducted by al-Kaniat fighters during the month of Ramadan in 2019 and taken to the Judicial Police prison in Tarhouna. He suspects that he was abducted because of his Naaji family affiliation and said he was pressured to reveal the names of Tarhouna residents who were cooperating with Naaji fighters. He told Amnesty International that he was released nine days later after being forced under torture to provide this information.¹⁰⁰ He said:

"Al-Kaniat [fighters] would take me to 'balanco', [a method of torture that involves being] lifted into the air from a tied wrist before being violently dropped to the floor... They did [this] three times... I did not say anything... They started giving me electric shocks, to my body, to my genitals... I could not take it anymore... I told them everything they wanted to hear."

"Farouk", who was abducted by al-Kaniat fighters in October 2019, told Amnesty International that he was unlawfully detained for 158 days at the Judicial Police prison in Tarhouna. He said that during this period,

⁹³ Name on file with Amnesty International. The interviewee said that he previously knew the commander, whose family lived nearby. Given the relatively small size of the population of Tarhouna, and interlinked tribal and social connections of residents, many of the individuals interviewed by Amnesty International said they had personally known members of the al-Kani family.

⁹⁴ Interview in person, 12 February 2022, Tarhouna.

⁹⁵ See Chapter 6.

⁹⁶ Interview through voice call, 23 August 2022.

⁹⁷ Interview in person, 10 February 2022, Tripoli.

⁹⁸ Interview in person, 12 February 2022, Tarhouna.

⁹⁹ Interview through voice call, 17 March 2022.

¹⁰⁰ Interview through voice call, 26 August 2022.

he was subjected to torture and other ill-treatment, forcing him to reveal the location of money a businessman gave him for safekeeping.¹⁰¹ He said:

"I moved my hands slightly as I was in severe pain from the handcuffs, and an [al-Kaniat fighter] placed his gun on my temple and threatened, 'If you move, I'll kill you. I will blow your head off.' I stayed for 25 days in a small cell 3x3m without a mattress; sometimes, there were two or three other detainees, and then I was taken for 10 days to the 'military room.' It was a disciplinary cell used to punish fighters from Tarhouna [who opposed al-Kaniat]. I was tortured through electric shocks and started to have infected and smelly feet because of my [untreated] injuries and blood. I stayed 33 days in another 4x8m room. I met young people under 18 [years-old] in this room; some have been tortured. I stayed for 90 days [before his release] in a 5x3m 'cameras room' with seven other people."

Throughout his detention, he, like other prisoners, was not provided with any healthcare, including for injuries caused by torture and other ill-treatment.

In May 2020, armed men affiliated with al-Kaniat, who claimed to be working for the External Security Agency, raided the family home of a Syrian family who had been living in Tarhouna since 2013, and abducted 22-year-old "Jamal". His brother told Amnesty International that al-Kaniat forced Jamal to crouch in a small space for 11 days, during which they beat him with water pipes repeatedly. He added:

"[When he was released] his entire body was blue... They [al-Kaniat] questioned him about the Jaballah family¹⁰² and if they were communicating with the GNA forces... They were worried that someone from Tarhouna was leaking information to GNA forces."¹⁰³

¹⁰¹ Interview through voice call, 16 May 2024.

¹⁰² See section 4.1 for more on the case of the Jaballah family.

¹⁰³ Interview in person, 13 February 2022, Tripoli.

5. COMPLICITY OF AUTHORITIES AND THOSE IN DE FACTO CONTROL

The Libyan authorities and those in de facto control of territory enabled al-Kaniat to exercise effective control over Tarhouna for eight years. The GNA and LAAF not only turned a blind eye to the shocking crimes under international law and other serious human rights abuses committed by al-Kaniat until June 2020, but also granted the group legitimacy by integrating it into state forces or their ranks, respectively, to advance their political or military aims.

Leaders of successive governments and those in de facto control may be criminally liable as commanders and/or superiors who knew, or should have known, that al-Kaniat commanders and members were committing crimes under international law and nevertheless failed to take all necessary and reasonable measures in their power to prevent their commission, and to punish those responsible.

Reports about al-Kaniat's involvement in unlawful killings and targeting of families of their opponents began circulating in Libyan traditional and social media as early as 2012, and have periodically appeared in statements by Libyan NGOs as well as in Libyan media since then and until their defeat in June 2020. This highlights the implausibility of successive governments and those with de facto control claiming to have been unaware of their crimes before the discovery of mass graves.¹⁰⁴ In addition, Amnesty International gathered evidence indicating that at least four relatives of those abducted as well as a former detainee had filed complaints with judicial bodies, including the Office of the Public Prosecutor, or otherwise took initiatives targeting officials and superiors with command responsibility over al-Kaniat.¹⁰⁵ Despite this, until the GNA's capture of Tarhouna in June 2020, no effective and impartial investigations are known to have taken place into allegations of crimes under international law and other human rights abuses, and so commanders or members of al-Kaniat were enabled to continue terrorizing the population of Tarhouna without fear of consequences.¹⁰⁶

¹⁰⁴ See Facebook posts by Tarhouna residents from 2012: <https://vo.la/JXiqhe> (in Arabic); Alwasat, "مسلحون يقتلون 3 من عائلة أبو عجيل الحبشي بترهونة" ["Armed men kill three members of Bou Agila al-Habashi"], 23 March 2015, <https://alwasat.ly/news/libya/62604> (in Arabic); Alwasat, "مقتل اثنين وخطف أربعة من عائلة النعاجي في ترهونة" ["Two killed and four abducted from Naagi family in Tarhouna"], 24 May 2014, <https://alwasat.ly/news/libya/17708> (in Arabic).

¹⁰⁵ Interviews in Tarhouna and Tripoli, February 2022.

¹⁰⁶ Afrigate News, "جريمة قتل مروعة نهر مدينة ترهونة" ["Shocking murder in Tarhouna"], 16 January 2017, <https://www.afrigatenews.net/a/156160> (in Arabic); UNSMIL, "Martin Kobler calls for impartial investigation into the tragic killings in Tarhouna", 19 April 2017, <https://unsmil.unmissions.org/martin-kobler-calls-impartial-investigation-tragic-killings-tarhouna> and UNSMIL, "Human rights report on civilian casualties - April 2017", 1 May 2017, <https://unsmil.unmissions.org/human-rights-report-civilian-casualties-april-2017>; Afrigate News, "جرانم تتعدد والفاعل واحد" ["Tarhouna, many crimes and one perpetrator"], 28 August 2017, <https://www.afrigatenews.net/a/145877> (in Arabic).

5.1 GOVERNMENT OF NATIONAL ACCORD

Under the GNA, the internationally recognized Tripoli-based government between March 2016 and March 2021, al-Kaniat gained legitimacy and amassed further power.

Amnesty International's extensive search of publicly available information indicates that a considerable body of information was circulated publicly in connection to al-Kaniat's involvement in crimes under international law prior to and following GNA's decision to integrate al-Kaniat into its armed forces. For instance, in 2012, various Tarhouna residents posted on social media about the fighting between al-Kani and Naaji families, and the unlawful killing of a civilian at the hands of al-Kaniat.¹⁰⁷ In March 2015, Libyan media reported the killing of three members of the family of the disappeared Bou Ajila al-Habashi, former head of the Tarhouna Military Committee, during an armed raid on the family home in Tarhouna, at a time when al-Kaniat had assumed control of the town.¹⁰⁸ The UNSMIL reported that, on 17 April 2017, al-Kaniat fired at a family, leading to at least 11 deaths in Tarhouna, including a girl and an older man. It also reported that in a separate incident on 21 April 2017, al-Kaniat "summarily executed" a man while he was receiving treatment in a hospital for injuries sustained during the earlier incident.¹⁰⁹ On 19 April 2017, the then Special Representative of the UN Secretary-General and Head of UNSMIL, Martin Kobler, condemned these killings and called for investigations.¹¹⁰ The OHCHR also reported the attack in its update on the human rights situation in Libya to the Human Rights Council issued in February 2018.¹¹¹ In addition, various media outlets and national human rights groups reported about suspected killings by al-Kaniat in Tarhouna throughout 2017 and 2018.¹¹²

Despite these reports, in February 2017, then GNA Minister of Defence Al-Mahdi Ibrahim al-Barghathi issued decision number 149/2017 establishing the Seventh Brigade under the command of Mohamed Ahmed Bashir, and allocating a military base in Soug Al-Khamis Emsihel, 50km west of Tarhouna, as its headquarters. The rebranded force predominantly comprised al-Kaniat commanders and members who were integrated into the Seventh Brigade without any vetting by the GNA to exclude individuals reasonably suspected of crimes under international law and other serious human rights abuses. According to witnesses familiar with the operations of al-Kaniat and a report by the FFM, the GNA also provided al-Kaniat with funds and military equipment.¹¹³

A number of law enforcement agencies controlled by al-Kaniat in Tarhouna were also operating under the auspices of the Ministry of Interior, and its members were receiving state salaries. These bodies include the General Administration of Central Support-Tarhouna, led by Salem al-Saket; and the Tarhouna police force, led by Makhouf Makhoulf Douma. According to five individuals interviewed by Amnesty International, members of the General Administration of Central Support were involved in crimes committed by al-Kaniat, including unlawful deprivation of liberty, torture and other ill-treatment. Despite this, successive GNA ministers of interior, namely Al-Aref al-Khodja (March 2016 to May 2018) and Fathi Bashagha (August 2018 to March 2021), took no action to prevent, redress or ensure investigations into crimes committed by these forces under their command.¹¹⁴ Fathi Bashagha and the then national head of the General Administration of Central Support in the Ministry of Interior visited Tarhouna in November 2018, where they met local officials and discussed security issues and reconciliation.¹¹⁵ Similarly, successive ministers of justice and heads of

¹⁰⁷ Bani Walid will not die, Facebook post: "جرائم عصابات فبرابر الفاشستية في ترهونة" ["February fascist gang crimes in Tarhouna"], 26 November 2012, <https://www.facebook.com/278211098966393/photos/a.278431065611063/289255731195263/> (in Arabic).

¹⁰⁸ Alwasat, "مسلمون يقتلون 3 من عائلة أبو عجيبة الحيشي بترهونة" ["Armed men kill three from Bou Ajila al-Habashi"] (previously cited).

¹⁰⁹ UNSMIL, "Human rights report on civilian casualties - April 2017" (previously cited).

¹¹⁰ UNSMIL, "Martin Kobler calls for impartial investigation into the tragic killings in Tarhouna" (previously cited).

¹¹¹ UN High Commissioner for Human Rights, *Situation of human rights in Libya, and the effectiveness of technical assistance and capacity-building measures received by the Government of Libya*, 21 February 2018, UN doc. A/HRC/37/46, https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session37/Documents/A_HRC_37_46_EN.docx

¹¹² Erem News, "توصف بـ'مافيا آل كورليوني الليبية'.. تعرف على 'الكانيات' وقوتها" ["Described as the 'Libyan Corleone Mafia'... Get to know the 'al-Kaniya' and its power"], 3 November 2018, <https://www.erehnews.com/news/maghrab-news/1557360> (in Arabic); Libya Today TV,

Facebook post: "Al-Kani' militia kills 8 family members in Tarhouna", 18 April 2017, <https://www.facebook.com/LibyaTodayTv/photos/a.313450775674021/418334605185637/?type=3&locale=ar> (in Arabic); Asharq Al-Awsat, "من ينزع سطوة ميليشيات ليبيا؟"

["Who will remove the power of Libya's militias?"], 8 November 2017, <https://amn.st/6006913je> (in Arabic).

¹¹³ FFM, *Detailed findings on the situation in Tarhouna*, (previously cited).

¹¹⁴ Lana News, "محاولة اغتيال مدير الدعم المركزي بمدينة ترهونة على يد مجهولين" ["Assassination attempt against Central Support commander in the city of Tarhouna by unknown perpetrators"], 2 February 2018, <https://www.lananeews.com/ar/?p=115024> (in Arabic).

¹¹⁵ The Observer, "باشاغها يزور ترهونة ويطلع عن كتيب على الأوضاع في المدينة" ["'Bashagha' visits Tarhouna"], 21 November 2018, <https://ar.libyaobserver.ly/article/2550> (in Arabic)

Brigade, about their complaints to the LAAF military prosecution being dismissed without further action.¹²¹ The two families told Amnesty International that they approached the office of Faraj Alsawsaa, then head of the military prosecution, in Benghazi in 2019, but were not provided with information about the fate and whereabouts of their loved ones. Instead, a military prosecutor falsely made them believe that their loved ones were alive and detained in LAAF-controlled territory.¹²²

Amnesty International learned that family members of the Harouda, Jaballah and a third family from Tarhouna also approached LAAF military commanders, including in Benghazi, raising concerns about abuses committed by al-Kaniat and seeking their intervention. Families lamented the lack of action by LAAF commanders who ignored their concerns, and in the case of the Harouda family, appear to have misled the family.

According to a member of the Harouda family, following the abduction of the three Harouda sisters by al-Kaniat, a family member travelled to Benghazi on 22 January 2020 along with some tribal relatives, where they met Khaled al-Mahjoub, then head of the Moral Direction of the LAAF, and Faraj Ig'im, at that time an influential figure in the Benghazi-based Ministry of Interior. The relative said both men confirmed the sisters' detention in Benghazi in 2019.¹²³ The family member recounted promises made to Tarhouna tribal elders by Abdelrazik al-Nadoori, LAAF's Chief-of-Staff, and other LAAF officials, during a meeting in August 2020 in al-Rajma, the LAAF's command and control centre, to raise the matter with Mohamed al-Kani. The family member further told Amnesty International about receiving advice from an LAAF officer to travel to al-Bayda, a city 200km east of Benghazi, to visit the three sisters in Gernada prison, giving false hope that they were alive.

¹²¹See section 4.1

¹²² Interviews in person, 10 and 11 February 2022, Tripoli and Tarhouna.

¹²³ Interview in person, 10 February 2022, Tripoli.

6. LONG ROAD TO JUSTICE

Following the withdrawal of al-Kaniat from Tarhouna in June 2020, Tripoli-based authorities and the LAAF announced investigations and vowed to hold to account those responsible for crimes.¹²⁴ Over four years later, concerns remain over the promptness, independence, effectiveness, thoroughness and transparency of the ongoing investigations at the national level, and the absence of prosecutions of those against whom there is sufficient admissible evidence of ordering, instigating, committing, aiding or abetting, or otherwise assisting or facilitating their commission in fair trials in front of regular civilian courts.

CRIMINAL JUSTICE SYSTEM IN LIBYA

The criminal justice system in Libya remains dysfunctional, debilitated by ongoing insecurity and divisions between state institutions.

Since 2011, courts have periodically closed for extended periods and judicial proceedings have stalled, while militias and armed groups have targeted prosecutors, lawyers and judges through arbitrary arrest, abductions, threats and assassinations.¹²⁵ For example, on 26 June 2023, armed men abducted Farouq Alsadig Abdulsalam Ben Saeed, a military prosecutor. He remains subjected to enforced disappearance, amid credible reports that he is being held by the Deterrence Apparatus for Combating Terrorism and Organized Crime (DACTO), also known as Al-Radaa, a powerful Tripoli-based militia under the command of Abdel Raouf Kara and nominally operating under the oversight of the Presidential Council of the GNU.¹²⁶

Decisions by judicial authorities, including arrest warrants and summons, are regularly not enforced due to the absence of security bodies able to confront powerful militias and armed groups, and the authorities continue to rely on militias with abusive human rights records to provide law enforcement. In a media interview aired on 19 October 2021, Public Prosecutor Sadiq al-Sour acknowledged challenges in implementing arrest warrants and noted that some areas, including in western Libya, remained out of the reach of the police and other security forces.¹²⁷

Such concerns are compounded in LAAF-controlled areas, where criminal cases of a political nature and/or those related to the armed conflict fall under the jurisdiction of the military justice system, which lacks independence and impartiality. Indeed, Amnesty International has documented the convictions of hundreds of civilians in unfair trials by military courts and their sentencing to long prison terms or death for their real or perceived opposition to and criticism of the LAAF and affiliated armed groups.¹²⁸

¹²⁴ Alwasat, "القيادة العامة تطالب بتحقيق أممي في 'المقابر الجماعية' بترهونة والألغام في جنوب طرابلس" ["The General Command calls for a UN investigation into the 'mass graves' in Tarhouna and the mines in southern Tripoli"], 14 June 2020, <http://alwasat.ly/news/libya/286143> (in Arabic).

¹²⁵ International Commission of Jurists (ICJ), *Libya: Addressing accountability for serious crimes and reform of the criminal justice system are key to peace, stability and justice*, 31 July 2019, www.icj.org/libya-addressing-accountability-for-serious-crimes-and-reform-of-the-criminal-justice-system-are-key-to-peace-stability-and-justice-icj-new-report/

¹²⁶ Amnesty International, "Libya: Military prosecutor forcibly disappeared: Farouq Alsadig Abdulsalam Ben Saeed (Index: MDE 19/7039/2023)", 24 July 2023, <https://www.amnesty.org/en/documents/mde19/7039/2023/en/>

¹²⁷ Ahrar TV, Facebook post: "مداخلة السيد الصديق الصور بخصوص جرائم الكائي بترهونة (فيديو)" ["Sadiq al-Sour intervention on crimes committed by al-Kaniat in Tarhouna"] (video), 19 October 2021, <https://www.facebook.com/watch/?v=571156150816204> (in Arabic).

¹²⁸ Amnesty International, "Libya: Military courts sentence hundreds of civilians in Sham, torture-tainted trials", 26 April 2021, <https://www.amnesty.org/en/latest/press-release/2021/04/libya-military-courts-sentence-hundreds-of-civilians-in-sham-torture-tainted-trials/>

Since 2011, Libya has been blighted by the widespread arbitrary detention or other unlawful deprivation of liberty of thousands of individuals on the basis of their regional, tribal, political or other affiliations, by a plethora of militias and armed groups, some of which were later integrated into state institutions. Thousands remain held in facilities nominally controlled by state institutions, such as the Judicial Police of the Ministry of Justice, but are in fact directly controlled by militias, amid concerns that the majority have been held for years without charge or trial, or denied their right to challenge the lawfulness of their detention before a court. According to the GNU Ministry of Justice, as of October 2023, over 18,000 people were held in 31 prisons nationwide, two-thirds of them without trial.¹²⁹

Amnesty International and other organizations have consistently documented torture and other ill-treatment in prisons and other detention facilities across Libya, including for the purposes of extracting “confessions”, punishment and humiliation. Libyan laws passed in the aftermath of the 2011 armed conflict, including Law 38 of 2012 on Some Procedures Concerning the Transitional Period, facilitate the commission of torture and other ill-treatment by giving legal weight to interrogation reports and other information collected by militias, and legitimizing their actions of seizing, detaining and interrogating detainees outside the protection of the law.¹³⁰

Investigations and prosecutions in connection to crimes committed by al-Kaniat have been further muddled by the lack of clarity over jurisdiction, with both the Tripoli-based Office of the Public Prosecutor and military prosecution as well as the military prosecution in eastern Libya involved in criminal investigations and issuing separate arrest warrants for individuals suspected of involvement in the Tarhouna abductions and unlawful killings.

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.¹³¹ The involvement of militias and armed groups, themselves with well-documented records of committing widespread crimes under international law, in the interrogation, evidence collection, arrest and detention of suspects accused of committing crimes in Tarhouna further undermines the integrity of investigations and criminal prosecutions, and risks perverting the course of justice.

The few trials that have taken place in relation to crimes committed by al-Kaniat since their withdrawal from Tarhouna in June 2020, which resulted in convictions, imprisonment and death sentences, have been marred by allegations of torture and other ill-treatment, and concerns over the violations of fair trial rights, including the rights to presumption of innocence, to not self-incriminate, and to a public trial in front of an independent, impartial and competent tribunal.

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution. The death penalty is a violation of the right to life as proclaimed in the Universal Declaration of Human Rights. It is the ultimate cruel, inhuman and degrading punishment. Under international law, the imposition of the death penalty following an unfair trial violates the right to life and the prohibition of cruel, inhuman or degrading treatment or punishment. In view of the irreversible nature of the death penalty, international law requires that the proceedings in capital cases must scrupulously observe all relevant international standards protecting the right to a fair trial, no matter how heinous the crime.¹³²

Families of victims voiced their frustration to Amnesty International researchers about delays in identification of bodies; the absence of concrete and detailed information about the progress of criminal investigations; and the failure of the authorities to provide them with regular updates on steps taken and challenges faced in the course of investigations.¹³³ Relatives also expressed their frustration at being shuffled between multiple jurisdictions and the lack of clarity on the division of roles and responsibilities between the Office of the

¹²⁹ Ministry of Justice, “Main communications room of the Judicial Police Service, daily attendance of inmates in correctional and rehabilitation institutions of the Judicial Police Service for Tuesday 17 October 2023”. Document on file with Amnesty International /

¹³⁰ Amnesty International, *Libya: Rule of law or rule of militias?*, 5 July 2012, (Index: MDE 19/012/2012),

<https://www.amnesty.org/en/documents/mde19/012/2012/en/>; UNSMIL and OHCHR, *Abuse behind bars: Arbitrary and unlawful detention in Libya*, April 2018, https://www.ohchr.org/sites/default/files/Documents/Countries/LY/AbuseBehindBarsArbitraryUnlawful_EN.pdf

¹³¹ The Dakar Declaration on the right to a fair trial in Africa, section 3; *Wetsh'okonda Koso and Others v Democratic Republic of the Congo* (281/2003), African Commission, 26th Annual Report (2008), section 84

¹³² Amnesty International, *Fair trial manual – Second edition* (Index: POL 30/002/2014), 9 April 2014, <https://www.amnesty.org/en/documents/pol30/002/2014/en/>

¹³³ See Alwasat, “تحقيقات النيابة العامة وثقت انتهاكات جسيمة في ترهونة” [“Sadiq al-Sour: Public Prosecution investigations documented grave violations in Tarhouna”] (previously cited); LANA, “النياب العام يقوم بزيارة لبلدية ترهونة” [“The Public Prosecutor visited Tarhouna”], 29 March 2022, <https://ana.gov.ly/post.php?lang=ar&id=238117> (in Arabic).

Public Prosecutor and the military prosecution, and concerns over the limited scope of criminal investigations and prosecutions.

On the other hand, families of victims including the TVA welcomed the announcement by the ICC in October 2024 in relation to the issuing of warrants of arrest against six leaders and senior members of al-Kaniat and their affiliates, and called for the prompt arrest and handover of suspects to the ICC.¹³⁴

6.1 DELAYS IN THE RECOVERY AND IDENTIFICATION PROCESSES

The process of exhuming and identifying the human remains discovered in mass and individual graves as well as in the Tarhouna hospital morgue since June 2020 has been marred by the involvement of actors not specialized in handling human remains, poor coordination between relevant institutions, conflicting jurisdictions, and delays.

Immediately following the capture of Tarhouna by GNA forces on 5 June 2020, the then GNA Minister of Justice announced the establishment of a committee under the supervision of the Office of the Public Prosecutor, Sadiq al-Sour, comprising representatives from the Judicial Expertise and Research Centre of the Ministry of Justice, the Emergency Medicine and Support Centre of the Ministry of Health, the Criminal Investigations Department of the Ministry of Interior, and GASIMP to exhume the remains of victims and determine the causes of death.¹³⁵

Amnesty International learned that prior to the arrival of forensic experts at the grave sites, excavations had begun and remains were mishandled, including through the use of bulldozers. For instance, video footage taken on 20 June 2020 examined by Amnesty International shows Libyan Red Crescent paramedics and other people in civilian dress excavating human remains.¹³⁶

In the first weeks and months following the recapture of Tarhouna, GNA forces and locals separated the human remains found in single or multiple graves from their belongings and displayed the latter in a public space in Tarhouna. Relatives of those disappeared and feared dead attended to identify their loved ones, generally on the basis of their clothes, jewellery and other personal possessions. Once identified on this basis, relatives were able to collect the remains, receive death certificates, and carry out funeral rites without DNA testing. In a meeting with Amnesty International on 15 February 2022, Dr Kamal Abu Bakr Al-Siwi, head of the GASIMP, said that during these initial weeks, at least two families received bodies of victims not related to them, which was only discovered following DNA testing. The public display was discontinued after a few weeks.¹³⁷

In addition, it appears that recovered bodies were sent to multiple locations, some of which, according to Dr Kamal Abu Bakr Al-Siwi, did not have the necessary financial, human and technical resources to conduct DNA testing at the required scale. He said that the Libyan Red Crescent transported some of the 106 bodies recovered from the Tarhouna morgue to Misratah and Tripoli morgues.

Dr Kamal Abu Bakr Al-Siwi also noted that the Office of the Public Prosecutor did not mandate GASIMP to identify the bodies found in the Tarhouna hospital morgue in June 2020 through the collection of DNA samples until February 2022, further complicating the process.¹³⁸

According to individuals directly involved in the process of recovering and identifying the remains of victims, in some instances no proper coordination took place between the various actors involved. Instead, the bodies duplicated efforts, specifically regarding forensic evidence collection and preservation.

¹³⁴The New Arab, "جرائم مقابر ترهونة في ليبيا... خطوات دولية للعدالة" ["Tahouna mass graves crimes... International steps towards justice"], 16 October 2024, <https://www.alaraby.co.uk/society/ليبيا-خطوات-دولية-للعدالة> (in Arabic).

¹³⁵ Minister of Justice at the GNA, Decision 411 of 2020.

¹³⁶ Video footage is on file with Amnesty International.

¹³⁷ Interviews on 12 February and 13 February 2022, Tarhouna and Tripoli.

¹³⁸ Interview in person, 15 February, Tripoli.

By August 2024, according to GASIMP, 237 victims had been identified out of 343 bodies recovered in more than 100 individual or mass graves in 20 locations¹³⁹ around Tarhouna. Dr Kamal Abu Bakr Al-Siwi told Amnesty International that the remaining recovered bodies were unidentified as their DNA did not match any samples from families of the missing on file in GASIMP's laboratories. He believes that these bodies belong to fighters whose relatives did not submit DNA samples.

The TVA provided different statistics. According to its records, as of August 2024, 219 victims were identified out of 285 bodies recovered in various locations around Tarhouna. The remaining 66 bodies recovered from mass graves had not been identified by the Judicial Expertise and Research Centre of the Ministry of Justice, according to information provided to the TVA.¹⁴⁰ The executive director of the TVA said the discrepancy could be due to double counting and the inclusion of victims recovered from graves in southern Tripoli by GASIMP. He also acknowledged the TVA's count excluded some victims of unlawful killings in Tarhouna who were buried in public cemeteries and whose exhumation was authorized by the Office of the Public Prosecutor.

Abdelmonim Hsen Alhamel, executive director of the TVA,¹⁴¹ expressed the grief and frustration of families of missing persons who have been waiting for answers for over four years following the withdrawal of al-Kaniat from Tarhouna. According to the TVA's records, families of 68 individuals seized by al-Kaniat have no information about their fate, whereabouts or location of their remains.

Abdelmoneim Hsen Alhamel also raised concerns about delays in the identification of uncovered bodies. He noted that in some cases, families were only given confirmation of the death of their loved ones three years after they submitted their samples to GASIMP, and nearly three years after the remains were found in mass graves.

For instance, on 15 May 2024, GASIMP announced the identification of the body of Hamza Muhammad Saqr Salem, the former prosecutor of the city of Tarhouna, who was seized by al-Kaniat from his workplace on 5 December 2017.¹⁴² His body was found in a mass grave at the Al-Qabbaniyah, Al-Abd Road site on 10 November 2021, according to the database of the TVA. During the funeral,¹⁴³ his brother Yahya Muhammad Saqr Salem criticized the delays in identifying the remains:

"Every day, we die a thousand times. A word of truth caused the death of my brother... My brother's body has been in forensic morgues since 2021, and my family has given DNA samples to [GASIMP] since it was established. This procrastination and failure are unacceptable."

An informed source told Amnesty International, on condition of anonymity, that the exhumation of human remains from the mass grave in Al-Qabbaniyah, Al-Abd Road, where Hamza Muhammad Saqr Salem was found buried together with 11 other victims, started in November 2021 after the rain exposed human remains. Results of DNA tests eventually revealed that all those buried at that site had been abducted by al-Kaniat in 2017 and 2018 when they were allied to the GNA.

Some families of those who remain missing believe that authorities should continue with the search and recovery of further individual and mass graves, a process halted following competition and growing tensions between militias.

¹³⁹ According to GASIMP and the Tarhouna Victims Association these mass grave sites include : Harouda Farm" (Mashru'at al-Rabt), Agricultural Project" (Kilometre 5), "Rubbish dump/Landfill" (Makab al-Kemam al-Ama), "Al-Qabbaniyah, Al-Abd Road", "Salem Bin Ali Road", "District No. 4", "General Administration of Central Support" (al-Da'am al-Markazi), Sidi al-Sid Alkam. (Tawil al-Souk, Tarhouna Hospital (al-Weef), the River Road (al-Baten), Souk Aljoumaa (AlSakiya), Al Abdali Road, Gheniwa Fuel Station, Al-Ataya Cemetery, al-Dawoon Cemetery, and Al-Awamer Cemetery.

¹⁴⁰ Interview in person, 8 August 2024, Tunis.

¹⁴¹ Interview in person, 28 May 2024, Tunis.

¹⁴² GASIMP, Facebook post: "التعرف على حالة جديدة مجهولة الهوية عن طريق الحمض النووي" ["Identification of a new case through DNA"], 15 May 2024,

https://www.facebook.com/permalink.php?story_fbid=pfbid0hZdytNyu3EAPU1UR81BTvasVrbXWFbdt8SJy8BkoSfVHrVffGnddQaMTowsQmRd2l&id=100063680854390 (in Arabic).

¹⁴³ Tarhouna victims association, Facebook video post: "كلمة يحيى صفر شقيق الفقيد حمزة وكيل النيابة الذي غدرت به مليشيا الكاني، brother of the deceased Hamza, the prosecutor who was betrayed by the Al-Kani militia", 19 May 2024, <https://www.facebook.com/Dahaiatarhouna/videos/3547233065584072> (in Arabic).

According to local residents, and videos of grave exhumations posted on social media, three militias – DACTO,¹⁴⁴ the Tripoli-based Stability Support Apparatus (SSA),¹⁴⁵ and Misratah's Counter Terrorism Force (CTF)-Tarhouna branch¹⁴⁶ – were involved in law enforcement related to the grave exhumation, a task formally under the mandate of the Criminal Investigations Department at the Ministry of Interior.

According to a well-informed source, who spoke on condition of anonymity, the competition between militias over the control Tarhouna, which has periodically spilled into armed clashes, has affected the search for and identification of the missing persons. Since April 2023, minor clashes have been reported between the 444 Brigade and the CTF in Tarhouna.¹⁴⁷ In August 2023, armed clashes between the 444 Brigade and DACTO in Tripoli, which left 55 people dead and over 100 injured,¹⁴⁸ spilled over to Tarhouna.¹⁴⁹ Since then, the exhumations in Tarhouna have halted. Local residents explained that this was a result of the decision of 444 Brigade to prevent the entry of DACTO into Tarhouna and surrounding areas under their control, noting that DACTO has information on the location of mass and individual graves, which they obtained during interrogations of suspects held in DACTO-controlled Mitiga prison.¹⁵⁰

Dr Kamal Abu Bakr Al-Siwi told Amnesty International in August 2024 that the last exhumation of bodies took place in July 2023.¹⁵¹

6.2 FLAWED INVESTIGATIONS BY THE OFFICE OF THE PUBLIC PROSECUTOR

Since the capture of Tarhouna by GNA forces in June 2020, the Office of the Public Prosecutor has announced investigations into the “mass graves” uncovered in Tarhouna and taken steps to apprehend and prosecute suspected perpetrators, with at least two concluded trials by civilian courts in relation to crimes committed in Tarhouna. However, concerns remain that its investigations fall far short of international standards as set out in the Minnesota Protocol on the Investigation of Potentially Unlawful Death (hereafter the Minnesota Protocol) for prompt, independent, impartial, transparent and effective investigations. The investigations have also been limited to al-Kaniat commanders and fighters, and have not involved examining the role, complicity and command responsibility of officials and militia leaders in western Libya, some still in positions of power, including how their actions or omissions facilitated the commission of crimes by al-Kaniat.

The Office of the Public Prosecutor received allegations of criminal activity by al-Kaniat as early as 2012, but Amnesty International is not aware of any steps taken to investigate these allegations before the fall of al-Kaniat in 2020.

Tarhouna residents said prosecutors in Tarhouna and Tripoli took no or severely delayed action after they lodged complaints against al-Kaniat between 2012 and June 2020. For instance, Radwan al-Habashi, son of Bou Ajila al-Habashi who was abducted in 2012, told Amnesty International that the family lodged several

¹⁴⁴ Alwasat News, “اكتشاف مقبرتين جماعيتين في ترهونة” [“The discovery of two new mass graves in Tarhouna”], 13 March 2023, <https://alwasat.ly/news/libya/392070> (in Arabic).

¹⁴⁵ Stability Support Apparatus, “العثور على جثمان أحد ضحايا عصابات الكاني في ترهونة” [“The body of one of the victims of the al-Kani gangs was found in Tarhouna”], 8 December 2022, <https://vo.la/bXZVfC> (in Arabic).

¹⁴⁶ Media Center of the Counter Terrorism Force (CTF), Facebook Post: “قوة مكافحة الإرهاب وبالتعاون مع الهيئة العامة للبحث والتعرف عن CTF، بالتعاون مع الهيئة العامة للبحث والتعرف عن CTF، في مدينة ترهونة” [“CTF, in cooperation with the General Authority for Search and Identification of Missing Persons, found a new cemetery in Tarhouna”], 8 September 2020, <https://www.facebook.com/share/p/15QSme6pj6/> (in Arabic); and CTF, Facebook Post: “أكثر من 70 جثة متحللة تركتها ميليشيات تنظيم الكرامة الإرهابي (فيديو)” [“More than 70 decomposed bodies left by the terrorist Al-Karama militias” (video)], 5 June 2020, <https://www.facebook.com/mokafahaterhad1001/videos/1124248537955271> (in Arabic).

¹⁴⁷ Karim Jaballah, X post: “اشتباكات بين مكافحة الارهاب و اللواء 444 في مدينة ترهونة” [“Clashes between counter-terrorism and the 444 Brigade in the city of Tarhouna”], 18 April 2023, <https://twitter.com/Karim62882665/status/1648122718242447361> (in Arabic).

¹⁴⁸ UN News, “Libya: Fierce clashes in Tripoli highlight ‘precarious’ situation”, 22 August 2023, <https://news.un.org/en/story/2023/08/1139967>

¹⁴⁹ Wadi Al Dinar, X post: “اقتحام قوة تابعة للواء 444 قتال لمقر جهاز الردع بمنطقة الداوون في ترهونة” [“A force belonging to the 444 Combat Brigade stormed the headquarters of the Deterrence Force in the al-Dawoon area in Tarhouna”], 15 August 2023, https://twitter.com/wady_dynar/status/1691203108242612224 (in Arabic).

¹⁵⁰ See sections 6.2 and 6.3 of this report on concerns over the use of torture and other ill-treatment, and the publication of “confessions” extracted under torture.

¹⁵¹ Interview in person, 8 August 2024, Tunis.

complaints from 2012 onwards. These were ignored until the Office of the Public Prosecutor registered the complaints formally and started investigations in May 2024.¹⁵²

Another Tarhouna resident, whose four male relatives were abducted by al-Kaniat and killed between 2015 and 2017, told Amnesty International that prosecutors refused to register his complaints. He also recounted the refusal of administrators at al-Dawoon hospital, east of Tarhouna,¹⁵³ to hand over the bodies of two loved ones killed in 2015 until relatives signed documents attesting that the causes of death were natural. He added that in 2017, administrators at Tarhouna hospital also conditioned the release of the bodies of two other relatives for burial on the family agreeing to sign a similar document.

Amnesty International examined photos of two of the deceased. One shows a hooded man with a gunshot wound to his head and with his hands tied behind his back. The other shows a bloody injury to the deceased's chest, which the family claimed is from a gunshot wound.¹⁵⁴ Relatives told Amnesty International that they approached al-Dawoon prosecution multiple times between 2015 and 2017, but each time prosecutors said they were powerless to intervene and refused to formally register their complaint or provide them with any documentary evidence of a complaint being filed. When two additional family members were killed in Tarhouna after they were abducted by al-Kaniat affiliated fighters in 2017, the family did not approach the prosecution out of fear of reprisals and their belief that the prosecution would not pursue the case.

Tarhouna residents told Amnesty International that in those rare cases where individual prosecutors sought to investigate allegations of al-Kaniat's involvement in crimes while they were still in power, they were subjected to revenge attacks, entrenching the climate of impunity.¹⁵⁵ According to a report released by the FFM in March 2022, one of the prosecutors¹⁵⁶ who had been investigating al-Kaniat's crimes in Tarhouna was abducted and at the time his whereabouts and fate remained unknown. The report noted: "The Mission investigated the 2017 abduction of a local prosecutor in Tarhouna who had reportedly been trying to constitute a file against associates of the Al-Kaniyat family. The victim remains missing at the time of submission of the present report. Local authorities only opened an investigation into this incident in 2019... with little progress to date."¹⁵⁷

The prosecutor was finally confirmed dead on 15 May 2024 following DNA testing of human remains recovered in a mass grave in Tarhouna in November 2021.¹⁵⁸

Given the well-founded fears of families about lodging complaints in Tarhouna, where security and judicial bodies were dominated by al-Kaniat until their fall from power in June 2020, some relatives approached the Office of the Public Prosecutor in Tripoli.

According to a Tarhouna resident interviewed by Amnesty International, after his son's death following his abduction by al-Kaniat-affiliated men in 2015, he lodged a complaint at the Office of the Public Prosecutor in Tripoli, but he was not aware of any steps taken since.¹⁵⁹

Another family said they lodged complaints in Tripoli with the Office of the Public Prosecutor, the Ministry of Interior and DACTO (Al-Radaa), a Tripoli-based militia that nominally answers to the Presidential Council, after four relatives were shot dead on 21 January 2016 when al-Kaniat forces raided their Tarhouna home, during which eight other men from the family were abducted. The family reported that, the following day, they found the bodies of the eight men in the Tarhouna hospital morgue.¹⁶⁰

Similar concerns about the Office of the Public Prosecutor failing to investigate the disappearance and subsequent killing of their loved one were raised by the Naaji family.¹⁶¹ They said that one member of their family was arrested in Tripoli in 2013, based on an order by the Office of the Public Prosecutor, on suspicion of involvement in the killing of Ali al-Kani,¹⁶² and that he was subsequently transferred in late 2013 to

¹⁵² Interview in person, 11 June 2024, Tunis.

¹⁵³ Al-Dawoon is part of Tarhouna province.

¹⁵⁴ Interviews in person, 11 February 2022, Tarhouna.

¹⁵⁵ Interviews in person with Tarhouna residents, 11 and 12 February 2022, Tarhouna and Tripoli.

¹⁵⁶ The fate of Hamza Muhammad Saqr Salem, the former prosecutor of the city, was announced on 15 May 2024. See section 6.1.

¹⁵⁷ FFM, *Report of the Independent Fact-Finding Mission on Libya*, 23 March 2022, UN Doc. A/HRC/49/4, <https://undocs.org/en/A/HRC/49/4>, para 67

¹⁵⁸ See section 6.1 for further details.

¹⁵⁹ Interview in person, 13 February 2022, Tripoli.

¹⁶⁰ Interview in person, 12 February 2022, Tarhouna.

¹⁶¹ Interview in person, 12 February, Tarhouna.

¹⁶² See Chapter 3 for background on the conflict.

Tarhouna.¹⁶³ The family added that his body was found dumped on a street in Tarhouna on 19 November 2013.¹⁶⁴ Another source with direct knowledge of the events corroborated this account. Although family members submitted a complaint to the Office of the Public Prosecutor regarding his death in November 2013, they are not aware of any steps taken to investigate or prosecute those responsible.

Investigations into crimes committed by al-Kaniat were only announced after their fall from power. On 14 June 2020, the Office of the Public Prosecutor issued a statement about its investigations into crimes committed by al-Kaniat and referred to domestic arrest warrants it had issued in November 2017 against the brothers Mohammed and Abdelazim al-Kani as well as 12 accomplices, none of them affiliated to the GNA or powerful armed groups or militias still in power, and additional domestic arrest warrants issued in 2019 against Mohammed and Abdelazim al-Kani and five others. In the same statement, the Public Prosecutor noted having sought international arrest warrants against the brothers Mohammed, Abdelazim and Abdelrahim al-Kani, without specifying the date.¹⁶⁵ In November 2017, al-Kaniat were nominally aligned to the GNA and operating under its Ministry of Defence, but Amnesty International is not aware of any efforts made to enforce these arrest warrants. The statement issued on 14 June 2020 was the first time the Office of the Public Prosecutor revealed any information to survivors, relatives of those killed and others affected as well as the general public about its investigations into crimes committed in Tarhouna.

The Office of the Public Prosecutor also announced in June 2020 that it had allocated forensic specialists to assist its team of prosecutors in investigations, and mandated the GASIMP to identify bodies discovered in single or mass graves in Tarhouna through the collection of DNA samples. According to the statement, local authorities had been instructed to direct those affected by the alleged crimes as well as other witnesses to relevant offices of the public prosecution to hear their testimonies. It noted that prosecutors had gathered testimonies from witnesses and families; identified mass graves, including through satellite imagery; and maintained contact with UNSMIL and the ICC about the progress of investigations. The Office of the Public Prosecutor stated that the secrecy of investigations, in part due to witness protection, had precluded it from revealing information about the investigation until that point, noting the continuous relevance of such concerns.¹⁶⁶

The Office of the Public Prosecutor did not share any information on the progress or findings of its investigations publicly or with those directly affected, until November 2021 when, in a statement to the press, Sadiq al-Sour, the Public Prosecutor, reiterated that arrest warrants had been issued against 14 individuals affiliated with al-Kaniat on 13 November 2017, along with general descriptions of steps taken by the Office of the Public Prosecutor to investigate the mass graves.¹⁶⁷

The next public update on the progress and findings of investigations was provided in a report of the Office of the Public Prosecutor issued on 17 August 2022, noting that the Tarhouna judicial investigations' committee¹⁶⁸ had opened 280 investigations into crimes committed by al-Kaniat and that 10 cases had been referred to court. The report specified that arrest warrants had been issued against 76 people for their involvement in crimes in Tarhouna, including murder, torture, abduction, enforced disappearance and armed robbery. According to the report, 20 individuals were held in pretrial detention, in unspecified locations, while the remainder were at large, including in Egypt, Saudi Arabia and Tunisia.¹⁶⁹

On 3 January 2024, the Public Prosecutor announced that his office had received 521 reports of criminal acts committed in Tarhouna, 194 of which had been referred to the courts, while 327 cases remained under investigation. Of the 194 cases, 165 cases, which involved felonies, had been referred to criminal courts, while 12 cases involving misdemeanours had been referred to district courts. Seventeen cases were

¹⁶³ Interview in person, 12 February 2022, Tarhouna.

¹⁶⁴ Interview in person, 12 February 2022, Tarhouna.

¹⁶⁵ Ean Libya, " مكتب النائب العام.. تحقيقات محلية ودولية حول جرائم 'الكانيات' " ["Office on the Public Prosecutor: National and international investigations into 'al-Kaniat' crimes"], 14 June 2020, <https://amn.st/6006913WY> (in Arabic).

¹⁶⁶ Ean Libya, " مكتب النائب العام.. تحقيقات محلية ودولية حول جرائم 'الكانيات' " ["Office of the Public Prosecutor: National and international investigations into 'al-Kaniat' crimes"], (previously cited).

¹⁶⁷ Alwasat, "الصادق الصور: تحقيقات النيابة العامة وثقت انتهاكات جسيمة في ترهونة" ["Sadiq al-Sour: Public Prosecution investigations documented grave violations in Tarhouna"] (previously cited).

¹⁶⁸ Under Public Prosecutor's Resolution No. 201 of 2021, a judicial committee was established consisting of members of the Public Prosecutor's Office with a mandate to investigate crimes committed by al-Kaniat in Tarhouna and neighbouring towns, ensure the documentation of human rights violations in Tarhouna, preserve evidence extracted from mass graves, identify and collect such evidence, following international standards and practices, and conduct investigations to uncover the truth and prevent impunity. The committee opened an office in Tripoli inviting victims and witnesses to submit reports, complaints and testimonies. Office of the Public Prosecutor, Resolution No. 201 of 2021 on the Establishment of a Judicial Committee to investigate crimes committed by al-Kaniat in Tarhouna., [https://drive.google.com/file/d/1Hr9cpl-x3big7nnTi45SoJGxTscfubzi/view?usp=drive_link] on [08 November 2024],

¹⁶⁹ Office of the Public Prosecutor, Facebook post: "التحقيقات المتعلقة بالانتهاكات الجسيمة المرتكبة من جماعة إجرامية منظمة" ["Investigations into serious violations committed by an organized criminal group"], 17 August 2022, <https://shorturl.at/Wlv36> (in Arabic).

eventually dismissed without charge.¹⁷⁰ The Public Prosecutor said that of the 400 individuals against whom arrest warrants were issued, 51 were held in pretrial detention, without specifying their names or places of detention. He added that Interpol had issued nine red notices to bring in suspects who had fled Libya, including to Tunisia, Egypt, the United Arab Emirates and Saudi Arabia. The Office of the Public Prosecutor also requested that Egypt extradite six defendants.¹⁷¹ At the time of writing, no extradition of any individuals suspected of responsibility for crimes in Tarhouna during al-Kaniat's rule over the city has been announced.

On 6 June 2024, the Office of the Public Prosecutor announced the conviction of and death sentence against an unnamed member of an armed group for involvement in crimes against Tarhouna residents and complicity in the murder of Milad Faraj Abu Kleesh.¹⁷² No further information was publicly disclosed. The death penalty is the ultimate cruel, inhuman and degrading punishment. Amnesty International opposes the death penalty in all cases without exception – regardless of who is accused, the nature or circumstances of the crime, guilt or innocence or method of execution.

Amnesty International is aware of another conviction by a civilian court in relation to crimes committed in Tarhouna during al-Kaniat's rule. On 4 June 2024, the TVA announced that al-Khoms Court of Appeal in Tarhouna criminal district had convicted three individuals – Salaheddin Abdul Khaliq Abdullah Akish, Alamin Muhammad Abdullah al-Rishi and Abdullah Muftah Saeed al-Tawati – for their involvement in crimes in Tarhouna. Salaheddin Abdul Khaliq Abdullah Akish and Alamin Muhammad Abdullah al-Rishi were sentenced to 13 years and three months' imprisonment with hard labour. Abdullah Muftah Saeed al-Tawati was sentenced to five years in prison.¹⁷³ No further information was made publicly available.

Prosecutions and trials of those suspected of involvement in crimes in Tarhouna have been marred by concerns over the use of torture and other ill-treatment to extract “confessions”, and violations of fair trial rights, including the rights to presumption of innocence, not to self-incriminate and to an adequate defence. Videos published online by several militias in western Libya and armed groups in eastern Libya show individuals under apparent duress giving forced “confessions” on crimes they committed while members of al-Kaniat.

On 19 February 2024, SSA militia published a video¹⁷⁴ showing an individual named as Firas Ali Daou al-Maqri “confessing” to his membership of al-Kaniat and involvement in abductions and murders, which he claims in the video were committed on the orders of Abdelrahim al-Kani. The voiceover in the video, which is set to dramatic music, specified that the SSA had arrested Firas Ali Daou al-Maqri in the area of Bir al-Ganem, on the outskirts of Tripoli, after monitoring his movements. On 20 July 2024, the Office of the Public Prosecutor announced that following interrogation, a member of al-Kaniat, identified by his initials (F.AI), in likely reference to Firas Ali Daou al-Maqri according to information available to Amnesty International, “confessed” to murdering 22 individuals in Tarhouna and was being held in pretrial detention pending investigation. Firas Ali Daou al-Maqri was among those convicted and sentenced to death in his absence in February 2023 by a military court, revealing concerns over overlapping investigations and jurisdictions as well as trials of individuals suspected of committing crimes under international law and human rights violations.¹⁷⁵

Relatives and other informed sources raised concerns with Amnesty International that the Office of the Public Prosecutor focused its investigations on alleged crimes by al-Kaniat committed after April 2019, when the group shifted its allegiance from the GNA to the LAAF. Three families, who each lodged complaints about the abduction and killing of their relatives by al-Kaniat, told Amnesty International that prosecutors' questions focused on the cases of their relatives who had disappeared and were killed after April 2019.

In a case documented by Amnesty International, Youssef Mohammed Faraj al-Showeb, a member of the Naaji family, told Amnesty International that when he approached the Tarhouna prosecution after the fall of al-Kaniat in June 2020 to report the killing of his son and four brothers between 2013 and 2015,

¹⁷⁰ The New Arab, “ليبيا: 'وتيرة ممتازة' لتحقيقات مقابر ترهونة”, 21 January 2024, <https://amn.st/6007913UN> (in Arabic).

¹⁷¹ LANA, “النائب العام يكشف عن عدد من البلاغات والفضايا في المقابر الجماعية وسدي درنة ومنظومة الرقم الوطني”, 6 June 2024, <https://lana.gov.ly/post.php?lang=ar&id=298934> (in Arabic).

¹⁷² Public Prosecutor Office State of Libya, Facebook post: “محكمة جنایات طرابلس تصدر حكماً يقضي بإعدام”, 6 June 2024, https://www.facebook.com/story.php?story_fbid=925157119412423&id=100057544296070 (in Arabic).

¹⁷³ TVA, Facebook post, “محكمة استئناف الخمس”, 5 June 2024, <https://www.facebook.com/share/p/17uncU5D8g/> (in Arabic).

¹⁷⁴ Stability Support Authority, Facebook post, “جهاز دعم الاستقرار يقبض على فراس علي ضو (فيديو)”, 19 February 2024, <https://www.facebook.com/share/v/gESr8sovLhAWV2ZR/?mibextid=KsPBc6> (in Arabic).

¹⁷⁵ See section 6.3.

prosecutors did not question him at length or ask him to sign a witness statement, raising his suspicions about their lack of intent to pursue the case. He had told prosecutors about fleeing Tarhouna for Tripoli in 2013 after his brothers were killed by al-Kaniat. He also told them about the abduction of his 14-year-old son Abdelmohaimen from Madar Street in Tripoli, an area controlled by the Abu Salim Central Security Force militia, on 7 November 2015 after he had criticized al-Kaniat on his social media accounts. He described the subsequent recovery of his son's body at al-Sabea hospital in Tarhouna. Since then, he has not been contacted or given any information by prosecutors about the progress and findings of investigations.¹⁷⁶

Another concern is the limited scope of the Office of the Prosecution's investigations. To date, no officials or commanders of armed groups or militias currently in power have been summoned for questioning by the Public Prosecution. This fails to meet the standards set by the Minnesota Protocol, which states: "The investigation must determine whether or not there was a breach of the right to life. Investigations must seek to identify not only direct perpetrators but also all others who were responsible for the death."¹⁷⁷

6.3 ROLE OF MILITARY PROSECUTIONS

In parallel to investigations announced by the Office of the Public Prosecutor, the Tripoli-based military prosecution has been investigating crimes committed by al-Kaniat. These have been marred by concerns about its lack of jurisdiction, independence, impartiality and transparency, including its abject failure to communicate with families of victims – let alone the public at large – about steps taken during investigations and their findings. Further, militias and armed groups have published "forced confessions" by suspects tried by military courts, contravening the rights to presumption of innocence, to not self-incriminate, and to be protected from torture and other ill-treatment.

The Tripoli-based military prosecution began its investigation into crimes committed by al-Kaniat following their fall from power. In October 2020, it issued an arrest warrant for 3,028 individuals, including fighters, civilians, policemen and "mercenaries" according to an official document obtained by Amnesty International from an informed source.¹⁷⁸ According to the warrant, the investigation by the military prosecution together with DACTO related to al-Kaniat's involvement in multiple killings, destruction of public and private property and participation in the LAAF offensive on Tripoli in April 2019.

In October 2021, Masoud Rahouma, the Tripoli-based military prosecutor, announced the establishment of several committees to investigate "crimes against humanity" in Tarhouna from 2013 until June 2020, but noted that security bodies lacked the capacity to implement arrest warrants issued by military prosecutors.¹⁷⁹ No information is available publicly on the number of those arrested on the basis of warrants issued by the Tripoli-based military prosecution.

According to publicly available information, two military trials in connection to crimes committed in Tarhouna by al-Kaniat have concluded by the time of writing. They involved detained defendants and suspects tried in their absence.

According to a verdict obtained by Amnesty International, on 27 February 2023, the Tripoli Permanent Military Court, Second Circuit, convicted 27 individuals, 24 of them in their absence, of several crimes, including "murder, enforced disappearance, arms trafficking, accessory to an offence, promoting or founding or organizing or funding or directing unlawful organizations and formations, concealment of bodies, assault, and violation of the inviolability of homes". They were sentenced to penalties ranging from three years to life imprisonment and the death penalty. Among those convicted were 16 members of al-Kaniat and 11 members the Judicial Police of Tarhouna.¹⁸⁰ Sixteen individuals were sentenced to death in their absence, including the brothers Abdelrahim and Abdelbari al-Kani; the head of Judicial Police Prison (al-Qada'iya) in Tarhouna Ismail Ammar Muftah Shroud (also known as Baydaq); the head of the General

¹⁷⁶ Interview in person, 11 February 2022, Tarhouna.

¹⁷⁷ The revised UN Manual on the effective prevention and investigation of extra-legal, arbitrary and summary executions (Minnesota Protocol)

¹⁷⁸ Document on file with Amnesty International

¹⁷⁹ February Channel, "المدعي العسكري: لا رحمة مع مرتكبي الجرائم في ترهونة وداعيتهم" ["Military Prosecutor: No mercy for perpetrators of crimes in Tarhouna and their supporters"], 17 October 2021, <https://februarychannel.com/news/view/1986> (in Arabic).

¹⁸⁰ Presidency of the General Staff, General Authority of Military Justice, Judgment Operative issued by the Tripoli Permanent Military Court, Second Circuit, 27 February 2023, <https://drive.google.com/file/d/1PzAxUZbNRyKAGryWtkS1Oof48TUzW9s4/view>

Administration of the Central Security Support-Tarhouna, Salem Al-Saket; al-Kaniat member Makhlof Makhlof Arhouma Douma; al-Kaniat member Firas Ali Daou al-Maqri; and the head of the Tarhouna Security Operations Room Wadih al-Safi. The court also sentenced three detained defendants – Salah al-Din Abdul Khaliq Abdullah Akish, Alamin Muhammad Abdullah al-Rishi and Abdullah Muftah Saeed al-Tawati – to three years in prison for assault.¹⁸¹ On 6 March 2024, the Supreme Military Court upheld in the verdict of the lower court in a decision obtained and reviewed by Amnesty International.

On 26 December 2021, a Tripoli military court convicted Misbah al-Sharif, who was connected to al-Kaniat forces, for being an accessory to the murder of five people in Tarhouna and sentenced him to six and a half years in prison,¹⁸² according to Libyan media and Abdelhakim Abunaama, the former TVA spokesperson.¹⁸³

On 19 October 2020, the Misratah military prosecution issued an arrest warrant for Hatem Amer Mohamed Abdelqadir, also known as Dando, who was the head of the Police Rescue Department in the Security Directorate of Tarhouna during al-Kaniat's rule over the city. On 13 February 2022, DACTO announced his arrest for complicity in crimes committed by al-Kaniat in a joint operation with the Misratah-based CTF.¹⁸⁴ In a video published by DACTO,¹⁸⁵ on 18 February 2022, a number of relatives of those unlawfully killed by al-Kaniat, including a child, are shown accusing Dando of unlawful killings, forced displacement and other crimes; describing the impact on their well-being; and calling for justice. Some are heard praising DACTO for its role in arresting Dando. Throughout the recording, which lasts some 12 minutes, Dando, who is seen standing in an office while handcuffed and escorted by two masked DACTO militiamen, remains silent. He is currently detained at Mitiga detention facility under the control of DACTO. According to information available to Amnesty International, he had not been referred to trial at the time of writing.

Five families whose loved ones were abducted and killed by al-Kaniat told Amnesty International that they engaged with the military prosecution, but received no information on the status of investigations.¹⁸⁶ One relative, who submitted complaints to both the military prosecution and Office of the Public Prosecutor, told Amnesty International that he was asked the same questions by both.¹⁸⁷ Another family member told Amnesty International that she refrained from lodging complaints with the military prosecution over concerns about its impartiality.¹⁸⁸

The Libyan News Agency announced that, on 19 July 2022, Public Prosecutor Sadiq al-Sour met the Military Attorney General Masoud Arhouma to discuss their respective jurisdictions and overlapping investigations into those responsible for serious violations against residents of Tarhouna, and cooperation.¹⁸⁹ Under international law and standards, the military judiciary must never try civilians and should not have jurisdiction over crimes under international law and human rights violations committed by military personnel or security officials.¹⁹⁰ The legal framework governing the jurisdiction of military courts in areas under the control of the Tripoli-based government remains ambiguous. Although Law No. 4 of 2017 passed by the House of Representatives amending the Military Penal Code had extended the jurisdiction of the military judiciary over civilians who are members of militias and those who committed "terrorist acts", Mohamed Lamoum, the then GNA Minister of Justice, claimed that Law No. 4 of 2017 was not in force and affirmed that only civilian courts have jurisdiction over civilians.¹⁹¹

¹⁸¹ These three men were convicted and sentenced to prison terms in connection to crimes committed in Tarhouna in a separate case by a civilian court. See section 6.2.

¹⁸² Abdelazim al-Asmar, Saleh al-Reshi, Gabr al-Asmar, Mabrouk al-Jelasi and Abdelbaset al-Naas.

¹⁸³ Libya Panorama Channel, "إدانة مصباح الشارف أحد المتورطين في المقابر الجماعية" ["Conviction of Misbah al-Sharif in Tarhouna mass graves"], 26 December 2021, <https://shorturl.at/Sk1Ow> (in Arabic).

¹⁸⁴ DACTO, Facebook post, "القبض على حاتم دندو" ["Arrest of Hatem Dando"], 13 February 2022, <https://www.facebook.com/share/p/1CdQ8C3thi/> (in Arabic).

¹⁸⁵ DACTO, Facebook post, "فيديو مؤثر لحظة لقاء بعض من ضحايا أهالي مدينة ترهونة" ["A touching video of the moment some of the victims of the people of Tarhouna met"], 18 February 2022, <https://www.facebook.com/share/v/RXAmnSN2ieibUGGn/?mibextid=KsPBc6> (in Arabic).

¹⁸⁶ Interviews in person, 12 and 13 February 2022, Tripoli and Tarhouna.

¹⁸⁷ Interview in person, 12 February 2022, Tarhouna.

¹⁸⁸ Interview in person, 12 February 2022, Tarhouna.

¹⁸⁹ Libyan News Agency, "النائب العام يبحث مع المدعي العام العسكري النتائج المترتبة عن التحقيقات المتعلقة بترهونة" ["The Public Prosecutor discusses with the Military Prosecutor the results of investigations in Tarhouna"], 19 July 2022, <https://lana.gov.ly/post.php?lang=ar&id=248931> (in Arabic).

¹⁹⁰ The Dakar Declaration on the Right to a Fair Trial in Africa, section 3; Updated Set of principles for the protection and promotion of human rights through action to combat impunity, Principle 29; *Wetsh'okonda Koso and Others v Democratic Republic of the Congo* (281/2003), African Commission, 26th Annual Report (2008), section 84.

¹⁹¹ Ean Libya, "وزير العدل: المدعي العسكري يستند على قانون لا وجود له لمسائلة المدنيين" ["Minister of Justice: The Military Prosecutor relies on a law not present to try civilians"], 8 November 2020, <https://amn.st/6001913xX> (in Arabic).

Amnesty International is also concerned about the involvement of DACTO in arresting and detaining suspects. Amnesty International has long documented abuses by DACTO, including torture and other ill-treatment of detainees to extract forced “confessions” and cruel and inhuman conditions of detention.¹⁹² Amnesty International is further concerned about the impunity enjoyed by DACTO for attacks against judicial officials and interference in proceedings. Amnesty International has obtained a leaked copy of what appears to be a letter signed by DACTO commander Abdel Raouf Kara.¹⁹³ This indicates that, on 23 December 2022, he addressed a letter to the Military Attorney General accusing 17 military prosecutors, among them Farouq Ben Saeed, who has been forcibly disappeared since June 2023 amid reports that he is being held by DACTO, of “manipulating” security cases. Some accusations relate to the alleged refusal by prosecutors to cooperate with DACTO. The letter also criticizes some prosecutors for reporting torture and other ill-treatment. The document states, in relation to a detainee held at Mitiga prison: “The military prosecutor assumed the role of a physician by claiming in his notes that he conducted a visual examination of the defendants and confirmed they had been subjected to beating and torture. He relied on his own superficial assessment, disregarding the official report provided by the qualified forensic medical expert”.¹⁹⁴

No information has been made available on investigations and arrest warrants issued by the military prosecution in LAAF-controlled territory. Mohamed al-Kani was shot dead in his Benghazi home by fighters with the Tariq Ben Zeyad armed group, in what they claimed was an exchange of fire on 27 July 2021 after he resisted arrest.¹⁹⁵ No investigation has been carried out into the circumstances of his death. In response, the TVA issued a statement denouncing the “assassination and extrajudicial execution” of Mohamed al-Kani without justice.¹⁹⁶ Questions have also been raised about the failure of de facto authorities in LAAF-controlled areas to hand him over to face justice until then.

Similarly to militias in western Libya, armed groups in eastern Libya have published videos of arrested alleged members of al-Kaniat “confessing” under apparent duress to crimes they committed during the group’s control of Tarhouna. For instance, a video published on 1 September 2021 by the Criminal Investigations Agency of the Ministry of Interior–al-Marj branch shows an official reporting the arrest of Ihab al-Hujail based on an order from the military prosecution, and accusing him of assassinating LAAF officials, “collective murder”, abductions and requests for ransom from residents of Tarhouna. Ihab al-Hujail is then shown on camera, with his face blurred, “confessing” to participating in the assassinations and naming others purportedly involved in the crimes.

On 10 December 2023, the 66th Infantry Brigade of the LAAF published two videos on its social media channels showing two men, Adel and Nouri Abdel Hafeez, referred to as al-Kaniat members, under apparent duress “confessing” to crimes committed in Tarhouna.

There is no publicly available information on the status of investigations and prosecutions against Ihab al-Hujail or Adel and Nouri Abdel Hafeez, amid well documented concerns over the LAAF and affiliated armed groups subjecting those in their custody to torture and other ill-treatment, and grossly unfair trials by military courts in eastern Libya.

6.4 INTERNATIONAL INVESTIGATIONS

As news about the discovery of mass graves in Tarhouna emerged in June 2020, the UN Secretary General, the EU and other members of the international community called for transparent and effective investigations.¹⁹⁷ Fayed al-Sarraj, Prime Minister of the GNA, and other Libyan officials also called on the ICC

¹⁹² Amnesty International, *Libya: Decree integrating Radaa Forces into a new security apparatus overlooks need for accountability* (Index: MDE 19/8629/2018), 21 June 2018, <https://www.amnesty.org/en/documents/mde19/8629/2018/en/>

¹⁹³ Leaked letter dated 23 December 2022 and signed by Abdul Raouf Ahmed Karah.

On file with Amnesty International.

¹⁹⁴ Amnesty International, “Libya: Military prosecutor forcibly disappeared”, (previously cited)

¹⁹⁵ AP News, “Officials: US-Sanctioned militia leader killed in East Libya”, 27 July 2021, <https://apnews.com/article/middle-east-africa-shootings-libya-13a98c8ccac6def7c4ebd381e7e32fbc>

¹⁹⁶ Aljazeera Mubashir, “ليبيا.. مقتل محمد الكاني” [“Libya.. Killing of Mohamed al-Kani”], 27 July 2021, <https://amn.st/600691314> (in Arabic).

¹⁹⁷ See, for example, United Nations, “UN Chief Calls for Libya Mass Grave Investigation”, 13 June 2020, <https://news.un.org/en/story/2020/06/1066272>; The New Humanitarian, “In the news: ‘Horror’ and ‘shock’ at Libya mass graves”, 15 June 2020, <https://www.thenewhumanitarian.org/news/2020/06/15/Libya-mass-graves>; Middle East Eye, “US expresses ‘horror’ after mass graves found in areas retaken from Hefar”, 12 June 2020, <https://www.middleeasteye.net/fr/node/174706>; European Union External Action Service, “Libya: Statement by the spokesperson on the discovery of mass graves around Tarhouna”, 16 June 2020, https://www.eeas.europa.eu/eeas/libya-statement-spokesperson-discovery-mass-graves-around-tarhouna_en

to open investigations.¹⁹⁸ Over four years later, in a crucial step towards justice, the ICC unsealed arrested warrants against six senior commanders and members of al-Kaniat for their alleged responsibility for the war crimes of murder, outrages upon personal dignity, cruel treatment and torture in Tarhouna.

On 15 February 2011, the UNSC referred the situation of Libya to the Prosecutor of the ICC.¹⁹⁹ In June 2020, then ICC Prosecutor Fatou Bensouda said that her office was investigating the mass graves found in Tarhouna.²⁰⁰ In his April 2022 report to the UN Security Council, the Prosecutor of the ICC, Karim Khan, referred to credible information on crimes committed in Tarhouna and to having sent a team to Tarhouna to investigate, but noted the need for further resources, including for evidence review, open-source investigations and forensic expertise with respect to the excavation of mass grave sites.²⁰¹

In a letter to the GNU dated July 2021, Mohamed al-Hafi, Head of the Libyan Judicial Council, urged the Libyan government to request that the ICC halt its investigations in Libya, on the basis that the Libyan judiciary has sole jurisdiction.²⁰² In response, the TVA publicly expressed its dismay at the call, citing failures by the Libyan judiciary to prosecute those responsible for crimes under international law, and renewed its calls for truth and justice.²⁰³

During his official visit to Libya in November 2022, Karim Khan briefed the UNSC on the acceleration of his office's investigative and cooperation activities in Libya, stating that the office was "in possession of video and audio material" in relation to a number of incidents, including crimes committed in Tarhouna in 2019 and 2020.²⁰⁴ During the visit, Karim Khan went to Tarhouna where he met survivors and families of victims, and visited sites of mass graves and former makeshift detention facilities.

On 11 May 2023, Karim Khan announced new arrest warrants for crimes in Libya, without specifying whether any were related to crimes committed in Tarhouna.²⁰⁵ He reported that the ICC judges had approved four confidential and sealed arrest warrants and were considering two additional arrest warrant applications. He filed an application "to unseal a previous arrest warrant"; and on 4 October 2024, the Pre-Trial Chamber of the ICC has granted his request.²⁰⁶ The unsealed warrants were issued against prominent commanders or members of al-Kaniat or their affiliates namely: one of the al-Kani brothers, Abdurahem Khalefa Abdurahem Al Shaqaqi known as Abdurahem al-Kani; Makhlof Makhlof Arhoumah Doumah; Abdelbari Ayyad Ramadan Al Shaqaqi; Fathi Faraj Mohamed Salim al-Zinkal; Nasser Muhammad Muftah Daou; and Mohamed Mohamed Al Salheen Salmi for their alleged responsibility for war crimes, including murder, outrages upon personal dignity, cruel treatment, torture, sexual violence, and rape. Abdelbari Ayyad Ramadan Al Shaqaqi is believed to be held in DACTO according to well-informed sources close to the investigations, while the five others are at large. While the TVA and other civil society organizations welcomed the ICC's announcement, no statements were made by the Office of the Public Prosecutor or other Libyan officials in response to the ICC's announcement at the time of writing.²⁰⁷

In a May 2024 report to the UNSC, the ICC Prosecutor announced his intention to accelerate over the next 18 months "investigative activities to support the application for additional arrest warrants before the ICC and deliver tangible action within national jurisdictions".²⁰⁸

¹⁹⁸ Arabi 21, "الجنائية الدولية توافق على إرسال فريق للتحقيق بجرائم ترهونة", 7 July 2020, <https://amn.st/6004913Fr> (in Arabic).

¹⁹⁹ UN Security Council, *Resolution 1970 (2011)*, 26 February 2011, UN Doc. S/RES/1970 (2011), [https://www.undocs.org/S/RES/1970%20\(2011\)](https://www.undocs.org/S/RES/1970%20(2011)).

²⁰⁰ ICC, "Statement of ICC Prosecutor, Fatou Bensouda", 22 June 2020, <https://www.icc-cpi.int/news/statement-icc-prosecutor-fatou-bensouda-discovery-multiple-alleged-mass-graves-and-continued>

²⁰¹ ICC, *Twenty-third report pursuant to para. 7 of UN Security Council Resolution 1970*, 21 April 2022, <https://www.icc-cpi.int/sites/default/files/2022-04/2022-04-28-otp-report-unscc-libya-eng.pdf>

²⁰² Fawasel, "بعد مطالبة الأعلى للقضاء الجنائية الدولية باحترام اختصاصه الأصلي.. الجنائية تردّ عبر فواصل", 19 July 2021, <https://amn.st/6004913Ni> (in Arabic).

²⁰³ Libya Observer, "Tarhuna Victims Association: Shocked at Libyan judiciary's request to stop ICC investigations", 18 July 2021, <https://libyaobserver.ly/news/tarhuna-victims-association-shocked-libyan-judiciarys-request-stop-icc-investigations>

²⁰⁴ ICC, "Statement of ICC Prosecutor, Karim A. A. Khan KC, to the United Nations Security Council on the situation in Libya, pursuant to Resolution 1970 (2011)", 11 November 2022, <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-khan-kc-united-nations-security-council-situation-libya>

²⁰⁵ ICC, *Twenty-fifth report pursuant to resolution 1970 (2011)*, 11 May 2023, <https://www.icc-cpi.int/news/twenty-fifth-report-prosecutor-international-criminal-court-united-nations-security-council>

²⁰⁶ Reuters, "ICC prosecutor issues secret arrest warrants for Libya crimes", 11 May 2023, <https://www.reuters.com/world/africa/icc-prosecutor-issues-secret-arrest-warrants-libya-crimes-2023-05-11/>; Atlantic Council, "Time to double down: ICC arrest warrants in Libya are a great start but Libyans deserve more", 31 May 2023, <https://www.atlanticcouncil.org/blogs/menasource/icc-arrest-warrants-libya/>

²⁰⁷ Al-Shark al-Awsat, "السلطات الليبية تتجاهل مذكرات اعتقال الجنائية الدولية لقادة ميليشيات الكاني", 5 October 2024, <https://aawsat.com/السلطات-ليبية-تتجاهل-مذكرات-اعتقال-الجنائية-الدولية-لقادة-ميليشيات-الكانى> ["Libyan authorities ignore ICC's arrest warrants against leaders of al-Kani militia"], 5 October 2024, <https://aawsat.com/السلطات-ليبية-تتجاهل-مذكرات-اعتقال-الجنائية-الدولية-لقادة-ميليشيات-الكانى> (in Arabic)

²⁰⁸ ICC, *Twenty-seventh report of the Prosecutor of the International Criminal Court to the United Nations Security Council pursuant to Resolution 1970 (2011)*, 14 May 2024, <https://www.icc-cpi.int/news/twenty-seventh-report-prosecutor-international-criminal-court-united-nations-security-council>

The FFM on Libya, established by resolution 43/39 at the UN Human Rights Council in June 2020 to investigate violations and abuses of human rights throughout Libya by all parties since the beginning of 2016 and whose mandate ended in April 2023, issued its first report in October 2021.²⁰⁹ The FFM found there were credible indications that widespread and systematic human rights violations were committed in Tarhouna, including enforced disappearances, torture, unlawful deprivation of liberty and extrajudicial executions.

In a conference room paper published by the FFM on 1 July 2022, the FFM issued its detailed findings on the crimes committed in Tarhouna. Among other things, it found that: "Members of the al-Kaniyat militia committed a number of crimes against humanity through underlying acts of murder, extermination, imprisonment, torture, persecution on political grounds, enforced disappearance and other inhumane acts, and war crimes".²¹⁰ It added that: "Based on the body of testimony and information received, the Mission finds reasonable grounds to believe that members of the al-Kaniyat militia committed crimes against humanity against a civilian population in Tarhouna".²¹¹

In its final report to the UN Human Rights Council,²¹² the FFM recommended that the authorities of Libya continue searching for the missing and remaining mass graves, and ratify the International Convention for the Protection of All Persons from Enforced Disappearance.²¹³

The FFM also announced its plans to share with the ICC its findings and evidence it collected, as well as a list of individuals suspected of responsibility for crimes under international law.²¹⁴

Building on the FFM's findings, UNSMIL's Human Rights Service and the OHCHR published a report in August 2024 detailing killings, disappearances, sexual violence, abductions, torture, ill-treatment, forced displacement and other gross human rights violations and abuses, as well as serious violations of international humanitarian law, committed by al-Kaniyat. The report recommends a comprehensive transitional justice and reconciliation process, with meaningful truth-seeking measures and effective reparations for victims – including legal aid and mental health support and guarantees of non-repetition designed in consultation with those directly affected. It also calls for robust accountability measures, through investigations and prosecutions of alleged perpetrators in line with international standards.²¹⁵

²⁰⁹ FFM, *Report of the Independent Fact-Finding Mission on Libya*, 1 October 2021, A/HRC/48/83, paras. 69-73

²¹⁰ FFM, *Detailed findings on the situation in Tarhouna* (previously cited)

²¹¹ FFM, *Detailed findings on the situation in Tarhouna* (previously cited), para. 147.

²¹² FFM, *Report of the Independent Fact-Finding Mission on Libya*, 23 March 2023, UN Doc. A/HRC/52/83, https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session50/A_HRC_52_83_AdvanceEditedVersion-EN.docx

²¹³ FFM, *Detailed findings of the Independent Fact-Finding Mission on Libya*, (previously cited), para. 231.

²¹⁴ OHCHR, "Libya: Urgent action needed to remedy deteriorating human rights situation, UN Fact-Finding Mission warns in final report", 27 March 2023, <https://www.ohchr.org/en/press-releases/2023/03/libya-urgent-action-needed-remedy-deteriorating-human-rights-situation-un>

²¹⁵ UNSMIL and OHCHR, "Tarhouna - Mass graves and related human rights violations and abuses in Libya," 30 August 2024, <https://www.ohchr.org/en/documents/country-reports/tarhouna-mass-graves-and-related-human-rights-violations-and-abuses-libya>

7. LEGAL FRAMEWORK

International human rights law, which applies in all situations, requires states to respect, protect and fulfil the human rights of everyone subject to their jurisdiction or effective control. It prohibits arbitrary deprivation of the right to life, arbitrary detention, torture and other ill-treatment and enforced disappearance; and lays down obligations on states to ensure effective remedy for victims of such human rights violations.

Libya is party to seven core international conventions, including the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights. It is also party to the African Charter on Human and Peoples' Rights and the Arab Charter on Human Rights.

International humanitarian law (the laws of war), which applies concurrently with international human rights law in situations of armed conflict, also prohibits arbitrary deprivation of liberty, murder, torture, pillage and looting. Libya is a party to the four Geneva Conventions of 1949 and to their Additional Protocols I and II. The fundamental guarantees set out in Common Article 3 to the Geneva Conventions and the rules on the conduct of hostilities are customary international humanitarian law and apply in both international and non-international armed conflicts and are binding on all parties, state and non-state forces.²¹⁶

Al-Kaniat, who repeatedly shifted their allegiance between state authorities and non-state actors during the conflict, were bound by international humanitarian law throughout their involvement in the conflict (including the entire time they were controlling Tarhouna). Additionally, the Libyan state is directly responsible, under international human rights law, for violations committed by al-Kaniat between 2012 and 2014 and between 2016 and 2018, when al-Kaniat were allied with the internationally recognized Tripoli-based governments and operated under state institutions.

Common Article 3 to the four Geneva Conventions of 1949 stipulates that civilians and those taking no active part in the hostilities (including fighters who are captured, surrendered or wounded) must "in all circumstances be treated humanely." They are protected against "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture." Customary international humanitarian law also prohibits enforced disappearance.²¹⁷

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 ICCPR, notes that each state party, in addition to ensuring that its own agents respect the right to life and refrain from arbitrary killing, "must also ensure the right to life and exercise due diligence to protect the lives of individuals against deprivations caused by persons or entities, whose conduct is not attributable to the State."²¹⁸ An extrajudicial execution, which is an unlawful and deliberate killing carried out by order of a government or with its complicity, constitutes a crime under international law. If committed as part of a widespread or systematic attack, directed against a civilian population, and pursuant to or in furtherance of a state or organizational policy, extrajudicial executions constitute crimes against humanity.

The duty to investigate potentially unlawful deaths is an essential part of upholding the right to life. The duty gives practical effect to obligations to respect and protect the right to life, and it promotes accountability and remedy where the substantive right may have been violated. Investigations to establish the truth concerning

²¹⁶ International Committee of the Red Cross (ICRC), Customary International Humanitarian Law Vol. I: Rules (ICRC Customary IHL Study).

²¹⁷ ICRC, Customary International Humanitarian Law (IHL), Rule 98.

²¹⁸ UN Human Rights Committee, General Comment 36: the right to Life (Article 6), 30 October 2018, CCPR/C/GC/36, para. 7.

the causes and circumstances surrounding potentially unlawful deaths must be prompt, impartial, transparent, effective and thorough, and must be carried out by independent and competent authorities.

A failure to respect the duty to investigate unlawful killings is a violation of the right to life in and of itself. Investigations and prosecutions are essential to deter future violations and to promote accountability, justice, the rights to effective remedies and to the truth.

According to the Minnesota Protocol, “investigations must, at a minimum, take all reasonable steps to: a) identify the victims; b) recover and preserve all material probative of the cause of death, the identity of perpetrators and the circumstances surrounding death; c) identify possible witnesses and obtain their evidence in relation to the death and the circumstances surrounding the death; d) determine the cause, manner, place and time of death, and all of the surrounding circumstances; and e) determine who was involved in the death and their individual responsibility for the death”.²¹⁹

The protocol provides that participation of the family members is an important element of an effective investigation: “The state must enable all close relatives to participate effectively in the investigation, though without compromising its integrity. The relatives of the deceased must be sought... and informed of the progress of the investigation, during all its phases, in a timely manner... Family members should be protected from any ill-treatment, intimidation or sanction as a result of their participation in an investigation or their search for information concerning a deceased.”²²⁰

Under international law, torture and other cruel, inhuman or degrading treatment or punishment 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 suspended or restricted, 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. Torture is a crime under international law. When committed in the context of an armed conflict, cruel treatment, torture and humiliating or degrading treatment are war crimes.

Enforced disappearance is the “arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”²²¹

Enforced disappearance is a crime under international law that continues as long as the disappeared person remains missing or until the state discloses their fate or whereabouts. As the UN Working Group on Enforced or Involuntary Disappearances has stated, this requires, when the disappeared person is found to be dead, returning the remains of the victims to their families and allowing them to dispose of those remains according to their own tradition, religion or culture. The remains of the person should be clearly and indisputably identified, including through DNA analysis.

The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law set out the needed measures by states to provide remedy to victims of human rights violations. Key elements relevant to the case of Tarhouna include equal and effective access to justice; adequate, effective and prompt

²¹⁹ Minnesota Protocol, (previously cited)para. 25(e).

²²⁰ Minnesota Protocol, (previously cited)para. 36.

²²¹ International Convention for the Protection of All Persons from Enforced Disappearance, Article 2. Every enforced disappearance violates a range of human rights, many of which are non-derogable. Treaty bodies, human rights courts and other human rights bodies have repeatedly found that enforced disappearances violate – including during armed conflicts – the right to liberty and security of person, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, the right to a remedy, and the right to life. Thus, the fact that Libya is not a party to the Convention does not release it from the obligation not to subject anyone to enforced disappearance.

reparations for harm suffered; and access to relevant information concerning violations and reparations mechanisms.

The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law provide that “compensation should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, resulting from gross violations of international human rights law and serious violations of international humanitarian law, such as: (a) Physical or mental harm; (b) Lost opportunities, including employment, education and social benefits; (c) Material damages and loss of earnings, including loss of earning potential; (d) Moral damage; (e) Costs required for legal or expert assistance, medicine and medical services, and psychological and social services”.²²²

7.1 CRIMES AGAINST HUMANITY CRIMES AGAINST HUMANITY

Crimes against humanity are offences committed as part of a widespread or systematic attack directed against a civilian population pursuant to, or in furtherance of, a state or organizational policy.²²³ Crimes against humanity are among the most serious crimes of concern to the international community as a whole. They are prohibited during war or peace.

The Rome Statute, the treaty that established the ICC, contains articles that define crimes against humanity in a manner widely accepted as generally reflecting customary international law. Article 7(1) of the Statute enumerates 11 crimes against humanity, including murder, unlawful detention, torture and enforced disappearance. Crimes against humanity are criminal wherever they are committed, whether or not they are criminal under domestic law, and whether or not the state concerned has ratified the Rome Statute.

Four legal requirements are common to all crimes against humanity:

- the underlying offence must be committed as part of a “widespread or systematic attack”;
- the attack must be “directed against the civilian population”;
- the underlying offence must be carried out with knowledge of the attack; and
- the attack must be carried out as part of state or organizational policy.

According to the evidence Amnesty International has gathered, al-Kaniat subjected Tarhouna residents to an attack meeting all the contextual elements of crimes against humanity under international law.

The attack on the civilian population appears to have been systematic since the victims were subjected to a pattern of similar crimes – unlawful deprivation of liberty, cruel and inhuman conditions of detention, torture and other ill-treatment and unlawful killing followed by secret burial in individual or mass graves. All those detained were held in locations controlled by al-Kaniat and their allies.

Evidence shows that this systematic attack against the civilian population – in this case real or perceived opponents of al-Kaniat – was to establish and maintain al-Kaniat’s absolute control over Tarhouna. These crimes were also committed to further the financial gains of al-Kaniat’s leadership. These acts were targeted in particular against those deemed by al-Kaniat as impeding their interests. Amnesty International therefore finds that al-Kaniat and their allies carried out a systematic attack consisting of a planned, large-scale attack against the civilian residents of Tarhouna.

Amnesty International also found there are reasonable grounds to conclude that al-Kaniat committed the following crimes against humanity: murder, imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, torture and enforced disappearance.

Murder: Amnesty International found that al-Kaniat murdered their suspected opponents and their family members in a systematic manner to maintain their dominance over Tarhouna and to deter any opposition to their iron grip of all aspects of life in the city. At least 343 bodies were exhumed from individual or mass

²²² UNGA, Resolution 60/147 (previously cited) para. 20.

²²³ For an overview of the objective elements of crimes against humanity, see ICC, *Elements of Crimes*, ISBN No. 92-9227-232-2, <https://www.icc-cpi.int/sites/default/files/NR/rdonlyres/336923D8-A6AD-40EC-AD7B-45BF9DE73D56/0/ElementsOfCrimesEng.pdf>

graves in Tarhouna, amid ongoing discoveries of graves.²²⁴ Evidence indicates that most of those killed bore gunshot wounds, mainly to the head or upper body, and the majority had their hands tied behind their backs and/or were hooded or blindfolded.

Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law: Under the Rome Statute, this offence requires that “[t]he perpetrator imprisoned one or more persons or otherwise severely deprived one or more persons of physical liberty,” and that “[t]he gravity of the conduct was such that it was in violation of fundamental rules of international law.”²²⁵ Amnesty International collected information about the unlawful deprivation of liberty of 168 individuals between 2012 and 2020 in such a small city, demonstrating intent to enforce a state of terror against any potential opponent to al-Kaniat’s domination of Tarhouna. Entire families were forced to leave Tarhouna to avoid similar fates.

Torture: Under the Rome Statute, torture means “the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions.” All former detainees interviewed by Amnesty International indicated that they were tortured or saw people being tortured or were told by fellow detainees that they had been tortured to extract information before they were killed by al-Kaniat. One of the most commonly used places of detention, known as “Boxat”, even had specially designed cells to inflict pain on victims by the mere act of detaining them in these cells.

Enforced disappearance: Under the Rome Statute, enforced disappearance: “means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.” Amnesty International found that in the vast majority of abductions, al-Kaniat refused to reveal information about the fates and whereabouts of the abducted to their loved ones. In fact, al-Kaniat went to great lengths to conceal the fate of those they had forcibly disappeared and murdered, through burying them in mass or single secret graves. Only after the fall of al-Kaniat from power were graves uncovered, and the identification process begun. The fate of some 68 others, according to estimates by local residents and the TVA, remains unknown.

7.2 WAR CRIMES

Serious violations of international humanitarian law, committed with criminal intent – that is, deliberately or recklessly – are war crimes.²²⁶ The Rome Statute and customary international humanitarian law include a wide array of offences committed in non-international armed conflicts for which individuals may be held criminally liable. This includes many of the same inhumane acts enumerated above as crimes against humanity, including murder and cruel treatment and torture;²²⁷ arbitrary detention and enforced disappearance;²²⁸ as well as pillage;²²⁹ displacing civilians;²³⁰ and collective punishment.²³¹

7.3 RESPONSIBILITY FOR CRIMES AGAINST HUMANITY AND WAR CRIMES

Individuals who are responsible for crimes under international law should be investigated and those against whom there is sufficient admissible evidence prosecuted in fair trials in civilian courts. Individual criminal responsibility is incurred by those who commit or order a crime.²³² Military commanders and civilian officials

²²⁴ Interview in person with GASIMP, 15 February 2022, Tripoli and an interview through voice call, 10 September 2024.

²²⁵ ICC, Elements of Crimes, UN Doc. PCNICC/2000/1/Add.2 (2000), Article 7(1)(e).

²²⁶ ICRC, Customary IHL, Rule 156.

²²⁷ Rome Statute, Article 8(2)(c)(i) and (ii); ICRC, Customary IHL, Rule 156.

²²⁸ ICRC, Customary IHL, Rule 156.

²²⁹ Rome Statute, Article 8(2)(e)(5); ICRC, Customary IHL, Rule 156.

²³⁰ Rome Statute, Article 8(2)(e)(viii); ICRC, Customary IHL, Rule 156.

²³¹ ICRC, Customary IHL, Rule 156.

²³² ICRC, Customary IHL, Rules 151 and 152.

can be held criminally accountable for the acts of their subordinates under the principle of superior or command responsibility. They are criminally responsible if they knew, or should have known, their subordinates were committing war crimes and did not take necessary measures to prevent their commission or punish those responsible.²³³

Under international law, all states may, and in some cases must, exercise universal jurisdiction over crimes against humanity and war crimes.²³⁴ Any state may, under customary international law, undertake one of the following actions against suspected perpetrators of crimes against humanity, even if the suspects or victims are neither nationals nor residents of the state concerned, and even if the crime(s) did not take place under that state's jurisdiction or in its territory: (1) bring such suspects before its own courts, (2) extradite them to any state willing to do so, or (3) surrender such persons to an international criminal court with jurisdiction to try persons for these crimes. At least for torture and enforced disappearances, exercising universal jurisdiction over suspected perpetrators is a legal obligation, not a choice.²³⁵

²³³ ICRC, Customary IHL, Rule 153.

²³⁴ See Amnesty International, *Universal Jurisdiction: The duty of states to enact and enforce legislation - Chapter 5: Crimes against humanity* (Index: IOR 53/008/2001), 31 August 2001, <https://www.amnesty.org/en/documents/ior53/008/2001/en/> pp. 5-8; ICRC, Customary IHL, Rule 158.

²³⁵ UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Articles 5-7; International Convention for the Protection of All Persons from Enforced Disappearance, Articles 6-11.

8. CONCLUSION AND RECOMMENDATIONS

Since the end of Mu'ammar al-Gaddafi's rule in 2011, Libya has been beset by abusive and unaccountable militias and armed groups competing for control over territory and resources, exercising unchecked powers and committing violations of international humanitarian law and human rights abuses with near total impunity. While they proliferated and amassed power and influence, the judiciary and other Libyan institutions struggled from the impact of conflict and political polarization. Even within this grim context, the scale and severity of crimes committed with impunity by the armed group al-Kaniat in Tarhouna city and the surrounding area over a period of eight years are shocking. Officials from the Tripoli-based Government of GNA and GNU have widely condemned the mass killings and other abuses by al-Kaniat and sought to instrumentalize them against their political rivals in eastern Libya, but have failed to deliver justice, accountability and adequate reparation, including financial compensation, to the families of the victims and survivors.

The magnitude of crimes committed by al-Kaniat in such a small geographical area was only possible due to the level of control they exercised over Tarhouna, fuelled by support provided by successive governments and armed groups exercising de facto control of territory, who knowingly ignored the horrific crimes to advance their own political and military interests. By legitimizing and funding al-Kaniat, in exchange for support against their foes, they enabled al-Kaniat to act under the cloak of state institutions and facilitated the commission and concealment of their crimes. Until the Libyan authorities end their reckless legitimization and support of abusive militias and armed groups and their integration into state institutions, similar crimes to those suffered by the people of Tarhouna risk being repeated.

During Amnesty International's visit to Tarhouna in February 2022, it was clear that the city was still reeling from the crimes committed by al-Kaniat with near total impunity. The targeting of entire families left deep scars across the city that will take years, if not decades, to heal. Survivors, relatives of victims and other residents of Tarhouna know such crimes could not have been committed for eight years without the support and knowledge of successive governments and powerful militias and armed groups in control of Libyan territory, and deserve justice and full reparations, including guarantees of non-repetition of such crimes.

Over four years after the recapture of Tarhouna by government forces in June 2020, truth, justice and reparations remain elusive. To ensure adequate reparation for the harm suffered and to prevent the commission of similar crimes in the future, Amnesty International is providing the following recommendations:

To the Government of National Unity

- Make a public apology on behalf of the state of Libya to survivors and families of victims of crimes under international law and other human rights violations and abuses committed by al-Kaniat and the failure of successive governments to prevent and punish these crimes.
- Ensure that criminal investigations into crimes committed by al-Kaniat are prompt, thorough, impartial, transparent and effective, and are carried out by a competent and independent body, in line with the requirements of the UN Minnesota Protocol on the Investigation of Potentially Unlawful Death and other international standards, and ensure that the investigative body has the required authority, powers and resources to carry out its investigations, including the power to compel

cooperation and to subpoena testimony to facilitate the gathering of evidence. In particular, investigations into crimes allegedly carried out by al-Kaniat should cover the entire period during which they operated with impunity or exercised absolute control over Tarhouna, namely 2012 to June 2020.

- Take measures to enable survivors, witnesses, relatives of victims and their representatives to meaningfully and safely take part in investigations; protect them against unlawful interference with their privacy, and ensure their protection from intimidation and retaliation before, during and after judicial, administrative or other proceedings.
- Take all necessary measures to ensure that each affected family in Tarhouna knows the full truth about the circumstances of their loved ones' abductions and/or enforced disappearance, including the progress and results of investigations into their fate and the whereabouts of their remains, if relevant.
- Where there is sufficient admissible evidence, 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 and violations of international humanitarian law in Tarhouna under al-Kaniat rule, as well as commanders and state officials who knew or should have known that a subordinate was committing or about to commit a crime but did not take all the reasonable and necessary measures within their power to prevent and punish the crime.
- Establish a mechanism and allocate it with sufficient human and financial resources to ensure that victims and relatives of victims are provided with full reparation without discrimination, including financial compensation, rehabilitation (including medical and psychological support), satisfaction, restitution and guarantees of non-repetition; disseminate, through public and private mechanisms, information about reparation mechanisms and make available all appropriate legal and financial support to ensure that victims can exercise their rights to remedy for gross violations of international human rights law or serious violations of international humanitarian law. Measures should be put in place to ensure that relatives of victims who remain forcibly disappeared or missing are not excluded and that survivors and victims' families are not subjected to discrimination in access to reparation, including on grounds of sex, marital and family status, and date of commission of the crimes by al-Kaniat.
- Ensure that the General Authority for Search and Identification of Missing Persons has sufficient human and financial resources to promptly identify the bodies exhumed in Tarhouna; and seek international expertise and support as needed.
- Ensure that, pending criminal investigations, members of militias and armed groups reasonably suspected of crimes under international law and serious human rights violations and abuses do not remain, or are not placed, in positions where they could repeat such crimes or interfere with the course of investigations and refrain from integrating members of armed groups or militias into state institutions without conducting individualized vetting to exclude those reasonably suspected of crimes under international law.
- Cooperate with international investigative bodies, including the International Criminal Court (ICC), and relevant UN mechanisms including in relation to the arrest and handing over of suspects to the ICC and ensure that they have unfettered access and the necessary support to conduct investigations in Libya.
- Suspend the application of Law No. 4 of 2017, which expanded the jurisdiction of military courts over civilians, pending its amendment by Libya's parliament.
- Take steps to accede to the Optional Protocol of the Convention against Torture, the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, and the Convention for the Protection of All Persons from Enforced Disappearance.

To the Libyan Arab Armed Forces

- Issue a public apology over its failure to prevent and punish crimes committed by al-Kaniat when they operated under the LAAF's command as the Ninth Brigade.

- Cooperate with ongoing national and international investigations into crimes committed by al-Kaniat, including when the group operated under the LAAF, by ensuring that the Tripoli-based Office of the Public Prosecutor and the Office of the Prosecutor of the ICC both have access to all evidence and witnesses.
- Pending criminal investigations and prosecutions, ensure that all those reasonably suspected of crimes under international law and serious human rights violations and abuses do not remain, or are not placed, in positions where they could repeat such crimes or interfere with investigations.

To the international community

- Cooperate with the ICC, including in relation to handing over suspects under arrest warrant for their alleged responsibility for crimes under international law committed in Tarhouna currently residing in third states; and provide the ICC with necessary funding and other support to enable it to carry out its work including pursuing its investigations in Libya.
- Exercise universal jurisdiction where possible to investigate members of militias, armed groups and officials reasonably suspected of responsibility for ordering, committing, aiding and/or abetting or facilitating crimes under international law in Tarhouna between 2012 and 2020, and if enough admissible evidence exists, issue arrest warrants and seek to prosecute them.
- Publicly and privately call on the Libyan authorities to ensure that members of militias and armed groups reasonably suspected of crimes under international law and serious human rights violations and abuses do not remain, or are not placed, in positions where they could repeat such crimes, and refrain from integrating members of armed groups or militias into state institutions without conducting individualized vetting to exclude those reasonably suspected of crimes under international law, pending criminal investigations.
- Ensure that any security cooperation with Libyan authorities excludes those reasonably suspected of committing crimes under international law and other serious human rights violations and in no way contributes to human rights abuses or violations of international humanitarian law.

To the International Criminal Court:

- Consider the applicability of the crimes against humanity of murder, torture, enforced disappearance and imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law within the current investigation of crimes under international law committed in Tarhouna.

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“EVERY DAY WE DIE A THOUSAND TIMES”

IMPUNITY FOR CRIMES AGAINST HUMANITY IN TARHOUNA, LIBYA

The al-Kaniat armed formation maintained its reign of terror over the Libyan city of Tarhouna from 2015 to 2020 by brutally eliminating any challenge to its rule. Al-Kaniat abducted, forcibly disappeared, tortured, unlawfully killed and buried hundreds of Tarhouna residents in mass graves. Over four years after al-Kaniat’s fall from power, justice and adequate reparations for survivors and relatives of victims remain elusive.

Based on interviews with 74 affected individuals and other evidence gathered, Amnesty International found there to be reasonable grounds to conclude that al-Kaniat committed the crimes against humanity of murder, unlawful imprisonment, torture and enforced disappearance as part of their planned, systematic and large-scale attack on the civilian population of Tarhouna.

To ensure adequate reparation for the harm suffered and to prevent the commission of similar crimes in the future, the Libyan authorities must ensure effective criminal investigations by a competent and independent civilian body, and must fully cooperate with the International Criminal Court including in the arrest and handover of suspects to the court. Further, the Libyan authorities, with support from the international community, must put in place a mechanism to ensure that all survivors and relatives of victims, without discrimination, receive adequate reparations including financial compensation.