

Ana Gomes, MEP
Report on my visit to Libya, 18-22 September 2011

As your rapporteur, I returned to Libya last week, visiting Tripoli, Zawia, the Nafusa mountain towns of Yefren and Gilaa, and Misurata.

Mr. Mohamed Farhat, from the Libyan Embassy in Brussels, and Mr. Salooh Farid, from the Foreign Ministry in Tripoli, helped me set up a program of contacts. Mr. Jeremy Nagoda, representing the EU in Benghazi, helped me fly from Malta with a UN flight.

I met with dozens of Libyans, men and women, young and old, and in particular:

- . General Al Bani, the new Head of the National Liberation Army
- . NTC Foreign Affairs Head, Amb. Salwa Bichari and Mr. Fikri, Director for Europe
- . Mohammed Shebani, former exiled resistant and now popular democracy leader
- . NTC representatives in Zawia and the Western Mountains
- . The NTC leadership in Misurata, including Chairman Sidik
- . The Portuguese Ambassador, Mr. Rui Aleixo
- . Youth and women activists from the NTC Media Center in Tripoli and from Zawia

And I also met:

- . Ian Martin, UNSG Special Representative, his Deputy and other advisers
- . George Comminos, ICRC Head of Delegation
- . Sidney Kwiram, Human Rights Watch
- . Jim Moran, Head of the EU Office in Tripoli and other elements of the EU staff

I - Program of contacts

1. Tripoli

I arrived in Tripoli in the morning of 18 September, finding a city in incredible normality, with few buildings destroyed, attesting the remarkable surgical nature of NATO strikes on strategic targets and the blind retaliation by Kaddafi forces on civilian buildings.

I toured the main sites in Tripoli, including the Bab Al Azizia compound, now taken by whole families visiting the destroyed remains of this Kaddafi stronghold.

Basic infrastructure is functioning, traffic is intense, shops and markets are open and supplied, but there are queues at some gas stations to refuel cars, since refined oil products are imported. Kaddafi once omnipresent portraits have been replaced by graffiti, posters and flags greeting the 17 February revolution. And the central Martyrs Square (formerly Green Square) is crowded at every sunset by men, women and children celebrating freedom, in a mix of luna park and Speaker's Corner atmosphere.

The swift transition in Tripoli has been a welcome surprise to everyone, Libyans as much as foreign observers. No breakdowns of public order have taken place, despite the fact that there is not yet a government, few policemen are working and armed civilians are manning check points all over the capital. Citizens have started to exercise the right to demonstrate: while I was in Tripoli, a group came in front of the Corinthian Hotel, hosting NTC figures and foreigners, demanding better medical treatment for wounded fighters and civilians. And the day I left, a demonstration against corruption was organised in Martyr's Square. People are taking responsibility. As somebody put to me: *"Before this was Kaddafi's country, we did not care. Now this is our country: we care"*.

2. Nafusa Mountains - Amazigh community

I toured the Nafusa, west of Tripoli and talked to tribal elders, youth fighters and NTC representatives of the Amazigh community in the towns of Yefren and Gilaa.

They showed me mass graves found with corpses of soldiers and villagers who refused to cooperate with Kaddafi forces and attack the people, described how their community had suffered under Kaddafi oppressive rule, how villages and towns had bravely resisted under bombing without food or medical support for months, finally managing to launch the offensive for the liberation of Tripoli.

They expressed strong hopes for having the Amazigh community represented in the interim national government and their identity rights fully respected in a new democratic Libya.

3. Zawia

I toured the city of Zawia, accompanied by a well known businessman and a Supreme Court judge, both from that town.

I saw a town heavily affected by the fighting, with the city centre main buildings totally destroyed. And I talked to local women, men and children who told me of terrible human rights violations during the dictatorship and the months of brutal retaliation for the city's early on support for the rebellion. They clearly felt great pride in their contribution not just to liberate their town, but also Tripoli.

Besides the many killed, injured and missing, a major collective wound was inflicted by Kadhafi last March through the bulldozing of the old central mosque; people now pray in straw covered linoleum perimeter drawn on the Square.

I visited the **prison of Zawia**, hosting now around 400 prisoners of war, mostly men and of Subsaharan origin. I was able to talk to several of them, including two 16 and 17 years olds from Nigeria, who expressed the wish to be repatriated. I was shown Chadian "Mouvement du Salut" card, which several detainees carried. I interviewed a brother of Kadhafi's Special Envoy to the AU, both brothers being detained there. He was accompanied by General Aisha - a well known loyalist female commander of a battalion of Kadhafi troops. Both looked in good shape, were pristinely dressed and had no complaints about treatment in prison. ICRC has been able to visit the prison regularly and all prisoners are registered.

4. Misurata

My plans to return to Benghazi were frustrated because all flights were suspended on the 21th. Instead, I visited Misurata on that day.

The road Tripoli-Misurata is heavily controlled at several check points and on my return I saw ambulances transporting wounded from the frontline in Sirte, barely 200 km distant.

A prominent local doctor showed me the brutally devastated centre of the town and explained how the defenceless people were able to resist and organise to strike back against the mad bombing, sniping and raping raids ordered by Kadhafi, a mad campaign which only ended when NATO bombed the central market where his tanks were hiding. Thousands of people were killed, thousands are still missing. And the worst, I was told, are the thousands of men and women traumatised by being raped at home, in front of their families, most of them still unable to talk about it and, therefore, to get treatment. A founder of a "Concerned citizens" NGO told me that evidence of over 600 of such cases is being collected to submit to the ICC. I met with several members of the **NTC Misurata Council**, headed by Chairman Mr. Sidik and including Mr. Suleiman Fatio. They were expecting that Misurata would be adequately represented in the national interim government in formation and expressed confidence in the entrepreneurial and resilient capacities of Misurata people to rebuild the city and their lives. They pointed out that the port and airport of Misurata were fully functioning and banks and also primary schools had reopened.

All their **requests for international assistance**, namely by the EU, showed this confident future looking approach:

1 - no need for more humanitarian aid in food or medicine, but instead doctors and nurses to help train local ones and specialised medical and surgical equipment to supply the functioning policlinic (the main hospital is totally destroyed);

2 - pre-fabricated housing for temporary/definitive housing;

3 - "education, education, education", namely all sorts of language and business courses, which will promote Misurata as a main trading partner for Europe, as well as an international economic centre in Libya.

I visited the **Misurata prison**, which is housed in non purpose built facilities, but still offers well aired rooms, housing about 10 prisoners each, and includes a library, a cinema room and an infirmary where surgery can be performed. I met with a team of MSF-Belgium/France who were regularly attending the wounded Prisoners of War (POWs). I spoke with some of the 400 inmates, half of them Libyan, half of other African origins. A young amputated told me he was from Darfur and had been ordered to come fight with Kadhafi troops by his village chief. Another badly wounded young prisoner told me he was from Chad and was saved by his

captors, after having been left to die by his fellow combatants. The facilities were amazingly clean and the director of the prison was very eager to provide full access to any room or inmate. He was also ostensibly a very devout muslim and, in fact, the first person I have met in Libya who excused himself from not shaking my hand. All prisoners were registered and have been visited by ICRC.

II - Comments and remarks

A first note from all of what I have seen and heard this time, is on the **remarkable restraint and organisation capacity that Libyan society is demonstrating**.

Although the Police and most public services are barely working, neighbourhood committees are ensuring security and garbage collection in Tripoli and other towns. Checkpoints manned by armed fighters control cities and main roads and help process (and slow down) traffic.

Despite the fact that the military campaign is still going on in Bany Walid and Sirte, and an interim government is yet to be announced, **primary schools were opened on the 17 September** and secondary schools are to open in some days, curricula having been reviewed in the meantime to get rid of all "Green Book" junk (all schools in Libya are gender mixed). This shows significant planning and implementing capacities on the part of the NTC and is a major positive sign to the population, also because in Kadaffi's days nobody knew when school year was to start. I recall that in Benghazi in May I was told that schools would not reopen until Tripoli and the western part of the country would be released, for the sake of national solidarity and unity. It is remarkable that it materialised not even a month passed from Tripoli's liberation.

The **security and governance challenges ahead are, nevertheless, daunting**.

Some sources calculate that **over 50.000 people died** since the 17 of February. Over 35.000 are still unaccounted for. It is clear people will only feel safer once Kadaffi, sons and main loyalists are caught and all cities fall under NTC control.

In Misurata I was told that the NTC forces encircling **Sirte** will not attack the area where loyalist troops are entrenched to avoid casualties among the civilian population. The strategy is to hold the siege until loyalists collapse, also under pressure of NATO strikes. **Bani Walid** will concentrate efforts afterwards, and is seen as an even more difficult case, since it is the stronghold of Khadaffi's tribe.

There is also much concern about destabilisation actions that Kadaffi and his followers may be able to launch from **neighbouring countries** with long, porous borders with Libya, mainly Niger and Algeria. Algeria has finally recognised the NTC, but Niger has been very negative. NTC sources stressed they hoped the EU could also muster its influence so that neighbours would realise that hiding and supporting Kadaffi loyalists would be ill advised. Access to the former administration's documentation in Tripoli is proving useful to uncover financial ties that explain several African leaders personal "obligance" to Kadaffi and his family, including in South Africa.

Even in regions already under NTC control, such as Tripoli and other cities I visited, the **security vulnerabilities are many** and not just resulting from the elements of Khadaffi's "5th column" still on the loose. With so many young men carrying weapons around, without proper military training and a central command structure to answer to, tempers can easily ignite. Incidents do happen and I witnessed one, on the road to Misurata, which was rapidly controlled but could have turned nasty: an armed member of the brigade manning a checkpoint run amok and started shooting randomly, when he realised that the driver of the truck that he was about to control was trying to escape.

Regarding **governance, expectations are already very high** for a new order with the rule of the law and ample popular participation. The delayed announcement of an interim government (originally announced for the 18th) is seen as part of the process of learning how

to practice democratic consultation and ensure inclusiveness: geographical representation of all cities/regions/communities which played a role in the liberation process will be a main criteria. However, the huge needs also require that interim government members combine political and technical capacity.

Preventing political vacuum, now that Tripoli is liberated, seems to be pressing the **formation of the interim government**, thus anticipating a phase in the calendar foreseen in the road map attached to the provisionally agreed draft Constitutional Declaration (an interim government was supposed to be announced only one month after national liberation of the whole country was declared - which is obviously still to happen). Some sources fear that the rush to form an interim government may be the result of **pressure by Islamist forces to get a strong role in it**, since they were already the best organised and are strengthened by their role in the military campaign.

Some well placed sources acknowledge that the delay in announcing the interim government reflects **a power struggle within the NTC, between secular members and representatives of the islamists**. They admit that Muslim Brotherhood type islamists exist, but have only marginal support in society, despite the fact that fighting has enhanced their prominence (for instance, the self appointment of Belhaj as Tripoli commander) and arms and money sent from abroad (mainly from Qatar) is giving them means to proselytise the Umma, namely extending the social outreach of charity services.

The **statute of the Sharia in the constitutional framework is a contentious matter**. In the Constitutional Declaration draft, conservative Islamist members managed to craft it as "*the source of the law*", against those who wanted it only as "*a source of the law*" or even "*a main source of the law*". But the decisive debate is still to come at the stage of drafting a Constitution and when defining its **implications on women's participation in public and political life** or in civil and criminal law.

The secular forces may well come to accept a subdued role in the interim government, with a view to **make the islamists share the onus of governing in a particular difficult phase** and make use of that time to get their own forces organised. President Jalil and Mr. Jibril will stay in government, albeit possibly in new positioning. The **interim government is expected to include four women** (about 20%), as a result of demands by NTC secular elements.

The **timetable agreed within the NTC** is as follows: within 30 days of a "declaration of liberation", an interim government was to be formed. Within 90 days, interim legislation is to be enacted, an Election Commission established and a date set for the election of a National Council - within 240 days of the declaration.

That means **barely eight months: time will run fast for secular democratic forces to get organised before elections**.

III - Considerations on EU action towards Libya

The tight timeframe is a compelling reason why **the EU must not lose time in stepping up its own capacities in Libya in order to play a meaningful role in the transition**, namely in supporting democratic forces, as they get organised as political parties and in promoting women to top positions and women organisation capacities. And that is not just for the sake of pushing **democratic evolution in Libya**, but for the **EU's own strategic interests in the whole region**.

The UN approach emphasising **Libyan ownership of the process** is appreciated by the NTC, plus the advice coming from SRSG Ian Martin and the preparations made by the UN to assist Libya in the transition. NTC is eager to get, as soon as possible, the support assigned to each partner at the Paris Conference and will facilitate its entrance and operation in Libya. But **pressures by some EU Member States** regarding oil contracts or defence procurement - already felt, I was told by several sources - **are counterproductive** and do not allow Libyans the space they need to work out solutions and differences.

NTC sources emphasise the relevance, in order to satisfy the most pressing needs of governance at this very critical stage, that **EU Member States unfreeze Libyan assets swiftly**. That includes speed at getting the necessary clearance by the UN Security Council and also **diligence in letting NTC know in advance** and act to get control over the funds released, so that these assets will not be blocked by lawsuits launched by foreign companies and individuals formerly associated with Kaddafi, claiming compensation for losses.

Speed in the response by the EU in deploying its assistance to Libya is of essence, because the needs are tremendous. EU and Member States should, therefore, not consume time and efforts in drafting or in agreeing on any comprehensive or specific legal framework to start working in the **areas assigned to the EU** in the Paris Conference: **securing borders, strengthening civil society and media and messaging**. A pragmatic approach is required. Negotiations on the EU- Libya Framework Agreement should only be resumed at a later stage, with an elected Libyan government in place.

EU and MS should **coordinate** among themselves and immediately **send experienced people into the ground**: security experts and equipment to help secure borders and form border security structures; European NGOs to help women, young people and others get organised; and media experts to help develop capacities and design the legal framework for media operation.

Assisting **women** get visible, audible, represented and pushing for their agenda at the political and economical level requires a significant and urgent investment - after all, **women's role in society will be a determining factor in the power struggle between islamist conservatives and secular forces**.

Assisting in **border security** will be a challenging assignment, involving technical equipment and considerable human resources. **A CSDP operation should be generated**, also because **European security interests are involved** (Al Qaeda in the Maghreb and the Sahel are sure to take advantage from a Libya bursting with weapons, as long as Libya borders will continue uncontrolled). Activity in border control will push the EU to develop other partnerships in the security field, with **implications also for DDR/SSR**, which the Paris Conference assigned to other contributors. The HR/VP, seconded by the EP, should act in order to **restraint Member States that are already pushing for their national interests on defence procurement**, including curbing the offer of private security companies already ominously omnipresent in Tripoli hotels.

Managing migration should not regain the lead in the EU narrative about its political strategy towards Libya - but it is clear that border security will imply cooperation in controlling movement of people. It should be noted that **since Tripoli was liberated, no more boats loaded with migrants were identified sailing from Libya** - an evidence, Libyan sources say, of the blackmail organised against Europe by the Kaddafi regime. Building on the knowledge and the experience already developed by **Italy** about the operation of networks in this field will, nevertheless, be useful, according to NTC interlocutors.

Transitional justice will be a priority in Libya, requiring training of all legal and police professions, including prison guards. EU and MS should consider ways to assist the UN as from now, namely with a view to **help process, try and repatriate the thousands of Sub-Saharan detainees as POWs**. Despite the access I was given to prisons and POWs, I note that a credible source told me that international humanitarian agencies or organisations such as ICRC or MSF have not managed to have regular access to detention facilities where persons associated with the Kaddafi regime are kept. These are persons not captured in the battlefield and possibly not qualifying as POWs.

Human rights education is necessary to fight racism, stigmatisation of migrants and neglect of refugee rights, which characterised Libya in the Kaddafi era. Early regulation of **a legal statute for migrant workers** in Libya is essential to ensure respect for their basic human rights. And that will also help **return much needed foreign workers** to Libya.

Youth activists are pressing NTC to establish a **Youth Council**, drawing attention to the fact that the Libyan population is 60% below 18 years and over a million youngsters are already connected via Internet - and that is what explains their prompt mobilisation to fight Kadaffi, either providing combatants or ensuring logistics and assisting NTC in communicating messages to the people. For youth activists **education is a key word**, namely oriented to a practical way, either to ensure **vocational training** to help disarm and re-insert combatants, either to help youth organisations participate and be vocal and heard in the **constitutional and electoral processes** and, at large, in the country's democratic build up.

Youth and women activists pointed out that **EU visa policy towards Libya is nowadays counterproductive**, since this is the time when pro-democracy forces need to send people to Europe to get training and broaden their political horizons. Also, the EU will only deliver on the commitment to assist capacitating civil society in Libya, if Libyan government officials at all levels and women and young activists have access to EU Member States in the coming months to learn about options for democratic organisation and governance and watch the practice of democratic institutions. EU should **invite Libyan leaders and activists to come and watch elections in Member States**. Poland is already inviting some people, I was told in Misurata. **More Libyans should be invited to watch the coming elections in Spain**. Also, all other academic, business and cultural exchanges should be encouraged. For that to happen, it is essential that **Schengen Member States urgently review the visa procedures**, in particular those which are to be implemented from next October on, based on **biometric passports**, which could make the access of Libyan citizens to the EU even more difficult.

NTC interlocutors asked that the EU and MS would **not abandon Benghazi**, while welcoming the reopening of EU embassies in Tripoli. Part of the NTC leadership would for some time continue in Benghazi. Consulates and Cultural Centres should be open in Benghazi, in order not to let down the people who have started the revolution in this cultural capital of Libya.

Conclusion

Libya is a rich country but needs assistance to deliver basic security and governance to the people at this critical stage and to build democratic institutions.

Libyans welcome European assistance and very much want to strengthen relations with Europe in all fields, realising that they need support to reform their state and move towards democracy, while being, at the same time, extremely proud and keen to determine the direction of that process.

A power struggle is already developing between conservative forces, driven by a religious agenda, and secular modernising ones. The role of women in public life and organs of power is going to be a main dividing line.

Europeans can choose to sit and watch, allowing some individual Member States to go back into competition for their own questionable bilateral agendas, as before. Or get involved, as requested by Libyans, in articulation with the UN and other partners, to help strengthen secular and modernising forces, following a comprehensive and principled common strategy aimed at consolidating democratic governance in Libya.

Only this last approach will also foster EU interests as a stakeholder in the whole region.