No Road to Peace without Accountability and Rebuilding Security Institutions in Libya

As of last May, the Mediterranean city of Sirte, a few hundred kilometers away from Europe, fell under the total control of the self-proclaimed Islamic State (IS), with the latter using the city as its main nerve center in Libya. IS launched a campaign of horror against the city's population. Recent attempts to break free from the extremist group's grip were met with crushing violence, most recently the killing of an unidentified number of individuals in mid-August. Sirte is the same city that IS allegedly used to stage public executions of Christian foreigners in 2015.

As rival politicians and armed groups continue to stall the conclusion of a peace agreement, the enduring political and security vacuum has given IS the ideal opportunity to quickly stretch its influence across the country, with additional territorial gains made in the east and west of Sirte and a significant presence in and around a number of Libyan cities, including Benghazi, Misrata, Dernah and Tripoli. The most recent exception was in June 2015, during which Ansar al-Sharia, al-Qaeda's loyalist group, managed to expel IS fighters from Dernah following weeks of fighting.

The reason behind the rapid expansion of IS is apparent, especially to the international community exerting efforts to resolve the situation in Libya. IS and similar groups have been left with no real local counter-force on the ground to limit their expansion and combat extremist ideologies. As noted by the UN Secretary General's envoy on Libya in his briefing to the Security Council on Wednesday, August 26: "*The message to Libya's leaders is clear: there is simply no other alternative to unified and collective action if Libyans are to successfully prevent a repeat of the catastrophic advances that Daesh has made in countries like Syria and Iraq.*" Simply put, the de-facto situation on the ground has proven that actors in Libya are invested more in fighting each other than in halting the threat of violent extremism.

But the question still remains; will the current UN-led negotiations, if successful in reaching their objectives of ending the ongoing war in Libya and creating a government of national accord, be able to stop the expansion of IS and other extremist groups in the country?

The answer lies in whether the attempts to end the current war are coupled with genuine intentions to address the underlying factors from which Libya emerged into being a failed state in the first place.

For the past four years, there have been no genuine efforts to establish viable state institutions, notably building national army and police forces capable of protecting the nation and its citizens. The absence of effective vetting processes for military and policing institutions remains one of the country's main challenges which has paralyzed Libya's transition to a state of institutions and rule of law.

The National Transitional Council, formed during the revolution, the General National Congress (GNC), elected in 2012, and their successor the House of Representatives (HoR), elected in June 2014, have not put in place proper mechanisms that would enable the creation of unified, institutionalized, and accountable security apparatuses with allegiances to the state. Instead, they continued, along the same path as Gaddafi, to create and strengthen parallel structures - *kata'eb* (militias), which later formed operations Dignity and Libya Dawn, the military arms of the HoR and the GNC respectively - whose loyalty and command lies in the hands of their respective war leaders.

Such a state of affairs is being perpetuated and worsened by a number of factors. These factors include widespread lack of accountability for serious crimes committed by all armed factions against the population, the passing of draconian decrees and laws, the accordance of amnesties to commanders and members of armed factions under the pretext of protecting revolutionary gains, and the deactivation of transitional justice mechanisms.

As a consequence, armed groups remain the real power brokers on the ground fighting each other over resources, territories, and key positions. Politicians and political parties elected in both assemblies - the GNC and the HoR- have either openly empowered militias and paramilitary groups, thereby accepting the status quo of seeking protection from those groups in their rivalry over legitimacy, or have fallen victim to the threats of armed militias. Under the rule of armed groups, the political division in Libya has turned into a wide scale internal armed conflict since July 2014.

The Libyan population continues to suffer from these parallel structures that continue to commit grave human rights violations in total impunity, and impose severe restrictions on the public space by targeting initiatives by civil actors and rights activists. Armed groups from all sides continue to commit serious human rights violations, some liable to amount to international crimes, including direct and indiscriminate attacks against civilians and civilian infrastructure, unlawful killings, torture and ill-treatment in unlawful detention facilities, arbitrary arrests, abductions, enforced disappearances, and forced displacement. Additionally, the oil-rich country stands on the verge of economic collapse with severe malfunction in its infrastructure, including health care and other vital facilities, as well as a creeping shortage in food, electricity and other vital necessities across the country, especially in the east. According to recent figures relayed by the UN envoy on Libya, 1.9 million Libyans remain in need of access to basic health care, while 1.2 million face challenges to access to food.

Understanding the current dynamics in Libya leads to a simple conclusion: almost everyone has a stake at the current negotiations over the country's aspired transition. Given that national political actors are seeking legitimacy and international recognition, they remain willing to engage in the current negotiations. In parallel, the price for the continuation of the conflict has become higher, not only with increasing

pressure from international actors to stabilize the situation in Libya and the emergence of IS as an influential player, but also because the Libyan people are suffering.

This opportunity should be seized by applying a long-term vision to stabilize the situation in Libya, create strong state institutions, effectively address impunity for gross international human rights and humanitarian law violations, and put in place guarantees for non-reoccurrence. This can only happen by addressing one of the most critical pieces of the puzzle - accountability.

Many opportunities are presented today to lay the ground for a comprehensive accountability plan that sets a framework for proper vetting mechanisms to integrate both sides' armed groups individually into security institutions and address the population's grievances.

The GNC's voiced disagreement from joining the UN-led peace plan is its refusal of the decisions made by the HoR throughout last year, especially the appointment of Khalifa Haftar as the commander of the Libyan army. To address this, the United Nations Support Mission in Libya (UNSMIL) should work closely with parties to the dialogue to include in the annexes - currently drafted to the political agreement - a clear and proper vetting process for security institutions including a transparent restructuring of what is called the Libyan National Army, including the position of the commander of the Libyan army and other senior positions.

In June, the UN Security Council discussed sanctions against two armed groups' leaders, from both sides of the conflict, followed by the EU in July, which threatened sanctions against peace spoilers in Libya. These steps arguably allowed municipalities and local actors in the west of the country to work together, as they were given some space to conclude ceasefire agreements and exchange detainees, including the municipalities of Misrata, Zintan, al-Rajban, al-Zawiya and Tawergha. However, these ceasefire agreements remain a relative improvement since armed militias and paramilitary groups continue to control detention facilities, hospitals, and continue to commit arbitrary arrests, torture, and summary killings.

Also, as a result of raising the threat of accountability - and out of the fear of sanctions - significant militias within the Misrata armed groups- one of the most influential armed factions that compose the GNC's backed Operation Libyan Dawn – defected from the main rhetoric of the Operation in July 2015 and declared their support of local ceasefire agreements and the UN mediated peace talks.

Such threats to hold perpetrators of international law violations to account should be followed up by concrete actions to expedite a peaceful resolution to the current conflict. It remains unfortunate that no genuine follow-up steps have been taken to effectively materialize the provisions of the UN Security Council Resolution 2174 (2014) authorizing asset freezes and travel bans against individuals believed to have committed serious rights violations in the country.

Additionally, the findings of current investigations led by the Office of the UN High Commissioner for Human Rights into violations committed since the beginning of 2014, and which will be presented to the UN Human Rights Council next March, should be followed up on vigilantly, with the view of ensuring accountability for perpetrators from all sides. This could happen through several venues, including the

ICC, which has an open mandate to investigate alleged international crimes committed in Libya since 2011, and universal jurisdiction.

The cycle of violence in Libya has been continuously fed by overarching impunity for serious violations and the lack of an effective vision liable to strengthen the country's security institutions. Unless this is properly addressed, talking about peaceful coexistence and fighting violent extremism in a country built against the rule of law will remain void of any meaning.

Background on the UN mediated political dialogue:

Following months of UN-mediated negotiations between the different national stakeholders in Libya to reach a peaceful resolution to the conflict, a peace plan was signed in July. Currently, there are ongoing attempts to reach wider consensus on the agreement and finalize its annexes on several important issues, including the priorities for the unity government and military arrangements to ensure the sustainability of a cease-fire and government control over different armed groups. The agreement still falls short of establishing an implementable vision towards combating impunity and putting in place concrete implementation mechanisms that would ensure respect and promotion of human rights.

In May 2015 CIHRS hosted a roundtable discussion in Tunis between a select group of Libyan civil society actors and non-partisan members of the political dialogue. The two-day discussion resulted in a set of recommendations including addressing the impunity of armed groups in the country and prioritizing a clear restructuring process of security forces to the UN Special Representative of the Secretary General on Libya with regards to the third outcome document of the political dialogue. Some of the suggestions of the roundtable were effectively taken into consideration by UNSMIL while drafting the final version of the political agreement. Later on, other recommendations that resulted from the roundtable were also adopted in a conference organized by UNSMIL in August with Libyan civil society groups. These recommendations constitute the first basis for countering IS. While their experience is still nascent, Libyan civil society could present a real opportunity to be the main locomotive for change in the country. The role of key civil actors and human rights defenders in Libya needs to be augmented and included as a major component to the success of the UN-led peace process.