

Unravelling the Power of Militia Rule and the Quest for Justice in Libya

Five Years After the siege of Tripoli

Picture a nation caught in a relentless cycle of turmoil and uncertainty, where the echoes of a historic uprising have given way to a protracted civil war. Libya, once a land of promise, now bears the weighty label of a ‘failed state’¹ within the global community while international efforts to achieve peace and reconciliation have been met with domestic opposition. For four decades, the country was ruled by an entrenched regime, but the 2011 uprising brought an end to that era, marking the beginning of a tumultuous period that continues to shape its state of affairs.

As we delve into the complexities of Libya's current standing, we will explore the pressing issues mainly generated by its appalling militia rule and offer recommendations aimed at restoring peace, stability, and democratic governance.

Contextualizing Libya's Current Crisis

Libya's post-revolution narrative has been one of perpetual instability. Conflict has become ingrained in its very fabric, with fragmented and polarized institutions confined in a perpetual state of chaos and an obsolete judicial system that has exacerbated the culture of impunity in the country. The discordant confluence of militias vying for control coupled with the persisting interventions of foreign and opposing actors, all have left a trail of destruction, particularly for its civilian population.

Thousands of civilians are constantly the victims of sporadic episodes of violence that have arisen between different armed groups throughout the years. This month marks the fifth year of the military assault² on Tripoli that was initiated by Khalifa Haftar in 2019 to take control of the capital leaving thousands between injured and dead and extensive material destruction.

The incidental re-emergence of tribal hostilities, although they have significantly contracted in frequency and severity over the past two years, they only mark the state of insecurity that has plagued the country for more than a decade now, while aspirations to hold fair and transparent elections in the hopes of restoring peace and stability remain feeble.³

As it stands, international efforts invested to establish a unified civilian government failed in 2021 with the indefinite postponement of elections and the consolidation of the current state of political cleavages we see today in the North African nation. The country is still divided between two parallel administrations with overlapping structures and functions, each legitimized by an association of foreign actors and supported by opposing paramilitary systems.⁴

But how did Libya arrive at this complex juncture?

¹ [“Libya: A Failed State. Where next and Why Its Future Is Important.”](#) Boyfield, Keith. Euro-Gulf Information Center, 2021.

² [“Libya: The Battle for Tripoli Explained in 600 Words.”](#) Allahoum, Ramy. Al Jazeera, Al Jazeera, 5 June 2020.

³ [“A Network of Insecurity and Violence – the Issue of Militias Operating in Libya.”](#) Emig, Addison. Wilson Center, July 2023.

⁴ [“Despite Libya's Progress on Election Laws, Deep Divisions Remain.”](#) Aftandilian, Gregory. Arab Center Washington DC, June 2023.

The Militarization of Society

The NATO-backed overthrow of former leader Moammar Gadhafi has advanced the establishment of the militia rule in Libya. The heavily armed groups with unchecked reach and omnipotence that we know of today are the direct descendants of a multitude of civilian groups who, in their pursuit to fill in the power vacuum left void by the then-toppled regime, they managed to tighten their control and maintain security over their communities through self-weaponization and mass civilian mobilization.⁵

Young men, faced with negligible employment prospects, are the labour force driving these militias. As regional fanaticism started to spread, youth were recruited in scores and trained to serve these state-funded armed groups who now constitute one of the most vital financial reassurance for the thousands of Libyans desperate to secure a stable source of income in midst of years of economic stagnation.⁶ At the onset of the revolution, the number of fighters was put at around 25,000, yet after the establishment of the first transitional government, this number surged dramatically by tenfold to approximately 250,000 fighters just a couple of months later.⁷ Additionally, disturbingly, reports from the US State Department indicate that over 6,000 children were also allegedly recruited by both pro-regime forces in 2011 and the Special Deterrence Force in 2020, a paramilitary police force operating under the UN-recognized Government.⁸

An Internationally Maintained Internal Schism

More often than not, manpower is derived from within the Libyan society and neighbouring countries, gun power however, rests as an introduced externality. As it stands, countries like France, Italy, Egypt, Russia, Türkiye, and the UAE have all contributed to and even altered the course of the conflict in Libya either through financial and diplomatic support accorded to the warring factions, or through direct military engagement within the national borders of the country rendering the conflict a state of war by proxy.⁹

During the first year of the conflict in 2011, small and heavy arms were dispersed across different channels after they were pillaged by local militia groups from Gaddafi's armament depots that had been controlled away from the hands of the civilian population for decades.¹⁰ However, the country soon became a ground for foreign military equipment illicitly shipped from abroad in large quantities, reaching in 2016 a staggering 20 million pieces of arms in the North African nation of 6 million people (counting roughly 3 weapons for each person).¹¹

The stream of weaponry received for years has been maintained by a plethora of foreign actors who carry out the covert -sometimes even overt- supply of the opposing militias; a practice that comes in

⁵ "[Libya's Power Struggle: Who's Fighting in Tripoli?](#)" Schaer, Cathrin. Dw.Com, Deutsche Welle, 16 Aug. 2023.

⁶ "[Ticking Timebomb: The Race to Reintegrate Libya's Militias.](#)" Ali, Oussama. Translated by Rose Chacko, The New Arab, The New Arab, Feb. 2022,.

⁷ "[Libya's Militia Culture Must Be Demobilised.](#)" El-Gamaty, Guma. The New Arab, The New Arab, Jan. 2018.

⁸ "[Libya CSPA Country Profile - Monitoring U.S. Government Efforts to Leverage Arms Sales and Military Assistance to Prevent the Recruitment and Use of Child Soldiers.](#)" Stimson Center for Trade and Technology, 24 Oct. 2023.

⁹ "[Libya: The Recent History of a Proxy War.](#)" Mezran, Karim. Italian Institute for International Political Studies, 6 July 2022.

¹⁰ "[The EU Will Not Be Able to Enforce the UN Arms Embargo in Libya.](#)" Kaim, Markus, and René Schulz. Stiftung Wissenschaft Und Politik (SWP), Mar. 2020.

¹¹ "[UN 'Game Changing' Arms Crackdown in Libya.](#)" Rahemtulla, Elif. Global Risk Insights, 29 June 2016.

defiance of the UN-instituted -now deemed ineffective- arms embargo¹² that was designed in 2011 to stop the proliferation of weapons with the aim of ending the civil war.

Presently, the country remains chronically split between two rival governments who compete for legitimacy: the UN-recognized, Tripoli-based Government of National Unity (GNU) on the west, and the Government of National Stability (GNS) led by the House of Representatives (HoR) in Tobruk and loosely affiliated with warlord Khalifa Haftar and the Libyan Arab Armed Forces (LAAF) which is under his command.

Since 2014, the state of parallelism has been an appalling component of Libyan politics that has only been reinforced through foreign intervention. In fact, the contrasting interests of different domestic and international actors conceive an unpredictable arrangement of shifting alliances in the country. Currently, the GNU is backed by UN member states who provide it with diplomatic recognition and material support notably from Turkey and Italy, while the eastern government is backed by Egypt, UAE and Russia. A precarious balance of power is preserved with both Turkey and Russia establishing military presence in the western and eastern regions respectively since 2019. As per UN estimates, there were roughly 20,000 foreign fighters and mercenaries, namely from the Wagner Group, Chad, Sudan, and Syria, who were deployed in Libya in 2020 following the UN-brokered ceasefire.¹³

The thwarted attack on Tripoli that was initiated in April 2019 by Khalifa Haftar is just one of the manifestations of Libya's protracted state of deadlock. The political and military status quo, reflected through Haftar's defeat and his retreat eastward, was advanced by the engagement of a heterogeneous coalition of international actors, with Turkey's intervention and military support for the western militias of the GNA being a decisive factor that broke off the 18-month-long civil war in Tripoli.

Consolidating Irregularity: Libya's Informal Security Architecture

The profound institutional disunity in Libya arises from the lack of a cohesive national army, dedicated solely to the nation and holding exclusive control over the use of force. Various poles of power have subsequently emerged across different territories where the most resourceful armed groups have succeeded to consolidate wealth and influence over the people and the state itself.¹⁴

These paramilitary networks have become deeply entrenched within the security apparatus of the state, either within units or 'brigades' operating under the ministries of the interior and defence, or through more explicit links where former militia leaders are promoted to senior government positions.¹⁵ The recent designation of Imed Al Trabelsi as Minister of Interior of the GNU, who is formerly associated with the "Public Security and Security Positions Apparatus," is just a case in point of such reputation laundering of those accused of criminal acts in the past.¹⁶

The security landscape in the country is that of overlapping hierarchies and structural hybridity. As 'private armies' have undergone a process of institutionalization, they slowly infiltrated state constituencies and started taking on official law-enforcing responsibilities like arrest and detention, surveillance and intelligence, border security and migrant control. The professionalization of these armed formations has been conducted through the assistance of foreign security institutions who have

¹² ["Libya Arms Embargo 'Totally Ineffective': UN Expert Panel."](#) United Nations, United Nations, Mar. 2021.

¹³ ["'Serious Crisis': 20,000 Foreign Fighters in Libya, UN Says."](#) Al Jazeera, Al Jazeera, 2 Dec. 2020.

¹⁴ ["Libya: The Challenge of Unifying Factions in a Fragmented State."](#) Lapo, Amanda. International Institute for Strategic Studies, Dec. 2018.

¹⁵ ["Libya's Militias Have Become the State."](#) Lacher, Wolfram. Stiftung Wissenschaft Und Politik (SWP), July 2023.

¹⁶ ["Dbeibah Appoints Emad Al-Trabelsi as Minister of Interior."](#) Assad, Abdulkader. The Libya Observer, 2022.

operating in the country for years. As of 2024, LAAM Network has reported the presence of at least 12 international security institutions in the country, 8 of them being western European companies, namely France, Ireland, and the UK, while the remaining are from Russia, Türkiye, Canada, and the US.¹⁷

Now, well-established militias continue to receive considerable amounts of funds to execute such activities that are usually the sole prerogative of the state, while they remain strategically independent from any kind of state control. This conferred formality has only strengthened militia's political influence and solidified their legitimacy as a more effective source of security especially in light of an increasingly weaker political standing of the current leaders.

Illicit Economies and Human Rights Violations

Militias in Libya, empowered by an extensive state-delegated security role, have demonstrated a flagrant tendency to abuse power, resulting in severe violations of human rights including arbitrary detention, extra-judicial killings, enforced disappearance, forced displacement and abductions committed in a country with a discredited judicial system that has impeded any chance of reaffirming justice and the rule of law.

These armed groups have exploited that veneer of legality to engage in more illicit economic activities including human smuggling and trafficking especially of migrants and asylum seekers who are trying to reach the European continent. For the eastern authority, migrant smuggling across the eastern coast has served as a lucrative business which has culminated in one of the deadliest shipwrecks in years that sank off the coast of Greece taking the lives of hundreds.¹⁸

Additionally, based on a UN report¹⁹ issued in 2023 by the Independent Fact-Finding Mission investigating severe human rights violations allegedly committed since 2016 against both Libyans and foreign nationals. Migrants, in particular, have been the target of systematic torture as they were 'enslaved in official detention centres' where they were subjected to inhumane and degrading treatment, including sexual assault, forced labour and denied access to basic life necessities like food and water. These acts, while they amount to war crimes and crimes against humanity under international law, they are being executed under the auspices of government-affiliated agencies like the Libyan Directorate for Combating Illegal Migration and the coast guard who still benefit from technical and financial assistance from the EU.

While it is challenging to ascertain precise figures, the IOM reported²⁰ as of 2023, more than 17,000 of migrants were intercepted by the coastguard, and returned to war-torn Libya where many of them get detained in investigation facilities while a severe lack of transparency remains regarding their whereabouts, the reason, and the conditions of their detention.

The same investigation has also uncovered a widespread tendency of the Libyan authority to encroach on the work of civil society associations and stifle any expression of opposition through various forms of intimidation and the use of force exercised against defenceless civilians, journalists, and human rights defenders. The report discloses that between January 2020 and March 2022, more than 581 civilians, both nationals and migrants, were either tortured to death or executed in detention facilities

¹⁷ [LAAM Network. the Main Foreign Security Institutions and Organizations Present in Libya.](#) Facebook. April 2024

¹⁸ ["A Warlord and His Smugglers: Khalifa Haftar and His Role in the Deadly Shipwreck off Greece."](#) Al-Najjar, Mohannad, et al. DER SPIEGEL, DER SPIEGEL, 21 July 2023.

¹⁹ ["UN Experts Find War Crimes, Crimes against Humanity in Libya."](#) Salah, Hanan. Human Rights Watch, 28 Mar. 2023.

²⁰ ["EU's Border Agency Has a Duty to Inform Libya's Coast Guard about Migrant Boats."](#) Africanews, 6 Mar. 2024.

by law enforcement agents and militias; an indiscriminate violence with total impunity that have become the new normal.

Although civilians enjoy protection under international humanitarian law and are considered illegitimate and unlawful targets of armed hostilities, the use of force in Libya has been one of an indiscriminate nature where lines are blurred and distinctions between combatants and non-combatants are omitted.

Between April and June 2020, the UN Support Mission in Libya (UNSMIL) reported a 173% increase in the number of civilian casualties (which include deaths and injuries) reaching 358 of men, women and children affected by the major escalation of armed hostilities and arbitrary deployment of heavy weaponry, explosive remnants of war and airstrikes on civilian populated areas.²¹

The Way Ahead

Restoring justice and ending the grip of militia rule in Libya is a complex task that demands a multifaceted approach. In order for elections to effectively materialize, there needs to be concerted action to confront human rights abuses and disentangle criminally linked actors from Libyan institutions who are at the centre of blocking any prospect for security sector reforms: a status-quo that only preserves impunity and obstructs reconciliation. The recent and abrupt resignation of the UN Special Envoy to Libya, Abdoulaye Bathily, and the postponement of the reconciliation conference that was planned for April, all highlight the complex trajectory facing the North African nation. While the lack of political will from Libyan leaders is a focal factor for the failure of the democratic transition, the unabated international interventions and interference in the country's domestic political and security affairs further undermine any potential of finding a viable solution to the Libyan crisis.

Although 2024 marks the 10th consecutive year since Libyans went to the polls, the first quarter of the year has only confirmed that the environment is still inconducive for holding parliamentary or presidential elections. Deep fractions over the control of key oilfields and allocation of profits have been the striking theme since January, with protests erupting in many regions in the country, notably the Al-Sharara field that is the biggest in Libya, demanding the equal distribution of wealth and development projects. Such political tension is also clear from the recent public disagreements between the newly unified Central Bank of Libya (CBL) and the GNU over the government's expansive financial expenditures and fiscal policies that have led to the re-emergence of country-wide liquidity crisis, and which prompted the bank to alter the exchange rate and devalue the Libyan Dinar.

The path to democracy hinges on the acknowledgment, investigation, and prosecution of those responsible for egregious abuses during the three civil wars, as well as those implicated in alleged cases of corruption and mismanagement of the vast oil revenues that have further reinforced the state of underdevelopment in the country. Crucially, transitional justice depends on the establishment of a robust and impartial judiciary capable of fairly addressing grievances and holding perpetrators accountable. The reinforcement of Libya's rule of law stands as a critical obligation not only to honour the suffering of victims but also to establish a foundation of trust necessary for any functioning democracy.

It is imperative to ensure that international support directly contributes to the growth of lawful institutions and the rule of law and not empower the wrong entities. In this endeavour, foreign actors like the EU should apply more stringent regulations to ensure that their financial assistance does not

²¹ ["Civilian Casualties Report - 1 April- 30 June 2020."](#) UNSMIL, 29 July 2020.

inadvertently prop up criminal networks. Funds intended for development, reconstruction, and stability must be closely monitored and audited to prevent their diversion into the hands of those perpetuating violence and human rights abuses.

Recommendations

In recognizing the complexities of Libya's current state of affairs, it is essential to understand that the way ahead should be guided by a multifaceted approach driven by the constructive engagement of both the international community and national authorities with the ultimate goal being contingent upon safeguarding the well-being of the Libyan people.

The International Community:

- Should acknowledge the fallacies in its engagement in Libya and reassess its approach to arms control in a way that prioritizes the interests of the Libyan people and takes into consideration the need for genuine and lasting reconciliation.
- Should accord significant attention to judicial reforms and work to strengthen the domestic legal institutions in order to achieve accountability for all human rights violations and ensure justice for all victims.
- Should rally support for an international and independent investigation mechanism, along with the establishment of an ad-hoc court to prosecute every individual accused of committing war crimes and crimes against humanity.
- All international donors, notably the EU, should implement robust monitoring schemes and apply strict human rights due diligence in their funding to ensure that financial aid does not inadvertently support criminal networks.

The Libyan Authorities:

- Should develop effective incentives to encourage the disarmament, dissolution, and reintegration of former militia group members into society, while offering skill training and alternative employment opportunities to facilitate their transition to civilian life.
- Should take full ownership of the process of reforming the security sector, ensuring that it becomes unified, professional, and accountable.
- Should put aside self-interests and political considerations, actively and collectively work towards the creation of a positive and transparent civil society environment conducive to democratic and equitable election processes.
- Should commit to achieving a balanced economic development strategy that encourages the incentive for diversified investments and reduces dependence on oil revenues, deters the recourse to illicit forms of economic transactions, and guarantees a fair distribution of profits across the whole country.