

Review of *Libya Country of Origin Information (COI) Report, 7 March 2012*

Prepared for the Independent Advisory Group on Country Information (IAGCI) by Dr Alan George (St Antony's College, University of Oxford)

(A) Introduction

1. This review assesses the 7 March 2012 *Libya* COI Report on the basis of instructions from the Independent Advisory Group on Country Information (IAGCI) and the UK Border Agency.

2. In undertaking this Review, I have been conscious that COI Reports are not intended to provide detailed accounts of countries' or territories' histories and present conditions. Rather, they are 'a compilation of extracts from the source material identified'; they are 'for use by officials involved in the asylum/human rights determination process'; and they 'provide 'general background information about the issues most commonly raised in asylum/human rights claims' (to quote the Preface to the present report.

3. I note from the *Libya* COI report's Preface that the COI Service's aim was to produce 'an accurate, up to date, balanced and impartial compilation of extracts of the available source material'.

4. This review has a series of distinct elements, namely:

- Assessing the extent to which information from cited sources reflects the requirements for accuracy, balance, impartiality and timeliness, and making appropriate recommendations;
- Identifying any additional sources;
- Noting and correcting any specific errors and omissions;
- Making recommendations for general improvements in the overall structure and approach of the Report.

(B) About the Author

5. Alan George gained his first degree, in geography, from Oxford University in 1970. He obtained his Master's degree (on Middle East geography) at Durham University in 1972, and his PhD, on Syria, also at Durham in 1978. Since 1984 he has worked as a freelance journalist, researcher and expert witness in political asylum cases involving the Middle East. As a journalist, he contributed to a wide range of UK and international publications including the *Observer*, the *Independent* and the *Guardian*, and he frequently commentates on Middle Eastern affairs for radio and television. He is a former Head of Research at the Arab-British Chamber of Commerce and a former Assistant Director of the Council for the Advancement of Arab-British Understanding (CAABU). His publications include *Syria: Neither Bread Nor Freedom* (Zed Books, London, 2003); and *Jordan: Living in the Crossfire* (Zed Books, London, 2005). In

2003 he was elected a Senior Associate Member of St Antony's College, Oxford University.

(C) Summary

6. The situation in Libya has been transformed in the past year. Colonel Qadhafi's 42-year dictatorship ended with his violent overthrow and death. A new government exists but wields limited influence on the ground, where scores of locally- and tribally-based militias hold effective sway. The 'new' Libya remains very much a work in progress. Qadhafi's regime operated opaquely and arbitrarily. While it promulgated a substantial body of law and regulations - albeit that these were changed often - these often had little connection with actual practices. Likewise in post-Qadhafi Libya, governmental policies and declarations as yet mean little compared with the arbitrary practices of the militias.

7. Against that challenging background, the March 2012 *Libya* COI Report is an impressive reference work for those involved in the field of asylum and immigration. In its 157 pages of main text and 4 pages of annexes it covers all the key areas and issues relevant to the adjudication of asylum and immigration claims. While the essential purpose of the present Review is to suggest ways in which the Report might be improved, it would be churlish not to record that, even as it stands, the Report is of generally high quality and utility.

8. There are a number of minor typographical and textual errors and deletions that can easily be corrected.

9. The only major shortcomings/corrective tasks that I have identified are:

- several instances where significant items should be included;
- sections dealing with the evolution of Libya's political system under Qadhafi are weak and confused;
- confusion relating to administrative boundaries and the populations of Libya's main towns;

(D) Typographical errors/minor corrections

10. Throughout, the Report uses the verb 'called' to identify publications. On page 13, 1.10, for example, it is written: 'The International Crisis Group, in a report of 6 June 2011, called *Popular Protest*.....stated'. I appreciate that this is mainly a stylistic point, but I would assert that publications have *titles* rather than *names*; and that in every relevant instance the verb 'entitled' should be used instead of 'called'.

COIS: Accepted. The style suggested would seem to be an improvement and will be adopted.

11. Pages 14 and 15. I feel that the sub-headings 'The East' and 'Islamism' and 'State policy (under Gaddafi) towards the east' might be deleted. Without them, sections 1.11, 1.12 and 1.13 can follow each other reasonably comfortably under the sub-heading

‘Geographic and Tribal Issues’ on page 13. I feel that *with* the headings, this reasonably coherent section on ‘Geographic and Tribal Issues’ becomes fragmented.

COIS: Partly accepted. We consider that the section will be clearer if ‘The East’ is made a subsection of ‘Geographic and Tribal Issues’. We prefer to keep ‘The East’ as a heading to emphasise the differences between the east and west in Libya.

12. Page 22, 3.01. Reference is made in the text and in foot note 31 to the FCO’s *Country Profile of Algeria*. This should be *Libya*.

COIS: Accepted. Thank you. This is a typographical error and will be corrected. Fortunately the link is the correct one.

13. Page 22. The sub-heading ‘Italian occupation to the peace treaty of 1947’ should just be ‘Italian occupation’.

COIS: Accepted. This section will be changed to include some information on the 2nd World War as suggested in your point 31. The headings will then reflect the text.

14. Page 22, 2.09. Reference is made to a ‘GN £’. I am not sure what that is. On 4 April 2012 the XE.com website gave an exchange rate of £1 = 1.99 Libyan Dinars.

COIS: Accepted. Thank you. This is a typographical error and should read GB £. This will be amended.

15. Page 23, at top: Change sub-heading to ‘1951 Independence’.

COIS: Not accepted. Although the heading could be changed, we consider its current form is in keeping with the rest of the section.

16. Page 23: sub-heading in middle of page: delete the following from the sub-heading: ‘Leader of the Revolution’ (De Facto head of State’)

COIS: Accepted. Thank you. The heading will be changed.

17. Page 99, 19.04: The second sentence of the section on the Al-Majabra should be deleted as it is now out of date.

COIS: Accepted. Thank you. This change will be made.

18. Page 107, 19.12. Remove the ‘Tribal Influence’ sub-heading, which seems to me to be somewhat artificial and a bit confusing.

COIS: Not accepted. The subheadings have been used to break up a rather long section and we prefer to retain them so that the reader can quickly identify the subjects covered in the section.

19. Page 110, 19.14. The existing sub-heading should be amended to ‘Tribal and ethnic tensions since the declaration of liberation’.

COIS: Accepted. Thank you. The heading will be changed.

20. Page 133, 22.34. In the fourth paragraph of this entry, some words appear to be missing. ‘This is because in such cases the legal system that it is....’ In fact, the apparent error also appears in the source. I suggest entering ‘[sic]’ after the words ‘legal system that’.

COIS: Accepted. Thank you. The mistake in the quoted text will be acknowledged as suggested.

21. Page 138, 23.08. I feel that the introduction to this section is not elegantly-worded. I would suggest: ‘A 12 July 2011 UNICEF report, *Libya’s other crisis: 2 million children at physical and emotional risk as conflict drags on* stated:’

COIS: Partly accepted. (Points 21, 22 and 23). The introductions to these paragraphs give the reader some idea of their content; however 23.09 will be reworded to avoid the use of both the words ‘report’ and ‘reported’.

22. Page 139, 23.09. I feel that the introduction to this section is clumsily worded. I would suggest instead: ‘A 10 November 2011 report, UNICEF stated:’

COIS: As above

23. Page 139, 23.10. Again, I feel that the introductory words could be re-drafted, for example: ‘A Save the Children Sweden report issued in August 2011 stated:’

COIS: As above

24. Page 140, 23.13. In the fourth line there appear the words ‘that hit set up’. This is a printing error in the original report. I would suggest the insertion of ‘[sic]’ after the words ‘that hit set’.

COIS: Accepted. Thank you, the mistake in the quoted text will be acknowledged as suggested.

(E) Substantive recommendations

25. Page 9: Obviously, the ‘Latest News’ section could be updated to include: the Cyrenaican autonomy movement; the separate outbreaks of serious tribal and militia fighting in Sebha and Zuwara; the desecration of British war graves; and the release of the two British journalists whose case is already included in the ‘Latest News’ section of the report. I appreciate, of course, that there must be a cut-off point, and that extending this point may not be practicable.

COIS: Thank you. The aim of the latest news section is to provide a brief overview of the latest news stories released between the cut off date and the actual publication date of the report and not all reported news is included.

26. Page 11, 1.04 and 1.05. These sections are confused and inaccurate and should be re-done. The list of ‘main towns’ is actually a list of *administrative districts*. Better raw data is available on *Wikipedia* (see http://en.wikipedia.org/wiki/List_of_cities_in_Libya) and *Looklex* (see http://looklex.com/e.o/libya.cities_towns.htm). I do appreciate that *Wikipedia* is often regarded as a questionable source. In my view, many *Wikipedia* entries are indeed inaccurate or seriously biased. But many others are not. To me, the key question is whether or not a particular entry is accurate. To the best of my knowledge and belief, the entry I cite above is accurate and unbiased.

COIS: Accepted – we will correct the list of towns.

Europaworld, which in turn quotes the ‘National Authority for Information and Authentication’ as its source, appears to have provided incorrect information, and given the population of districts rather than as it says ‘Principal Towns (population at census of 2006)’. This is despite another section giving ‘Population by Region (population at 2006 census)’.

Dr George recommends *Wikipedia* but as he also points out this can be an unreliable source although the information contained in this entry appears accurate. In general we avoid using *Wikipedia* as it is difficult to be sure of its accuracy owing to the lack of transparency in who provides information and edits entries. If Dr George can suggest an alternative more reliable / transparent source that would be helpful.

We will also look for sources that provide an accurate list of the main cities / towns.

27. Page 11, 1.05 states that Libya has 3 provinces, 10 governorates and 1,500 ‘administrative communes’. In fact, there are no ‘provinces’ and there are 22 districts. See <http://statoids.com/uly.html>. I accept that it is very difficult to obtain comprehensive and reliable information on Libyan administrative units, not least because they were changed frequently during the Qadhafi period.

COIS: Accepted. Thank you. This information appears to have now been withdrawn from the Europa World site, and this paragraph will be removed. Research will be conducted when the report is updated to try to determine what the administrative boundaries are at that time.

28. Page 12, 1.07. This map should be replaced. I note that it shows the boundaries of municipalities, rather than of the 22 districts that were the most recent administrative division of the country. I note also that the Gulf of Sirte (or ‘Sidra’, to give it its Italian name) is shown as ‘Gulf of Sindra’! A possible replacement map is that at http://en.wikipedia.org/wiki/File:Lybian_Shabiat_2007_with_numbers.svg - although this does not actually show major settlements etc. Possibly it would be advisable to have two maps adjacent to each other: one showing only the administrative districts; and the other showing more general features.

COIS: Accepted. Thank you. A more recent map will be sought when the report is updated.

29. Page 13, 1.09. Obviously, public holidays marking key anniversaries of the Qadhafi regime are no longer relevant.

COIS: Partly accepted. Although it may be that these holidays will no longer be recognised, knowledge of them may still be relevant. We will however amend this section when we update the report and any new public holidays will be added.

30. Pages 16-17, 1.16 -1.17. These two sections should be replaced. They are outdated (as is acknowledged at 1.16), and - more seriously - they are inaccurate. The relevant information on flights is available at www.flightstats.com - although a coherent presentation of the position will require some research as the data is available on an airport-by-airport basis.

COIS: Accepted. Thank you. These sections have become outdated, and will be removed.

31. Page 22, 3.02. Possibly this section should have something - albeit brief - about Libya's significance as a Second World War battlefield, if only because mine explosions from that period remain a significant issue today.

COIS: Accepted – see point 13.

32. Page 24, 3.05. I think this extract from Europa World Online is rather confused - although not wrong, as such. Qadhafi's political system after March 1977 was complex and included elements that were somewhat opaque. But I think something a bit more clear and a bit more detailed than the Europa World Online entry is needed. Perhaps it would be useful to add the following edited version of an extract from the Carnegie Endowment for International Peace's briefing on Libya (see www.carnegieendowment.org/files/Libya_APS.doc):

Libya gained independence from Italy on December 24, 1951. In January 1952 Libya was declared a constitutional monarchy under King Idris. In September 1969 the king was ousted in a military coup (known as the al-Fateh Revolution) led by Colonel Muammar al-Qadhafi).

Libya is now the Socialist People's Libyan Arab Jamahiriya, a republic based on a unique political system designed by Colonel Muammar al-Qadhafi in 1977. The system is based on "The Third International Theory," supposedly a system of direct democracy that combines Islam and socialism. This Theory is laid out in a series of essays compiled in the Green Book.

A Constitution Proclamation was approved and promulgated on December 11, 1969. The proclamation was intended as a provisional measure until a permanent constitution could be adopted. It was amended with the Declaration on the Establishment of the Authority of the People on March 2, 1977 which declared the Quran to be the constitution. To this day Libya is governed on the basis of the 1969 proclamation and a series of fundamental laws deemed to have constitutional weight.

The structure of national and subnational government is under constant revision. Details of the laws that reorganize government are not available. As a result, some of the details below may not be a completely accurate representation of the system as it currently exists.

Executive branch and Legislative branch

Executive power is de facto vested in Colonel Muammar al-Qadhafi, the Revolutionary Leader. Although he holds no formal position in the government, he is the highest authority and as commander in chief he controls the armed forces. Along with a group of close associates, known as the Revolutionary Command Council, he controls all political life.

Under the Revolutionary leader is a complex system which supposedly represents pure, direct democracy based on the Green Book, the People's Declaration of 1977, and subsequently enacted and ever-changing fundamental laws. It is based on a hierarchy of People's Committees and People's Congresses that extend from the local to the central level.

The system is so peculiar that it cannot be described by a normal distinction between executive and legislative power. What follows is a description of how the system is structured in theory. In practice, the system is controlled from the top in a highly authoritarian manner.

In theory, the system starts at the bottom with Revolutionary Committees that exist throughout the country to further the cause of the revolution. In practice, these Revolutionary Committees, which do not have any governmental function, monitor the Basic People's Congresses and People's Committees and report to Qadhafi via the Revolutionary Command Council.

The Revolutionary Committees overlap with Basic People's Committees, which can best be compared to party cells in a single party system. The committees permeate all aspects of Libyan economic, political and social life, maintaining ideological and political control.

The Basic People's Committees control the Basic People's Congresses, which are institutions of local governments discussed below. The pyramid of Committees and Congresses culminates at the central level with the General People's Congress and the General People's Committee.

The General People's Congress (GPC)

- Is both a unicameral legislature and an executive body.
- Is made up of 760 members elected indirectly from local-level Basic People's Committees, Basic People Congresses, and Revolutionary Committees for three-year terms. Its members must be Libyan nationals over the age of 18 and hold leadership positions in the local committees and congresses.
- Elects the head of state and the General People's Committee.

- Recommends laws which are ultimately approved by the General People's Committee.
- Can issue decrees with the force of law.
- Chooses a secretary (speaker of parliament) to preside over its sessions, sign laws by order of the Congress and accept the credentials of the representatives of foreign countries.
- Is organized into people's committees (which are similar to ministries). Each committee is run by a secretary (which is the equivalent of a minister).
- Its leadership is vested in a five-member General Secretariat, comprising: a secretary general; a secretary for women's affairs; a secretary for affairs of the People's Congresses; a secretary for affairs of the trade unions, syndicates and professional associations; and a secretary for foreign affairs.
- Meets for only two weeks each year. For the remainder of the year, the functions of government are carried out by the General People's Committee.

Its primacy remains unaltered since the Declaration, but its internal structure has been altered several times. The last government reorganization took place with Law 1 of 2001 on the organization of the People's Congresses...

The Secretary-General of the General People's Congress:

- Is the [nominal] head of state.
- Nominates the secretaries (members) of the General People's Committee, who are then confirmed by the General People's Congress...

The General People's Committee:

- Functions as a cabinet.
- Consists of a secretary general and a number of secretaries chosen by the secretary general of the General People's Congress from about 600 local Basic People's Congresses.
- Is confirmed by the General People's Congress.
- Sets the agenda for meetings of the General People's Congress and in this way has responsibility for proposing laws and scheduling debate.
- Approves laws upon the recommendation of the General People's Congress.
- Comprises standing committees for Economy and Trade, Finance, Foreign Liaison and International Cooperation, Justice and Public Security, Planning and Tourism.

In 2000 the membership of the General People's Committee was reduced with many of its functions devolving to the People's Congresses.

The Secretary General of the General People's Committee is also Prime Minister.

COIS: Partly accepted. Thank you. We try to keep the history section of the report brief as it is only intended to give some background to the human rights part of the report. However this source is interesting and a link to it will be added.

33. Pages 25-26, 4.01. The BBC timeline is NOT the current version. I recommend replacing the existing material with the BBC timeline at <http://www.bbc.co.uk/news/world-africa-13755445> (which was last updated on 18 March 2012).

COIS: Accepted. Thank you, this will be amended. It is not always possible to include all the content of the report in its most up to date form when the report reaches its 'cut off point', although we strive to do so. However, if the reader accesses this source from the footnote the most recent version will be downloaded.

34. Page 30, 4.06: The section on 'Nato Military Intervention' strikes me as being very brief. I would suggest the insertion of the following, from 'NATO's Victory in Libya: The Right Way to Run an Intervention', in *Foreign Affairs*, Vol 91, No. 2, March/April 2012 (see http://www.aco.nato.int/resources/site631/saceur/documents/Daalder_Stavridis_final.pdf):

When the people of Libya rose up against Qaddafi in February 2011, many hoped that the nonviolent protests would follow the successful path of similar uprisings in Tunisia and Egypt. But rather than capitulate, as had Zine el-Abidine Ben Ali and Hosni Mubarak, Qaddafi launched a brutal crackdown.

The international community responded swiftly. In late February, the un Security Council placed sanctions, an arms embargo, and an asset freeze on Libya and referred Qaddafi's crimes against humanity to the International Criminal Court in The Hague. Shortly thereafter, the Arab League suspended Libya from its sessions and then called on the international community to impose a no-fly zone. On March 17, the Security Council granted that request, mandating "all necessary measures" to protect civilians.

The United States facilitated this rapid international reaction. In late February, Washington was the first country to cut off Qaddafi's funding, freezing \$32 billion in Libyan assets and prompting other countries to follow suit. Washington also led the charge for the un resolution that authorized the intervention, justifying the action as consistent with "the responsibility to protect," the norm that calls on the international community to intervene when governments fail to safeguard their own civilians. And on March 19, following the un authorization, the United States led a coalition in launching air and missile strikes against Libyan forces—including against a large concentration of armored vehicles approaching Benghazi, the headquarters of the revolution and home to 750,000 people whom Qaddafi had labeled as "rats" when he threatened to "cleanse Libya house by house." The initial intervention rescued the people of Benghazi, obliterated Libya's air defense system within 72 hours, and deployed aircraft and naval vessels to enforce the un resolution.

Following this early success, U.S. President Barack Obama sought NATO's agreement to take over command and control of the operation in order to ensure the effective integration of allied and partnered militaries.

Washington would continue to participate in military operations but would do so mainly by gathering and analyzing intelligence, refueling NATO and partner aircraft, and contributing other high-end military capabilities, such as electronic jamming.

With many NATO countries, including Belgium, Canada, Denmark, France, Italy, the Netherlands, Norway, Spain, the United Kingdom, and the United States, already contributing to the intervention, NATO was the logical choice to assume command, and it agreed to do so on March 27. Dubbed Operation Unified Protector, the alliance's mission in Libya consisted of three separate tasks: policing the arms embargo, patrolling the no-fly zone, and protecting civilians. Although it immediately solidified the maritime blockade and the no-fly zone, it encountered difficulties in protecting the Libyan people. The proximity of the regime's forces, facilities, and equipment to civilian infrastructure; the initially limited ability of the Libyan opposition to defend itself and the population centers under its control; and the need for NATO to minimize harm to civilians all slowed the operation and at times led to a perception of deadlock and stalemate.

By the middle of August, however, the opposition had gained enough strength to attack Qaddafi's strongholds, first in Tripoli and then in Sirte. Within two months, the Libyan National Transitional Council had secured control over the entire country and rebels had captured and killed Qaddafi. Operation Unified Protector ended on October 31, 222 days after it had begun.

COIS: Accepted. Thank you. The 'COIS Country Report on Libya: Background and Security Situation', published 25 July 2011, which is linked in paragraph 4.17 gives a little more information on the NATO operation. This was particularly important at the time that report was published and included a very useful link to the Ministry of Defence's 'Libya Operations Updates'. However when the operation ended this site became no longer available. The source you quote would appear to be a useful addition to this report, and a link to it will be included.

35. Page 45, 6. Political System. I feel that this entire section 6 as it stands does not offer a coherent exposition of the evolution of Libya's political system under Qadhafi. I appreciate that the story is quite complex; but this is a crucial period, and I consider that it is essential to provide a relatively detailed presentation of the changing administrative/political system - albeit that the fundamental and unchanging reality was always that the country was a dictatorship under Qadhafi in which human rights were violated routinely and massively.

COIS: For points 35, 36 and 37 please see comments following point 38.

36. Page 45, 6.01. This section is rather confused and unclear. I would replace this with a more straightforward - albeit longer - summary of the position between September 1969, when Qadhafi seized power, and the 1977 declaration of the authority of the people. May I suggest the following two extracts from Helen Chapin Metz, ed. *Libya: A Country Study* (Washington: GPO for the Library of Congress, 1987; see <http://countrystudies.us/libya/>).

The 1951 constitution, as amended in 1963, remained in effect until September 1, 1969. At that time a group of military officers and men headed by Captain (later Colonel) Qadhafi overthrew the monarchy and proclaimed a republic instead. The supreme organ of the revolutionary regime, the RCC, replaced the existing constitution with the Constitutional Proclamation of December 11, 1969, which was to be superseded by a new constitution at some future, unspecified date. Meanwhile, existing laws, decrees, and regulations not in conflict with the December proclamation remained in effect. The proclamation confirmed the RCC as the supreme authority, officially renamed the country the Libyan Arab Republic, and provided for a system of government. It vested sovereignty in the people, made Islam the state religion, and declared Arabic the official language. Education and health care were specified as constitutional rights. The December 1969 proclamation declared the Libyan people to be part of the Arab nation, dedicated to "the realization of socialism through the application of social justice which forbids any form of exploitation . . . [The state's] aim is to eliminate peacefully the disparities between social class[es]." Furthermore, the 1969 proclamation charged the state with endeavoring "to liberate the national economy from dependence and foreign influence." Public ownership was proclaimed the basis of social development and selfsufficient productivity, but nonexploitive private property would be protected, and inheritance would be governed by the Islamic sharia. Freedom of opinion was guaranteed "within the limits of public interest and the principles of the Revolution."

On the same day that the RCC issued the December 1969 proclamation, it also issued the Decision on the Protection of the Revolution. The decision established the death penalty for anyone attempting to overthrow the revolutionary regime and stipulated imprisonment for "anyone who commits an act of aggression" against the new government. Aggressive acts were defined as propagandizing against the regime, arousing class hatred among the people, spreading false rumors about political and economic conditions in the country, and demonstrating or striking against the government....

...The Constitutional Proclamation of December 11, 1969, designated the RCC as the supreme executive and legislative authority in Libya. The RCC itself was a collegial body in which issues and policies were debated until enough consensus developed to establish a unified position. As the RCC's chairman, however, Qadhafi was the dominant figure in the revolutionary government. Although he lacked absolute authority to impose his will on his RCC colleagues, they generally deferred to him as the primary leader and spokesman.

The RCC appointed the members of the Council of Ministers. The Council of Ministers was responsible collectively to the RCC, which could dismiss the prime minister individually or accept the resignation of other ministers. The prime minister's resignation automatically caused the resignation of the entire Council of Ministers. The Council of Ministers also was charged with executing general policy in accordance with RCC decisions. When these decisions required new laws, the Council of Ministers drafted legislation for the RCC's consideration. Promulgation was by RCC decree.

After 1969 numerous cabinet shuffles occurred, sometimes in reaction to dissension within the Council of Ministers and threats against the RCC and at other times in attempts to balance or modify the mix of civilian and military members of the cabinet. Qadhafi became prime minister in January 1970, but by 1972 he increasingly left routine administrative tasks to another RCC member, Major Abdel Salam Jallud (also seen as Jalloud), in order to devote himself to revolutionary theory. In July 1972, Jallud assumed the position of prime minister. At the time there was speculation in the foreign press that the new Council of Ministers' composition indicated dissension within the RCC and the diminishing of Qadhafi's authority; these notions proved erroneous, however, at least regarding the latter point. Qadhafi retained the positions of chairman of the RCC, commander in chief of the armed forces, and president of the mass political organization, the ASU, and he personally administered the oath of office to Jallud. Qadhafi's continuing dedication to revolutionary theorizing led to an April 1974 decree relieving him of his other political, administrative, and protocol duties so that he might devote all of his time to his primary interest. Jallud assumed the functions Qadhafi relinquished; he had already been performing many of them unofficially. Despite the fact that Qadhafi retained the position of commander in chief of the armed forces, speculation again arose that his power and authority were waning. Instead, the RCC decree appeared only to have formalized a division of labor between Qadhafi's theoretical interests and Jallud's practical political and administrative interests--a division that had existed informally for some time... The executive system comprising the RCC and the Council of Ministers continued to operate into 1977, with occasional cabinet shuffles. In late 1976, Qadhafi emerged from relative isolation to resume leadership of the RCC. On the seventh anniversary of the Revolution, September 1, 1976, Qadhafi introduced a plan to reorganize the Libyan state. The plan's primary feature was a proposal that a new representative body (the GPC) replace the RCC as the supreme instrument of government. A five-member General Secretariat was created to stand at the apex of the GPC.

The details of the plan were included in the draft Declaration of the Establishment of the People's Authority, adopted by the GPC in extraordinary session on March 2, 1977. The declaration included several basic points: the change in the country's name to the Socialist People's Libyan Arab Jamahiriya, the establishment of popular direct authority through a system culminating in the GPC, and the assignment of responsibility for defending the homeland to every man and woman through general military training.

The GPC also adopted resolutions that designated Qadhafi as its secretary general; created the General Secretariat of the GPC, which comprised the remaining members of the defunct RCC; and appointed the General People's Committee, which replaced the Council of Ministers, its members now called secretaries rather than ministers. For symbolic reasons, initially no secretary of defense was appointed within the General People's Committee, defense having become the responsibility of all citizens

COIS: Thank you. please see comments following point 38.

37. Page 45, 6.02. Remove the sub-heading 'General People's Committee' (which is actually a mistaken reference to the General People's *Congress*). I consider 6.02 to be confused and incomplete. I would suggest that it is replaced with a new section, preceded by the sub-heading Arab Socialist Union (ASU), extracted from Helen Chapin Metz, ed. *Libya: A Country Study* (Washington: GPO for the Library of Congress, 1987; see <http://countrystudies.us/libya/>). I appreciate that this new section would be considerably longer than the original item, but I consider that to be unavoidable given the complexity of the ASU and its significance as a precursor to the system of 'direct democracy' instituted in 1977.

COIS: Thank you. please see comments following point 38

The 1971 creation of the ASU, an imitation of the Egyptian counterpart of the same name, marked the first stage in the drive to modify subnational government. The ASU was envisioned as the direct link between the people and the government (and particularly the RCC). Its purpose was to provide the masses with a system that allowed for participation and representation (thus fostering national unity), commitment to the revolution, and loyalty to the RCC) but that could be carefully directed by the RCC. Resolutions passed by ASU organs required RCC decrees or orders for implementation, and the RCC could annul any ASU decision at any level and dissolve any ASU organ. As chairman of the RCC, Qadhafi became president of the ASU.

The ASU was organized on three tiers: at the basic (or local) level, the governorate level, and the national level. Membership was based on both geography (or residence) and function (workplaces, universities, and government bureaucracies). ASU units at both the basic and governorate level were composed of two elements, the conference and the committee. All local and functional ASU members within a basic area constituted the Basic Conference. The Basic Committee, which functioned as the conference's executive, comprised ten members elected by and from the conference. The committee in turn elected its own secretariat and appointed special subcommittees to investigate matters and suggest policies of local interest. The Governorate Conference consisted of two or more representatives elected from each basic unit, the number of representatives depending on the size of the basic unit's membership. The Governorate

Committee consisted of twenty members elected by and from conference members. The committee also elected its secretariat and appointed research subcommittees. ASU university units were equivalent to, and organized in the same manner as, ASU governorate units.

The ASU unit at the national level was the National Congress (sometimes seen as National Conference), an early version of the GPC. It comprised ten, fourteen, or twenty representatives from each ASU governorate unit (depending on the size of the membership of that unit). The National Congress also included members of the RCC and Council of Ministers and delegates from functional organizations.

38. Pages 45-46. I consider that the following very substantial new section should be inserted prior to the existing 6.03, again comprising an extract from Helen Chapin Metz, ed. *Libya: A Country Study* (Washington: GPO for the Library of Congress, 1987; see <http://countrystudies.us/libya/>):

The remaking of Libyan society that Qadhafi envisioned and to which he devoted his energies after the early 1970s formally began in 1973 with a so-called cultural or popular revolution. The revolution was designed to combat bureaucratic inefficiency, lack of public interest and participation in the subnational governmental system, and problems of national political coordination. In an attempt to instill revolutionary fervor into his compatriots and to involve large numbers of them in political affairs, Qadhafi urged them to challenge traditional authority and to take over and run government organs themselves. The instrument for doing this was the "people's committee." Within a few months, such committees were found all across Libya. They were functionally and geographically based and eventually became responsible for local and regional administration.

People's committees were established in such widely divergent organizations as universities, private business firms, government bureaucracies, and the broadcast media. Geographically based committees were formed at the governorate, municipal, and zone (lowest) levels. Seats on the people's committees at the zone level were filled by direct popular election; members so elected could then be selected for service at higher levels. By mid-1973 estimates of the number of people's committees ranged above 2,000.

In the scope of their administrative and regulatory tasks and the method of their members' selection, the people's committees embodied the concept of direct democracy that Qadhafi propounded in the first volume of *The Green Book*, which appeared in 1976. The same concept lay behind proposals to create a new political structure composed of "people's congresses." The centerpiece of the new system was the General People's Congress (GPC), a national representative body intended to replace the RCC.

The new political order took shape in March 1977 when the GPC, at Qadhafi's behest, adopted the "Declaration of the Establishment of the

People's Authority" and proclaimed the Socialist People's Libyan Arab Jamahiriya. The term *jamahiriya* is difficult to translate, but American scholar Lisa Anderson has suggested "peopledom" or "state of the masses" as a reasonable approximation of Qadhafi's concept that the people should govern themselves free of any constraints, especially those of the modern bureaucratic state. The GPC also adopted resolutions designating Qadhafi as its general secretary and creating the General Secretariat of the GPC, comprising the remaining members of the defunct RCC. It also appointed the General People's Committee, which replaced the Council of Ministers, its members now called secretaries rather than ministers.

All legislative and executive authority was vested in the GPC. This body, however, delegated most of its important authority to its general secretary and General Secretariat and to the General People's Committee. Qadhafi, as general secretary of the GPC, remained the primary decision maker, just as he had been when chairman of the RCC. In turn, all adults had the right and duty to participate in the deliberation of their local Basic People's Congress (BPC), whose decisions were passed up to the GPC for consideration and implementation as national policy. The BPCs were in theory the repository of ultimate political authority and decision making, being the embodiment of what Qadhafi termed direct "people's power." The 1977 declaration and its accompanying resolutions amounted to a fundamental revision of the 1969 constitutional proclamation, especially with respect to the structure and organization of the government at both national and subnational levels. Continuing to revamp Libya's political and administrative structure, Qadhafi introduced yet another element into the body politic. Beginning in 1977, "revolutionary committees" were organized and assigned the task of "absolute revolutionary supervision of people's power"; that is, they were to guide the people's committees, raise the general level of political consciousness and devotion to revolutionary ideals, and guard against deviation and opposition in the BPCs. Filled with politically astute zealots, the ubiquitous revolutionary committees in 1979 assumed control of BPC elections. Although they were not official government organs, the revolutionary committees became another mainstay of the domestic political scene. As with the people's committees and other administrative innovations since the revolution, the revolutionary committees fit the pattern of imposing a new element on the existing subnational system of government rather than eliminating or consolidating already existing structures. By the late 1970s, the result was an unnecessarily complex system of overlapping jurisdictions in which cooperation and coordination among different elements were compromised by ill-defined grants of authority and responsibility.

The changes in Libyan leadership since 1976 culminated in March 1979, when the GPC declared that the "vesting of power in the masses" and the "separation of the state from the revolution" were complete. Qadhafi relinquished his duties as general secretary of the GPC, being known thereafter as "the leader" or "Leader of the Revolution." He remained supreme commander of the armed forces. His replacement was Abdallah Ubaydi, who in effect had been prime minister since 1979. The RCC was formally dissolved and the government was again reorganized into people's

committees. A new General People's Committee (cabinet) was selected, each of its "secretaries" becoming head of a specialized people's committee; the exceptions were the "secretariats" of petroleum, foreign affairs, and heavy industry, where there were no people's committees. A proposal was also made to establish a "people's army" by substituting a national militia, being formed in the late 1970s, for the national army. Although the idea surfaced again in early 1982, it did not appear to be close to implementation.

COIS: Partly accepted. Although the summary from Europa World in paragraphs 6.01 and 6.02 is brief, the main purpose of this report is to give information about the situation as it is now. Some information about the Gaddafi era is felt necessary, but only in a historical context. However, a link will be added to the report quoted which will enable the reader to obtain more information if required.

The General People's Committee will be corrected to The General People's Congress.

39. Page 50, 5.01. There should be a reference at the end of this section to the Constitutional Declaration of August 2011, which is outlined at 5.01, as this Declaration sets the timetable for the institution of a new constitution and the establishment of a democratic system.

COIS: Accepted. A cross reference will be added.

40. Page 53, 7.05. I suggest the addition of a section with the following extract from Human Rights Watch's *World Report 2012* (see <http://www.hrw.org/sites/default/files/reports/wr2012.pdf>):

At this writing Libya's new interim leadership, the National Transitional Council (NTC), was struggling to rein in the many militias and local security forces across the country, secure unguarded weapons, and build a new Libya based on independent institutions and the rule of law. A weak criminal justice system, torture and mistreatment of detainees, and revenge attacks against Gaddafi officials and supporters were pressing concerns, as was the apparent execution of Libyan leader Muammar Gaddafi, his son Muatassim, and dozens of his supporters.

COIS: Accepted. Thank you. This will be added.

41. Page 55, after 8.05: I would suggest the addition of the following extract from a 17 February 2012 report from the *Associated Press* news agency (see <http://www.cbc.ca/news/world/story/2012/02/17/libya-anniversary-militias.html>):

The police have been eclipsed. When Tripoli fell, most police fled and shed their uniforms, fearful of revenge attacks. The police chief in Souq al-Jomaa [Mr Tabla's home district of Tripoli] never came back. Now there are about 200 police in the Souq al-Jomaa station, about a tenth of the number of militiamen, said one officer, Mustafa al-Darnawi.

At night, policemen vanish, afraid of attacks. Police stations are guarded by militiamen.

"Without revolutionaries, the police are zeros," said a Souq al-Jomaa resident, 24-year-old Ahmed Hajaji, standing next to the local police station, where a large sign over the entrance read, "No to revenge, yes to forgiveness."

COIS: Accepted. Thank you. If this news article is still relevant when the report is updated it will be included.

42. Page 58, 8.12. This very important section could be strengthened by the addition of reports of further clashes since Qadhafi's fall. I would cite the following series of articles:

(a) from the *Daily Telegraph* on 31 October 2011, entitled 'Libya: revolutionaries turn on each other as fears grow for law and order':

Hundreds of revolutionaries fought each other at a hospital in Tripoli early on Monday, in the biggest armed clash between allies since the fall of Muammar Gaddafi.

The fighting fuelled growing fears that nobody is in control of thousands of swaggering armed men who are still based in Tripoli and that the country's interim government will struggle to impose law and order.

Two people died from bullet wounds and at least seven fighters were injured during a battle that started when militia from the town of Zintan were stopped by guards from the Tripoli Brigade from entering the city's Central Hospital to kill a patient.

The hospital front door and entrance hall were afterwards left pocked with bullets, doctors and patients had to flee the building and two elderly patients died of heart attacks during the shooting, which lasted from about 1am until dawn. Heavy machine guns and anti-aircraft guns were used by both factions, supposed allies who in reality nurse a dangerous rivalry.

The shoot-out started when a group of gunmen arrived at the hospital in search of a man they had shot earlier in the night. Witnesses said the gunmen were drunk, and had come to finish the man off after learning that he had survived and been taken for medical treatment.

Doctors asked them to leave, at which point one of them pulled out a pistol and began shooting.

"He was overpowered, but then hundreds of Zintan men arrived outside the hospital with heavy weapons and shooting started," said Mohamad Hamza, a Tripoli Brigade fighter in charge of security. "We had to call for backup, and our boys came from all over Tripoli.

"We couldn't believe that they were shooting at us. I had to say to them, you are shooting at a hospital, not at Muammar Gaddafi's 32nd Brigade. Eventually, after several hours, a Shaikh came from the mosque and persuaded them to stop and they handed over three of them who started it to Tripoli's military council."

He said one Zintan fighter and a passer-by were killed in shooting, and seven Tripoli Brigade men were injured, two seriously. He said he believed Zintan injured were taken to other hospitals.

The incident will raise pressure on the fragile National Transitional Council to disarm the former rebel fighters who are still at large in Libya's capital, even though they were asked to leave weeks ago and have been ordered to give up their heavy weapons.

The Zintan brigades were some of the most ferocious fighters against Gaddafi's forces and helped lead the attack on Tripoli, but have overstayed their welcome, earning a reputation for mayhem and looting.

Thousands of them have ignored pleas to go, staying put instead of returning to their town in the mountains three hours drive to the south.

The battle came on the day Human Rights Watch warned in a report that the entire population of 30,000 people from the town of Tawargha, near Misurata, has been driven out by former rebels for siding with Gaddafi. There have been reports that some of its men, who are predominantly black-skinned, may have been shot or beaten.

Tripoli's residents fear that there will be more clashes in their city, which is desperate to get back to normality. Mr Hamza, in charge of security at the hospital, said he expected more trouble. "I think it will happen again," he said. "They will be back for revenge."

Peter Cole, Libya analyst with the International Crisis Group, said: "Rivalry between brigades from different cities has not been resolved and it does now pose a threat to Libya's security."

"This suggests that the National Transitional Council needs to work harder with the militia groups to bring unity among them."

(b) from the BBC's website entitled 'Gunfight erupts near Tripoli airport in Libya', dated 11 December 2011 (see <http://www.bbc.co.uk/news/world-africa-16128837>). This states:

Gun battles broke out near the international airport in the Libyan capital, Tripoli, army officials said.

An army spokesman told Libyan TV two gunmen opened fire on Saturday on a convoy accompanying army chief Maj-Gen Khalifa Haftar but called it an "isolated incident".

It was reportedly followed by hours of clashes along the coastal road.

(c) an article entitled 'Libya militias clash in longest sustained fighting since Qaddafi's fall' in the *Christian Science Monitor* on 14 November 2011. This states:

Libya's efforts at building a government and civil society after more than 40 years of autocratic rule are being hindered by clashes between rival militias, still armed from the violent rebellion that ousted former leader Muammar Qaddafi.

Militias from the town of Zawiyah and the tribal area of Warshefana, both in the vicinity of Tripoli, have clashed for the past four days – the longest sustained fighting since Mr. Qaddafi's fall last month. At least six people were killed, the Associated Press reports. In Tripoli, where the police force does not yet have control of the whole city, brigades from different tribes and regions remain in control of sections of the city, according to the Washington Post.

A fighter from Zawiyah told the Washington Post there are "remnants of Qaddafi people among them," referring to the Warshefana tribe. Some of the Zawiyah fighters believe that Saif al-Islam, the only member of the Qaddafi family who remains at large, is hiding in the area.

Interim leader Mustapha Abdul-Jalil said Sunday that the National Transitional Council intends to disarm the many militias still roaming the country and skirmishing with each other, but that first the government needs to be able to offer alternatives – jobs, education, and training, the Associated Press reports.

There have also been clashes in Tripoli between fighters from the coastal city of Misurata, which endured a months-long siege by Qaddafi's army during the war, and the mountain town of Zintan, which has developed a particularly bad reputation for fighting and stealing. Zintanis have also clashed with local Tripoli brigades.

As The Christian Science Monitor reported from Tripoli, Misuratas fighters feel "accountable to no one, not even the country's interim government," because of how much they suffered during the siege. More than 1,000 people were killed...

... Efforts to persuade militias to disarm have so far been mostly futile, the Monitor reports. Many fighters say they don't mind giving up their weapons, but can't do it unless rival militias agree to as well, creating a never-ending cycle of militias waiting for each other to make the first move. Even the Jadu Brigade, which has a reputation for being more respectful of authority than most of the militias, and more reluctant to turn to violence, has resisted.

(d) a report entitled 'Libya's rebels without a cause', dated 15 December 2011 and posted on the BBC's website (see <http://www.bbc.co.uk/news/world-africa-16187211>) which refers to:

...a string of clashes between different groups in recent weeks.

In the latest incident, the newly formed national army complained of being attacked by Zintan rebels who had taken control of Tripoli's international airport.

(e) an article on the BBC's website on 4 January 2012 entitled 'Libyan militias clash in Tripoli' (see <http://www.bbc.co.uk/news/world-africa-16404219>), which records:

In Libya, four people have been killed and at least five have been injured in a firefight between militias in the centre of Tripoli.

A brigade from the city of Misrata clashed with an armed group from Tripoli over an old intelligence building between Zawiya and Saidi streets.

The skirmishes highlight the continuing security threat posed by disparate militias with significant power in the absence of a national army or police.

COIS: Points 42 – 46 which relate to paragraphs 8.12 and 8.13 are addressed at the end of point 46.

43. Page 59, 8.13. I would suggest replacing the existing entry with a fuller text of the cited BBC article of 7 January 2012 and entitled 'Libya's ex-rebels reluctant to down arms' (see <http://www.bbc.co.uk/news/world-africa-16443441>; although I do note that a longer extract from this article does appear at 10.09). This states:

More than two months after the death of Col Muammar Gaddafi - and nearly five since he was removed from power - Libya's new government faces problems in securing order.

Tripoli's international airport is now a bustling little place. It is scruffy and in need of a make-over but it is a vital lifeline for Libya as it reopens for business.

Roaming the terminal floor and patrolling the runways are soldiers for whom this is their power-base.

They are ex-rebels from the town of Zintan, south-west of the capital, who captured the airport a few months ago.

The uprising that toppled Muammar Gaddafi last year may be over but the Zintanis remain in place: one of the many militias, or 'thwar', that control key areas of the country but are under growing pressure to disband.

But the 'thwar' see themselves as guardians of the revolution. They hail from across Libya. Many of the towns are tiny - Zintan has only around 50,000 inhabitants - but if they happened to win a key victory in the uprising, they took on a significance far beyond their stature in the new Libyan hierarchy.

It was the Zintanis who captured Saif al-Islam Gaddafi back in November. That, along with their control of Tripoli airport, makes them a powerful force.

But as Libya continues its transition from civil war to stable democracy, the government is now trying to rein in the different armed groups, replacing them with a national army and police.

Although the commander-in-chief of the army has recently been named - Youssef Mangoush - the force has yet to be established. The Zintan commander in Tripoli, Mukhtar al-Akhdar, tells me his men will join an army once it's formed, but that for now they have the right to remain in place...

... "We have a duty to protect the airport. The revolution is still in danger. If we leave, there will be problems here. The people who complain about us are jealous because we're doing a good job."

But with sporadic clashes between the groups, the complaints are growing louder.

Demonstrations in Tripoli have called for the brigades from elsewhere to leave the city. In the latest confrontation just a few days ago between militias from Tripoli and Misrata, four men were killed in the heart of the capital.

Mustafa Abdel-Jalil, the chairman of Libya's National Transitional Council, has now warned of the possibility of a "civil war" if the armed groups are not brought under control...

...Almost three months since the country's liberation was formally declared, Libya feels calmer and less volatile than many had predicted. But the continuing presence of the militias is seen as a serious - and growing - threat to stability.

Disarming and persuading them to integrate within national forces is now arguably the greatest challenge facing this fledgling government as it tries to establish security before elections planned later this year.

COIS: Points 42 – 46 which relate to paragraphs 8.12 and 8.13 are addressed at the end of point 46.

44. Page 59, 8.13. I would also suggest the inclusion of the following extracts:

(a) a BBC report dated 20 January 2012 and entitled *Libya power struggle tears apart Assabia* (see <http://www.bbc.co.uk/news/world-africa-16655046>). This states:

An increasingly tense stand-off in the Libyan town of Assabia appears to have its roots in a struggle for control between rival militias.

Fighters in the nearby town of Gharyan say militias in Assabia, 50 miles south of Tripoli, continue to support the former regime. They say they will disarm them by force if necessary.

Armed groups in Assabia, for their part, have told the BBC they will not give up their weapons unilaterally.

Officials say 12 people were killed and around 100 injured in clashes between the two sides last weekend.

The BBC has seen more evidence of former Libyan rebel fighters torturing prisoners accused of loyalty to the Gaddafi regime.

(b) an article dated 1 February 2012 and entitled 'Rival Libya militias battle in Tripoli', posted on the BBC's website (see <http://www.bbc.co.uk/news/world-africa-16841848>):

Rival Libyan militia groups have fought a gun battle in the capital, Tripoli, officials say.

Exchanges of fire were heard and plumes of smoke seen coming from a district known as Tariq Al Shat in central Tripoli, eyewitnesses said.

A BBC reporter who drove past the area later said the fighting had ceased. An interior ministry official told Reuters news agency the fighting was between militiamen from the city of Misrata, and a group from Zintan.

The two militia groups fought together to overthrow Muammar Gaddafi last year.

Several militias from outside the capital have set up bases in Tripoli and regularly clash as they fight for control of parts of the city.

The country's interim National Transitional Council (NTC) is struggling to reassert its authority.

The latest clashes took place near the coast, close to the Corinthia Bab al-Africa and Marriott hotels.

"Misrata controls a police academy building up the road and they are fighting with Zintan. We do not know why they are fighting," interior ministry Naji Awad told Reuters.

(c) the following Reuters report of 15 February 2012:

About 5,000 rebels have joined Libya's nascent national army but more of the militias that have dominated the country since the revolution must sign up if the armed forces are to reassert their authority, the new chief of staff said.

The militias, which fought to unseat former leader Muammar Gaddafi, are now the biggest threat to the stability of Libya, clashing regularly with each other in violent turf wars and undermining the authority of the new rulers.

Libya's interim government, the National Transitional Council (NTC), wants to amalgamate the militias into the police force and army. NTC chief Mustafa Abdel Jalil warned last month that if they did not comply, the country risks being dragged into a civil war.

Drawn from dozens of different towns and ideological camps, militias are reluctant to lay down arms they believe will help them secure their due share of political power in the new Libya.

The NTC named a chief of staff, Yousef al-Manqoush, last month and set up a committee to register former fighters and help them to either join the army or police forces or offer them the financial means to start new lives as civilians.

"More than 100,000 rebels from all over Libya have registered with the combatants' committee that deals with the rebels on an individual level and not as groups," Mustafa al-Saqizly, the head of the committee, told a news conference late on Tuesday.

Of those, Manqoush said 5,000 rebels joined the army in an official ceremony on Tuesday and would begin their training in March. About 400 had completed training to join the police.

It is not clear how many fighters there are in Libya's many militia units, but they could number in the hundreds of thousands.

Those that have turned up to seek jobs in the new police force or army appear to be from smaller militias that did not have the resources to make a bid for power, rather than the heavily armed and well-organized militias that are the biggest headache for the NTC.

Mokhtar al-Akhdar commands a 1,200-strong force drawn mainly from Zintan, which now controls Tripoli airport. Speaking to reporters at the airport on Wednesday evening, Akhdar said the NTC had failed to provide jobs and security and that the rebels were so far working without pay to secure the country, making it difficult for the militias to give up their guns.

Once there was a functioning police force of at least 10,000 men, they would consider giving up their own weapons, Akhdar said, complaining about a recent incident in which members of his militia had been detained by a rival group in Benghazi in apparent response for a previous clash.

Such altercations have become a daily occurrence in Libya, while the poor state of the armed forces under Gaddafi has also posed challenges for the NTC.

Gaddafi distrusted the military and effectively dismantled the armed forces in the 1990s, leaving them with few arms or personnel, placing real power in the hands of his own militias which moved swiftly to crush protests against him in February. A large number of military officers defected in the early days of the uprising and barracks were overrun by rebels.

Manqoush said the new Libyan army also needed graduates to join a new 8-10 month officer training scheme aimed at creating a smaller professional army to replace the sprawling but disorganized force of old.

"The army is an institution that cannot be built in a matter of days. We need time," Manqoush said.

"The more we support the national army, and people rally around it and offer it the necessary support and cooperation the more we reduce the need for armed groups ... We must cooperate with the army to help them regain the military barracks and equipment."

(d) the following excellent article published on the BBC's website on 18 February 2012 and entitled 'The gun settles disputes in the new Libya' (see <http://www.bbc.co.uk/news/magazine-17063509>):

In towns and cities across Libya, celebrations took place marking the first anniversary of the uprising that led to the overthrow of Col Gaddafi, but hundreds of former rebels are still armed and many believe in settling disputes with a gun.

Benghazi is a city on edge. The flood of adrenalin that powered the revolution has ebbed away, exposing frayed tempers and short fuses.

We went to the hospital to interview a doctor. During the revolt against Gaddafi he had, for a brief period, swapped his stethoscope for a gun.

The doctor's name was Ahmed el Metjawel. He met us in the main entrance and we had not got very far when some former rebel fighters, acting now as security guards in the hospital, asked us if we had permission to film.

The doctor said he would answer for us and on we went. But before we could reach his office, the same security guards reappeared, running after us, with some more senior doctors in tow.

An argument broke out between our friend and one of the hospital directors. The row was conducted in more or less civil tones, but the politeness was clearly for our benefit. Resentment bubbled under the surface.

Eventually we made it to Dr Metjawel's office, and started recording our interview. We had barely begun when those same three fighters burst in and told us to stop.

Now the anger boiled over. The doctor and the security man squared up to each other in the tiny office, nose to nose.

We needed permission from the commander of the local brigade, shouted the fighter. What right did he have to walk into his office and tell him what to do, responded our doctor.

And so it went on, hands gesturing, arms flailing. Eventually the security man threatened to call in the "kateeba", the men with the guns.

In Libya, the gun is the ultimate arbiter of disputes. It is not always used, as it was not in this case. Sometimes the mere threat is enough. A few weeks ago, I went to check on reports that there was digging going on in Gaddafi's former compound in Tripoli. The dictator's gold, it is rumoured, lies hidden somewhere in the ground.

A group of men stopped me from entering.

On whose authority, I wanted to know?

"Authority?" the man in charge asked.

"Yes," I said, "which ministry or government department has decreed that the BBC should be prevented from seeing your digging?"

"I don't need any ministry," said the man, patting his Kalashnikov. "This is my ministry."

Anyway, back to Benghazi.

We went to see the director of the hospital and the incident at the hospital was eventually resolved.

But that little argument told us a great deal about what kind of a country Libya is becoming.

It is a place where the "kateeba" rules supreme. This country is run by a patchwork of former rebel fighting brigades.

Like the kateeba at the hospital, most of these brigades are answerable to no one but themselves. Each rules over its own little territory, whether it is a hospital, an airport or a few city blocks.

It is at the edges of these small fiefdoms that the trouble starts.

If ever there were a place that proved the old adage that all politics is local, then Libya is it.

I had wanted to talk to Dr Metjawel about the future of his country as it emerges from four decades of dictatorship.

Having fought in the revolution, how did he feel about the direction Libya was heading in?

But his main concern seemed to be the management of the hospital. It was the same old Gaddafi-era figures in charge, he complained, and they were simply appointing their own family and friends to positions of responsibility.

It was the same local concerns that had upset the security people.

They did not really mind us filming in the hospital. But we had asked the doctor for permission rather than the fighters, undermining their little patch of authority.

Almost every evening you can hear evidence of these minor disputes as the sound of gunfire drifts across Libya's cities after dark.

And yet, a recent survey of public opinion suggests a staggering degree of optimism among people here.

Whatever their frustrations about how things are turning out, more than 90% of those questioned thought the revolution was a positive development.

And so the Libyans are both united and at the same time dangerously fractious.

The day after that incident at the hospital, I sat in the warm morning sunshine talking to a man who has become something of a professional protester.

Every day he comes out on to one of Benghazi's main squares to voice his displeasure at the failings of the local government, the power of the armed militias.

After listening to his litany of complaints, I asked him if he thought it had all been worth it. His face changed.

"Oh," he said, "I feel like a different man now. I can breathe, I am free."

45. Page 59, 8.13. I suggest also the addition of a section on the violent clashes during February 2012 between tribal/ethnic militias in the south eastern oasis town of Kufra, that caused scores of deaths and injuries. On 21 February 2012 the BBC reported (see <http://www.bbc.co.uk/news/world-africa-17115048>):

COIS: Points 42 – 46 which relate to paragraphs 8.12 and 8.13 are addressed at the end of point 46.

Scores have been killed and injured in clashes between two rival ethnic groups in Libya's remote south-eastern area, according to local reports.

Rockets, mortars and gunfire have rocked residential areas in the desert town of al-Kufra for the past 24 hours, aid workers say.

Fighting first broke out between the Zwai [tribe] and the Tebu groups 10 days ago.

The new government is struggling to rein in armed groups jostling for power after the fall of Col Muammar Gaddafi.

The Arab Zawi people are battling with the African Tebu ethnic group in al-Kufra.

46. Page 59, 8.13. I would suggest the addition of the following extract from an article entitled 'Battle of wills over control of Libya's border crossings', posted on the BBC's website on 2 March 2012 (see <http://www.bbc.co.uk/news/world-africa-17233519>):

Libya's interim government has set a deadline for militia groups to relinquish control of the country's border crossings by the end of the week.

Many of Libya's international gateways are still controlled by brigades of former rebel fighters.

A spokesman for the interior ministry told the BBC they must all be in government hands by Monday.

The issue is becoming part of a battle of wills between Libya's politicians and the young men who fought the revolution.

It is the latter who have the upper hand.

Tripoli International airport is getting busier every day, as Libya emerges from civil war.

When Tripoli fell to rebel forces in August 2011, it was fighters from the small town of Zintan, south-west of the capital, who rushed in to secure the airport.

Six months later, they are still here.

"Nearly all of us are from Zintan," says Abdel Hakim Sheibi, one of the commanders in a force of around 1,200 men.

"We will hand over control of everything once the country is back on its feet, but not before"

He's a broad man wearing combat fatigues and, somewhat incongruously, blue suede boots.

He and his men say they are loyal to the interim government. But they are not under its control. Nor are they being paid.

"We don't expect anything from the government, even though they've promised to pay us. We're used to them saying one thing and doing another. Even under Gaddafi it was the same."

Actually, some of the fighters in Abdel Hakim's brigade do get paid.

He himself was once an officer in Col Gaddafi's military. When the revolution broke out last year, he joined the rebels in Zintan.

He continues to receive a military salary.

Others who once held government jobs are in a similar position: they continue to be paid, even though they no longer work in their old jobs.

But this applies to only a handful of Abdel Hakim's men.

The rest rely not on the new Libyan state, but on donations from the Zintan brigade to feed themselves and their families.

And that is part of the problem.

The government is trying to assert itself. But it lacks authority. It wants former rebel fighters to join a national defence force.

But Abdel Hakim and his men simply don't trust the government. Not yet. They believe they are still needed to prevent Libya's international gateway from falling into the wrong hands.

"We will hand over control of everything once the country is back on its feet, but not before," he says.

COIS: Not accepted. These news articles are useful, but we cannot fill the report with unlimited news reports as the COIS report would become too large.

News reports have been included in other parts of the report – for example, the BBC article of 7 January 2012 'Libya's ex-rebels reluctant to down arms' which you quote, is included in the COIS report in paragraph 10.09 under the section 'Difficulties facing the new government in disarming the militia groups' because it was considered more appropriate there.

Other reports similar to those quoted by you are also included there.

When the report is updated news reports will be considered and where relevant will be included.

The clashes mentioned in point 45 occurred after the cut off point of this report, but are included in the 'Latest News' section and may be incorporated into the updated report if still relevant. .

47. Page 65, after 8.25. I would recommend the insertion of the following press release that accompanied the publication of an Amnesty International report issued on 13 October 2011, entitled *Detention Abuses Staining the New Libya* (see <http://www.amnesty.org/en/news-and-updates/report/new-libya-%E2%80%99stained%E2%80%99-detainee-abuse-2011-10-13>):

The new authorities in Libya must stamp out arbitrary detention and widespread abuse of detainees, Amnesty International said today in a new briefing paper.

In Detention Abuses Staining the New Libya the organization reveals a pattern of beatings and ill-treatment of captured al-Gaddafi soldiers, suspected loyalists and alleged mercenaries in western Libya. In some cases there is clear evidence of torture in order to extract confessions or as a punishment.

"There is a real risk that without firm and immediate action, some patterns of the past might be repeated. Arbitrary arrest and torture were a hallmark of Colonel al-Gaddafi's rule," said Hassiba Hadj Sahraoui, Amnesty International's Deputy Director for the Middle East and North Africa.

"We understand that the transitional authorities are facing many challenges, but if they do not make a clear break with the past now, they will effectively be sending out a message that treating detainees like this is to be tolerated in the new Libya."

Since late August, armed militia have arrested and detained as many as 2,500 people in Tripoli and al-Zawiya.

The organization said detainees were almost always held without legal orders and mostly without the involvement of the General Prosecution. They were held by local councils, local military council or armed brigades – far from the oversight of the Ministry of Justice.

COIS: Points 47, 48 and 49 are considered together at the end of point 49.

48. Page 65 after 8.25: I would suggest the addition of the following text of a press release issued by Amnesty International to mark the publication on 16 February 2012 of a report entitled *Militias threaten hopes for new Libya* (see http://www.amnesty.org.uk/news_details.asp?NewsID=19948):

Armed militias operating across Libya are committing widespread human rights abuses with impunity, fuelling insecurity and hindering the rebuilding of state institutions, warned Amnesty International in a new report released today (16 February), a year on from the start of Libya's February 2011 uprising.

The report...documents widespread and serious abuses, including war crimes, by a multitude of militias against suspected al-Gaddafi loyalists, with cases of people being unlawfully detained and tortured - sometimes to death.

African migrants and refugees have also been targeted, and revenge attacks have been carried out, forcibly displacing entire communities - while the authorities have done nothing to investigate the abuses and hold those responsible to account.

Amnesty International Senior Crisis Response Adviser Donatella Rovera said:

“Militias in Libya are largely out of control and the blanket impunity they enjoy only encourages further abuses and perpetuates instability and insecurity.

“A year ago Libyans risked their lives to demand justice. Today their hopes are being jeopardised by lawless armed militias who trample human rights with impunity. The only way to break with the entrenched practices of decades of abuse under Colonel al-Gaddafi’s authoritarian rule is to ensure that nobody is above the law and that investigations are carried out into such abuses.

“Militias with a record of abuse of detainees should simply not be allowed to hold anyone and all detainees should be immediately transferred to authorised detention facilities under the control of the National Transitional Council.”

In January and early February 2012, Amnesty delegates visited 11 detention facilities used by various militias in Tripoli, Zawiya, the Western Mountains, Misratah, Sirte and Benghazi. Amnesty delegates met detention administrators, hospital staff, doctors, lawyers, detainees, former detainees, relatives of people killed or abused in detention, as well as representatives of the Libyan authorities. At ten of the locations detainees said they had been tortured or ill-treated there, and showed Amnesty injuries resulting from recent abuse. Several detainees said they had “confessed” to rape, killings and other crimes they had not committed just to end the torture.

Individuals held in and around Tripoli, Gharyan, Misratah, Sirte and Zawiya told Amnesty they had been suspended in contorted positions; beaten for hours with whips, cables, plastic hoses, metal chains and bars, and wooden sticks; and given electric shocks with live wires and taser-like electro-shock weapons.

At a detention centre in Misratah an Amnesty delegate saw armed militia members beating and threatening some detainees whose release had been ordered. An older detainee from Tawargha was cowering, squatting against the wall, and crying as he was being kicked and threatened by a militia member who told Amnesty that “those from Tawargha will not be released or we’ll kill them”.

In an interrogation centre in Misratah and Tripoli Amnesty found detainees

who interrogators had tried to conceal and who had been severely tortured - one so badly that he could hardly move or speak.

At least 12 detainees held by militias have died after being tortured since September. Their bodies were covered in bruises, wounds and cuts and some had had fingernails or toenails pulled out. Not a single effective investigation is known to have been carried out into cases of torture, even in cases where detainees died after having been tortured at militia headquarters or in interrogation centres formally or informally recognised or linked to the central authorities.

No investigations have been carried out either into other grave abuses, such as the extrajudicial execution of detainees and other war crimes, including the killing of some 65 people whose bodies were found on 23 October in a hotel in Sirte which served as a base for opposition fighters from Misratah. Video footage exists showing militia members hitting and threatening to kill a group of 29 men in their custody. One is heard saying “take them all and kill them”. Their bodies were among those found three days later at the hotel, many with their hands tied behind their back and shot in the head.

The Libyan authorities have so far taken no action against the militias who have forcibly displaced entire communities - a crime under international law. Militias from Misratah drove out the entire population of Tawargha, some 30,000 people, and looted and burned down their homes in revenge for crimes some Tawargha are accused of having committed during the conflict. Thousands of members of the Mashashya tribe were similarly forced out of their village by militias from Zintan, in the Nafusa Mountains. These and other communities remains displaced in makeshift camps around the country while no action has been taken to hold the perpetrators accountable or to allow the displaced communities to return home.

COIS: Thank you. Points 47, 48 and 49 are considered together at the end of point 49.

49. Page 65, after 8.27: I suggest the addition of the following extract from an Amnesty International report issued on 26 January 2012 entitled ‘Libya: fresh reports of deaths of detainees amid widespread torture’ (see http://amnesty.org.uk/news_details.asp?NewsID=19917):

Several detainees have died after being subjected to torture in Libya in recent weeks and months amid widespread torture and ill-treatment of suspected pro-al-Gaddafi fighters and loyalists, Amnesty International said today.

Amnesty delegates in Libya have met detainees being held in and around Tripoli, Misrarah and Gheryan, who showed visible marks indicating torture inflicted in recent days and weeks. Their injuries included open wounds on the head, limbs, back and other parts of the body.

The torture is being carried out by officially recognised military and security entities as well by a multitude of armed militias operating outside any legal framework.

Detainees, both Libyan and foreign nationals from sub-Saharan African countries, told Amnesty they had been suspended in contorted positions, beaten for hours with whips, cables, plastic hoses, metal chains and bars and wooden sticks, and given electric shocks with live wires and Taser-like electro-shock weapons. The patterns of injury observed by the organisation were consistent with their testimonies. Medical reports seen by Amnesty also confirmed the use of torture on several detainees, a number of whom died in custody.

The majority of detainees being targeted are Libyans believed to have stayed loyal to Colonel al-Gaddafi during the recent conflict. Foreign nationals, mostly sub-Saharan Africans, also continue to be randomly detained, including in connection with their irregular legal status, and some are tortured.

COIS: Accepted. Thank you. These are useful Amnesty International reports and excerpts from one or all of them will be considered for inclusion when the report is updated.

50. Page 65: I recommend the addition of a section sub-headed ‘Extra-Judicial Killings’. This would cite the following extract from a 24 October 2011 Human Rights Watch report entitled *Libya: Apparent Execution of 53 Gaddafi supporters* (see <http://www.hrw.org/news/2011/10/24/libya-apparent-execution-53-gaddafi-supporters>):

Fifty-three people, apparent Gaddafi supporters, seem to have been executed at a hotel in Sirte last week, Human Rights Watch said today. The hotel is in an area of the city that was under the control of anti-Gaddafi fighters from Misrata before the killings took place.

Human Rights Watch called on Libya’s National Transitional Council (NTC) to conduct an immediate and transparent investigation into the apparent mass execution and to bring those responsible to justice.

“We found 53 decomposing bodies, apparently Gaddafi supporters, at an abandoned hotel in Sirte, and some had their hands bound behind their backs when they were shot,” said Peter Bouckaert, emergencies director at Human Rights Watch, who investigated the killings. “This requires the immediate attention of the Libyan authorities to investigate what happened and hold accountable those responsible.”

COIS: Not accepted. Mention is made of the apparent execution of the 53 Gaddafi supporters, in a more recent Human Rights Watch report of 30 December 2011, in paragraph 8.24.

51. Page 67, after 8.29: I recommend the insertion of the following text of a press release issued by Amnesty International on 13 September accompanying the publication

of a major report the same day entitled *The Battle for Libya: Killings, Disappearances and Torture* (see <http://www.amnesty.org/en/news-and-updates/report/libya-ntc-must-take-control-prevent-spiral-abuses-2011-09-12>):

The National Transitional Council (NTC) must get a grip on armed anti-Gaddafi groups to stop reprisal attacks and arbitrary arrests, Amnesty International warned as it released a major report into human rights violations during the Libyan conflict.

*The 107-page report *The Battle for Libya: Killings, Disappearances and Torture* reveals that while al-Gaddafi forces committed widespread crimes under international law during the conflict, forces loyal to the NTC have also committed abuses that in some cases amounted to war crimes.*

“The new authorities must make a complete break with the abuses of the past four decades and set new standards by putting human rights at the centre of their agenda” said Claudio Cordone, Senior Director at Amnesty International.

“The onus now is on the NTC to do things differently, end abuses and initiate the human rights reforms that are urgently needed.”

“A top priority must be to assess the state of the justice sector and start its reform, to ensure due process and deliver access to justice and reparation for victims.”

Amnesty International found evidence that during the conflict al-Gaddafi forces committed war crimes and abuses which may amount to crimes against humanity, including indiscriminate attacks, mass killing of prisoners, torture, enforced disappearances, and arbitrary arrests. In most cases it was civilians who bore the brunt of these violations.

But the organization also documented a brutal "settling of scores" by some anti-Gaddafi forces when al-Gaddafi forces were ejected from eastern Libya, including lynchings of al-Gaddafi soldiers after capture.

Dozens of people suspected to be former security agents, al-Gaddafi loyalists or mercenaries have been killed after capture since February in Eastern Libya.

When Al-Bayda, Benghazi, Derna, Misratah and other cities first fell under the control of the NTC in February, anti-Gaddafi forces carried out house raids, killings and other violent attacks against suspected mercenaries, either sub-Saharan Africans or black Libyans.

COIS: Accepted. Thank you. This is a useful report and will be considered for inclusion when the report is updated.

52. Page 77, after 10.12. I suggest the insertion of the following extract from a 25 October 2011 Human Rights Watch report entitled *Libya: Transitional Council Failing*

to Secure Weapons (see <http://www.hrw.org/news/2011/10/25/libya-transitional-council-failing-secure-weapons>):

Vast amounts of unsecured explosive weapons, including surface-to-air missiles, remain unguarded in the area around Sirte, Libya, Human Rights Watch said today. The National Transitional Council (NTC), Libya's transitional government, has promised for months that it would secure weapons facilities.

Two unguarded sites near Sirte inspected by Human Rights Watch on October 22, 2011, contained surface-to-air missiles, tank and mortar rounds, large numbers of munitions, and thousands of guided and unguided aerial weapons.

"For months we have been warning the NTC and NATO about the dangers posed by these vast stockpiles of unguarded weapons, and the urgent need to secure them," said Peter Bouckaert, emergencies director at Human Rights Watch. "Surface-to-air missiles can take down civilian aircraft, and the explosive weapons can be converted easily into the car bombs and IEDs that have killed thousands in Iraq and Afghanistan."

COIS: Not accepted. Although interesting, we consider that this article does not add anything significant to the UN Security Council report of 22 November 2011 which is quoted in para 10.12.

53. Page 93, after 16.08. I suggest the inclusion of the following extract from a fascinating article entitled 'What Libya learned from Egypt' posted on 5 March 2011 on the blog run by employees of the specialist US-based internet company Renesys (see <http://www.renesys.com/blog/2011/03/what-libya-learned-from-egypt.shtml>):

*So far, these symptoms match what was experienced during the Egyptian Internet blackout pretty closely. But the underlying technical implementation couldn't have been more different. Look very closely at that Google plot again, and observe the floor. It's not perfectly flat, is it? That's because the Libyan Internet is actually **still alive**, even though almost all traffic is blocked from traversing it. The BGP routes to Libya are still intact, which means that the Libyan ISP's border routers are powered on and the fiberoptics are lit. In fact, we've identified a handful of isolated live IP addresses inside Libya, responding to ping and traceroute, and presumably passing traffic just fine. Someone in Libya is still watching YouTube, even though the rest of the country is dark...*

...This tactic makes all kinds of sense from the government's perspective. The Internet is a valuable wartime resource, like a critical bridge over which supplies can flow. As long as you can deny it to your enemy, you don't blow it up — you keep it intact for your own use.

COIS: Accepted. Thank you. Provided it is still regarded as relevant when the report is updated this extract will be included.

54. Page 98, 19.03. I suggest deleting this entry. It adds nothing substantial to the preceding entries, and I think it's a bit odd to give a list of Libya's 'major Arab cities' when it has been noted that over 90 per cent of the population are people of Arab-Berber ancestry'!!

COIS: Accepted. Thank you. This paragraph will be deleted.

55. Page 98, 19.04. I would suggest that the first sentence of this entry be deleted. It's over-simplistic, and I think it's questionable whether tribalism is in fact more significant in Libya than 'anywhere else in the region'.

COIS: Accepted. Thank you. This sentence will be deleted.

56. Pages 98-102, 19.04 and 19.05. These sections purport to be extracted from the website www.temehu.com, accessed 1 June 2011. As of 5 April 2012 the content of the website differs slightly from that in the COIS report. I note, moreover, that the COIS report entries appear to have summarised some of the content of the Temehu website. It should be explicitly noted that what appears in the COIS report is an edited version of the content of the website. I would *strongly* urge, meanwhile, that the final section, relating to the Tebo, be enlarged to make it clear that the Tebo are NOT Berbers. The present layout and use of sub-headings gives the impression that the Tebu are 'Southern Berbers'.

COIS: Accepted. When the report is updated this site will be carefully looked at again and changes to the information will be included in the report. COIS will ensure that if any editing is conducted, this will be made clear to the reader.

The Tebo entry will be made clearer as suggested.

57. Page 114, after 19.22. I suggest inserting a section here on Amazigh (or Berber) nationalism. Perhaps this can be done via the following extract from an article entitled 'After Gaddafi, Libya's Amazigh demand recognition', published on the BBC's website on 23 December 2011 (see <http://www.bbc.co.uk/news/world-africa-16289543>).

In the coastal towns and mountain villages of western Libya, there are two flags proudly flying side-by-side from every balcony and shopfront in celebration of the end of 42 years of Muammar Gaddafi's rule.

The first is the now-familiar red, black and green of Libya's new national flag, adopted by rebel fighters at the beginning of the uprising in February.

But the other is less well known: sky blue, bright yellow and luminous green, with a curious red symbol, like a doubled-ended pitchfork, emblazoned in the middle.

It is the flag of Libya's Amazigh, as the Berbers call themselves. They consider themselves the original Libyans and they suffered decades of repression and discrimination at the hands of the Gaddafi regime.

With Gaddafi now gone, they are hoping for a brighter future with the right to express their heritage and recognition of the sacrifices they made during Libya's bloody eight-month civil war...

... Mr [Fathi] Abouzakhar [chairman of a newly-formed Amazigh rights group] and other activists are now calling for the Amazigh identity to be included in Libya's new constitution, and for Tamazight to be made an official language alongside Arabic.

But so far they say Libya's new leaders have completely ignored their demands...

...The apparent snubs have also provoked anger and bitterness among the Amazigh fighters who fought Gaddafi forces on the western front, freeing the Amazigh-dominated Nafusa Mountains before going on to liberate other towns and cities far from their heartlands.

“We played a huge role in the revolution”, said Hossam Aisa Hamisi, an Amazigh former rebel fighter from the coastal town of Zuwara, near the Tunisian border...

... Now the fighting has finished, he says, their contribution is quickly being forgotten.

“The NTC thanked us, but that was it”, he says. “They ignored us and they are still ignoring us. The ways of doing things are still the same as they were in Gaddafi's time”...

... “This revolution was all about freedom, so for the Amazigh the revolution is not over”, says Hossam Aisa Hamisi.

“When we get our rights, then the revolution will be finished”.

COIS: Accepted. If this is still relevant when the report is updated this (or a more recent news article or report) will be included.

58. Page 115, after 19.25. I recommend the insertion of the following, from <http://www.kwintessential.co.uk/resources/global-etiquette/libya.html>. The key reason is that this mentions - and even explains - what is Tamazight, which is mentioned in the BBC article above but NOT in the existing 19.25:

The main language spoken in Libya is Arabic, which is also the official language. Tamazight (i.e. Berber languages), which do not have official status, are spoken by Libyan Berbers. Berber speakers live above all in the Jebel Nafusa region (Tripolitania), the town of Zuwarah on the coast, and the city-oases of Ghadames, Ghat and Awjila. In addition, Tuaregs speak Tamahaq, the only known Northern Tamasheq language. Italian and English are sometimes spoken in the big cities, although Italian speakers are mainly among the older generation.

COIS: Accepted. Thank you. This will be included when the report is updated.

59. Page 117, 20.04. I suggest that this entry either be omitted, or in some way qualified. I have not the slightest doubt that there is severe discrimination based on sexual orientation; and I am unsurprised that there should be ‘no reports’ of such discrimination, given the taboo nature of the subject. But a reader unversed in the wider context might well use the entry as it stands to assert that there is *no* such discrimination; whereas the cited State Department report is actually saying only that there are *no reports* of such discrimination.

COIS: Accepted-We will add a note to the report to inform the reader that the lack of reports does not mean discrimination does not exist. A new US State Department report is expected soon, and this may include different information, or at least different wording.

60. Page 136, after 22.40. I suggest the insertion of a specific section on honour crimes, as such. I appreciate that the subject is mentioned in some of the existing entries; but I feel that it merits a stand-alone section. Possible examples of relevant extracts are:

(a) US State Department’s 2010 Human Rights Report on Libya (<http://www.state.gov/j/drl/rls/hrrpt/2010/nea/154467.htm>):

The law allowed for arbitrary punishments for dishonoring family, and women and girls suspected of violating moral codes such as walking with a man unrelated to them could be detained indefinitely without being convicted or after having served a sentence and without the right to challenge their detention before a court. They were held in "social rehabilitation" facilities, in some cases because they had been raped and then ostracized by their families. The government stated that a woman was free to leave a rehabilitation home when she reached "legal age" (18 years), consented to marriage, or was taken into the custody of a male relative. According to HRW, authorities transferred most women to these facilities against their will, and those who came of their own volition did so because no genuine shelters for survivors of violence existed. HRW maintained that the government routinely violated women's and girls' human rights in "social rehabilitation" homes, including violations of due process, freedom of movement, personal dignity, and privacy. One example of these violations is the practice of "virginity exams" in "social rehabilitation" facilities, where medical providers conducted invasive examinations to determine whether women detained in such facilities had engaged in sexual intercourse. These exams were believed to be devoid of medical accuracy.

(b) *A Threat to Society? Arbitrary Detention of Women and Girls for ‘Social Rehabilitation’*, a report issued by Human Rights Watch in February 2006 (<http://www.hrw.org/sites/default/files/reports/libya0206webwcover.pdf>):

The government of Libya is arbitrarily detaining women and girls in “social

rehabilitation” facilities for suspected transgressions of moral codes, locking them up indefinitely without due process. Portrayed as “protective” homes for wayward women and girls or those whose families rejected them, these facilities are de facto prisons. In them, the government routinely violates women’s and girls’ human rights, including those to due process, liberty, freedom of movement, personal dignity, and privacy. Many women and girls detained in these facilities have committed no crime, or have already served a sentence. Some are there for no other reason than that they were raped, and are now ostracized for staining their family’s “honor.” There is no way out unless a male relative takes custody of the woman or girl or she consents to marriage, often to a stranger who comes to the facility looking for a wife.

The official bylaw governing Libya’s social rehabilitation facilities states that they are to provide housing for “women who are vulnerable to engaging in moral misconduct.” The facilities are supposed to “protect” these women and girls from violence by relatives in the name of “family honor,” and to rehabilitate women deemed to have transgressed socially-accepted norms of behavior. But this is protection gone seriously awry: suffering a range of human rights abuses in the facilities, most of the women and girls Human Rights Watch interviewed said they wanted to leave, and would escape if they could.

Human Rights Watch visited two social rehabilitation facilities in April and May 2005. Some of the women and girls we interviewed were confined because they were accused—but not criminally convicted—of having had extramarital sex. Others had served prison sentences for engaging in extramarital sex, and were transferred to the facilities because no male family member would take custody of them. Many had been raped, and then evicted from their homes by their families.

Libya is violating some of the most basic principles of human rights law in the operation of these facilities. The women and girls we interviewed had no opportunity to contest their confinement in a court of law, and had no legal representation. Staff did not allow them to leave the compound gates. They also subjected them to long periods of solitary confinement, sometimes in handcuffs, for trivial reasons like “talking back.” Women and girls were tested for communicable diseases without their consent, and most were forced to endure invasive virginity examinations upon entry to the facilities. The only education the government offers girls in these facilities is weekly religious instruction.

COIS: Not accepted. Social rehabilitation centres are mentioned in section 22.31 (quoting the US State Department report). This section, ‘Violence against Women’ is quite detailed including ‘sections on ‘Domestic violence’ and ‘Sexual violence’. It is not considered that ‘Honour Killings’ are sufficiently common in Libya to warrant a separate section, although mention is made of the ‘family’s honour’ in 22.28 ‘Sexual relations outside marriage’.

61. Page 138, 23.07. This single-sentence section is manifestly contradicted by the much longer 23.13. I consider that 23.13 is far closer to reality than 23.07. Accordingly I recommend that 23.07 be deleted, in order to avoid unnecessary confusion.

COIS: Not accepted. COIS endeavours to provide information from different credible sources to allow the reader to reach a conclusion.

62. Page 149, 26.02. I feel that the existing entry is rather limited, and that it might be replaced with the following, from the Foreign Office's *Travel Advice* for Libya, updated 15 February 2012 (prior to the cut-off date for this COIS report (see <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/middle-east-north-africa/libya>):

We advise against all but essential travel to Zuwara, Az Zawiyah, Tripoli, al Khums, Zlitan and Misrata, and the coastal towns from Ras Lanuf to the Egyptian Border, including Benghazi. We advise against all travel to all other areas of Libya.

Violent clashes between armed groups are possible across the country, particularly at night, and even in those places that have previously avoided conflict. These often include the use of heavy weapons. There were recent clashes in Gharyan on 14 January, Tripoli on 22 January and Bani Walid on 23 January [2012].

You should monitor the local security situation carefully, avoid political gatherings and demonstrations, which are becoming more frequent, and respect any advice or instruction from the local security authorities...

...Law and order in the country is still being re-established, and the threat from crime remains high. There is also limited police capacity to prevent or deal with the street crimes, including muggings.

There is a general threat from terrorism. Attacks could be indiscriminate, including in places frequented by expatriates and foreign travellers

The airports in Tripoli and Benghazi are open and there are numerous commercial flights including to and from Europe.

Land border crossing points may close with little or no notice. The road to the Egyptian land border is open but is controlled by numerous checkpoints. We have had reports of violent incidents along this road. Access to the Tunisian land border may be temporarily restricted without notice. Tunisian security in the border area has been increased. There have also been reports of large queues at the border.

COIS: Accepted. Thank you. The 15 February 2012 update of the FCO report was after the cut off for this report, but recent information will be included when the report is updated.

(F) Sources and accessibility

63. The sources used in this COI Report are generally reputable and respected. There are, however, some minor exceptions that I have noted in my Review above. I would caution, in particular, against reliance on the *Temehu* website for information about air travel (see my Paragraph 30). At my Paragraph 32 I noted shortcomings concerning an extract from Europa World Online. As noted in a footnote on page 11 of the COIS report, this source is available only on subscription, and I have not been able to assess its overall reliability.

64. I have not checked every single url cited in the Report but those I did check all functioned correctly.

(G) Conclusion

65. Generally, the 7 March 2012 *Libya Country of Origin Information (COI) Report* is an impressive publication. Generally, it is accurate, balanced, impartial and up-to-date, and it relies on reputable and accessible sources.

66. There are a relatively few minor typographical and similar errors; and certain corrections and clarifications are required, albeit that most are of limited scope.

67. I very much appreciate that my suggested additions to the Report would significantly lengthen it. Plainly, this could be a matter for discussion amongst those concerned. I recognise that some of my suggested additions either may not be included in the final Report; or may be included only after shortening.

68. Should those instructing me require any clarifications of any element of my present Review, I trust that they will not hesitate to contact me.

[COIS: Thank you for this review and the constructive criticism you have given along with additional sources which will add to the strength of the report.](#)

(20 April 2012)