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**Security Sector Transformation in Arab Transitions:
Working for Change**

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Background Paper on Libya

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Libya

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EXECUTIVE SUMMARY

- Libya's February 17 Revolution was an act of unveiling. In pulling back the heavy hand of dictatorship and a bloated mass of bureaucratic chaos, it has exposed a very raw and still unsettled competition between old traditional interest groups, who promote reform, and new predominantly Islamist interest groups who seek a genuine re-working of society.
- Qadhafi's defence and security structures were characterised by a weak and over-regulated Army and Police on the wings, co-existing uneasily with a plethora of unofficial and extra-judicial regime maintenance, intelligence, security and Special Forces; forces that straddled both the defence and internal security sectors.
- With the rapid evolution of the armed revolt and the bloody deconstruction of the regime maintenance structures, the easily defeated Army and Police once again find themselves co-existing alongside more heavily armed semi-official and extra-judicial (now revolutionary) forces.
- The old military and Police laws remain extant but interim and temporary directives from unelected officials have regularised the growth of bottom-up and revolutionary institution building efforts; many of these efforts are in competition with each other.
- Both the tentative rehabilitation of the established Police and the formation of the mirroring, revolutionary Supreme Security Committee (SSC) are occurring outside of a coherent and sustainable vision, strategy and plan from the General National Congress (GNC).
- Technical planning and support from the international community and commercial sectors will be essential in lending weight to and under-pinning any GNC consensus but it cannot alone solve the political challenges now laid bare.
- A stable government with sustainable support from the GNC is an absolutely critical requirement for the new legislation and legitimate spending of the significant sums of Libyan Dinars needed to bring the various competing interest groups together.
- The Libyans look to the international community for support, both political and technical, and have an opportunity to develop a genuinely Libyan model of government; one that reflects the will of the vast majority of the populace now spread between the traditional interest groups and the newer moderately Islamist interest groups. The main threats to the country come from the two outlaw extremes of this spectrum.
- As the Libyans seek to sustain a consensus in the GNC, the International Community should more actively work to develop a common understanding of how it will engage with Libya in the future. Large commercial contracts and developments are in the pipeline but few are likely to see the light of day without a stable government that can protect itself and the social stability that comes with reconciliation.
- The challenge for the Libyans now is to form the new Libyan State, then bring the errant militias to the democratically elected heel.
- Ironically, the revolution has ushered in a new era much more in keeping with Qadhafi's theories than anything he achieved during his lifetime. The motto of the Jamahiriyya, 'the power, wealth and weapons are in the hands of the people,' is never truer than it is today.

I. PRE-TRANSITION

The Legal Framework

1. 'Qadhafi' was the first and last word in matters pertaining to Libyan 'security' prior to the February 17th Revolution. For decades, Colonel Mu'ammer Qadhafi focussed on achieving two mutually reinforcing objectives, the realisation of his own unique political theories and the maintenance and development of his and his close confidants' control over Libya; a country almost three times the size of France but with less than six million inhabitants. From membership of the officers' movement that, with its Arab-Socialist ideology, overthrew the Monarchy in 1969, to the Revolutionary Command Council (RCC) that assumed control of the country, Qadhafi slowly but surely came to centralise and dominate all the levers of power.
2. On 11 December 1969, Qadhafi published a Constitutional Declaration annulling Libya's constitution of 1951, abolishing the Monarchy and establishing the Libyan Arab Republic. However, Arab Socialism was only the start. Qadhafi developed a number of political ideas, drawn together in his 'Third International Theory,' which he recorded in his 'Green Book'. There were three parts, 'the Solution of the Problem of Democracy: The Authority of the People', 'the Solution of the Economic Problem: Socialism,' and 'the Social Basis of the Third International Theory'. The premise of the first section delivered direct democracy in a form of a State that Qadhafi called the 'Jamahiriyya', the 'State of the Masses'. This was officially enacted on 2 March 1977 with the 'Sebha Declaration' and the renaming of Libya 'the Socialist People's Libyan Arab Jamahiriya.'
3. Qadhafi's 'Jamahiriya' eschewed multi-party 'democracy' but encouraged the evolution of a cumbersome and interlinked system of 'popular committees'; a system of representation that stretched from the basic people's congresses (BPCs) in the fields, professional guilds and factories up to the national level General People's Congress (GPC). The GPC passed laws and directives and, through its Secretary General, was 'nominally' responsible for the appointment of the General People's Committee (GPCo), an executive body that acted as a Council of Ministers.
4. The GPCo was comprised of the general secretaries of subordinate 'committees' that acted as ministries. The 'General People's Committee for Public Security' acted as a 'Ministry of Interior' and the 'Temporary General People's Committee for Defence' acted as the Ministry of Defence – Qadhafi's theories and desire to pull the ladder up after him excluded the long term requirement for a Ministry of Defence or Army.
5. While Qadhafi wasn't a member of the GPC and had no official position in the 'State of the Masses', the reality was such that all appointments to key ministries and all legislation critical to the maintenance of the Regime were directed and shaped by him, a small coterie of trusted family members and his cohorts from their earliest rise to power in 1969 (the Regime).
6. The official Libyan Military was highly regulated by a slew of GPC laws including; Law No. 5 for the year 1978. Amending Provisions of the Laws of Military, Law No. 6 Amendment of Law No. 43 for the year 1974, on Retired Military, Law No. 7 of the year 1987, Enlistment Law, Law No. 40 of 1974, On Service in the Armed Forces, Law No. 19 of the year 1989, Benefits for KIA, MIA and Prisoners, Law No. 3 of 1984 on the Armed Forces, Law No. 12 for the year 1991, the rights and benefits for those who lose their lives in the line of duty, Law No. 37 for the year 1974 Military Penal Code, Law No. 1 for the year 1429 (Hijri) issuance of the Armed Forces Code of Criminal Procedures, Law No. 43 of 1974 Military Retirement Law, Law No. 21 of 1991 on Mobilisation and the Code of Criminal Procedure in the armed people, Law No. 41 for the year 1974, on Military Academies and Law No. 5 for the year 1430 (Hijri) on National Service.

7. Security and Police were partially legislated for in the Security and Police Law No.10 of 1992. This law covers the General Secretariat for Public Security's Police and customs/borders management forces. Some regime maintenance forces, such as the various quasi-military forces that reported directly to Qadhafi, operated 'nominally' under military law whereas the Internal (ISO) and External Security Organisations (ESO) operated under Law No. 75 for 1976, which instituted them both under one title, the Jamahiriya Security Organisation (JSO); though later Prime Ministerial directives such as Law No. 19 for 2005 split them out and placed the ESO under the Ministry of Foreign Affairs; Despite their own legal status, nominally under the authority of the GPC and GPCo, the ISO and ESO often just reported directly to Qadhafi.

8. Internal and external pressure to reform the Police, Military and the very successful regime maintenance security forces grew during the 1990s and 2000s from a number of sources; the first was due to increasingly active social and militant strands of Islamism led by elements of Muslim Brotherhood and other more aggressive Islamists; many of whom were members of groups such as the Libyan Islamic Fighting Group (LIFG). Qadhafi cracked down ruthlessly on both the social and militant groups, jailing members and forcing others to flee abroad into exile. Despite back-room deals with their leaders in gaol, which led to various letters of recantation and the subsequent release of the signatories, these groups provided alternative concepts of governance and social order that undermined the very fabric and foundation of the Regime and its Jamahiriya.

9. External reformist pressure came from Libya's new associates in the West with whom Qadhafi had accepted a rapprochement after 2003. Growing commercial ties and political engagement lent the US, Italy, France and the UK, among others, some influence within the Libyan machine. This was brought to bear after the Libyan Police massacred demonstrators outside the Italian Consulate in Benghazi in February 2006. With no public order training and little access to non-lethal equipment, the Police had opened fire with assault rifles and reportedly killed up to fourteen demonstrators protesting Danish cartoons that mocked the Prophet Muhammad. This resulted in a slow but steady development in the relationship between both European Governments' and companies and the General Directorate of Public Security and the provision of training and equipment.

10. By February 17 2011, Libya had already begun a very slow but marked move towards the reform of not only its Policing apparatti but also social and economic structures. On the one hand, Qadhafi permitted the establishment of a National Security Council to coordinate between the various security forces, appointed his son Mu'tassim as National Security Advisor, and charged the professional heads of his Ministry of Interior and regime maintenance services with the, albeit limited, professionalization of their forces. On the other, Saif al-Islam, Qadhafi's heir apparent, established a movement called 'Tomorrow's Libya' (*Libya al-Ghad*) and sought to reform what was left of Libya's creaking social and economic order.

Organisational Overview - General

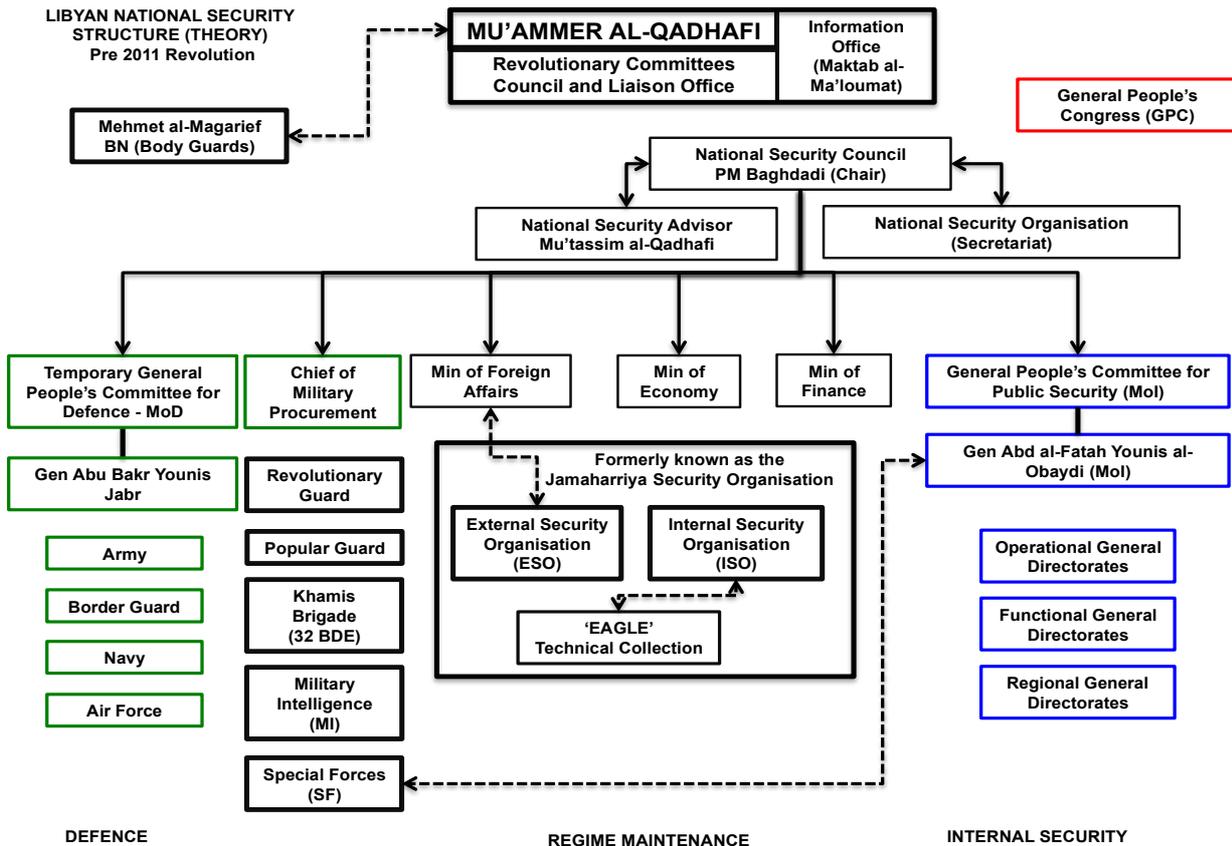


Figure 1, Overview of Security Sectors Pre-Transition

Organisational Overview - The official security and defence sectors

11. By February 17, 2011, Libya's formal security infrastructure was to be increasingly managed by a new established National Security Council (NSC). This body was chaired by Prime Minister Baghdadi and comprised of the Ministers of Interior (Public Security), Defence, Economy, Finance, Foreign Affairs and the heads of regime maintenance forces. Mu'tassim al-Qadhafi had been appointed the National Security Advisor in 2009 but while this body attempted to rationalise the activities of often competing and overlapping security agencies, personality conflicts reportedly bedevilled the council's activities. Mu'tassim publically slapped Baghdadi and was subsequently sent into unofficial exile to Italy; this led, ultimately, to the shelving of the NSC.

Ministry of Defence (MoD)

12. While not a central focus of the paper, it is worth noting the Libyan Military's formation during WW2, drawing on the Senussi Army, and its subsequent training and development under the British mandate and Monarchy. The ladder with which Qadhafi climbed to the top of the Libyan political order, he pulled it up from underneath him by denying the Army resources and grinding down its operating capability in futile, costly campaigns in Chad between 1978 and 1987.

13. By the February 17 Revolution, the Libyan Army was officially comprised of about 70,000 personnel - 25,000 regulars, 25,000 reserves and another 20,000 who were paid state salaries via the MoD but who were neither trained nor equipped as soldiers. The reality was that the majority of the military units were hollow, top-heavy units with limited numbers of enlisted men. The more senior

the officers were promoted the less actual power they had – Brigadiers who may have nominally commanded 30,000 as a sector commander (North, South or East), found they commanded a fraction of this amount on promotion to Major General. Senior appointments remained in Qadhafi's gift, as did the amount of real power and influence with which they were entrusted. General Abd al-Fatah Younis was allowed to keep his Special Forces unit on moving to the MoI– a condition he himself placed in accepting the move and a measure of Qadhafi's trust in him. The Navy was reported to number 8,000 and the Air Force 23,000 (Wikipedia). Their Military Police units (along the Army's) units would play an important role during the revolution and during the transition in support of the NTC and revolutionaries. Many worked in support of Military Prosecutors General who took up the strain in the legal system as the civilian courts' struggled and then ceased to operate.

Ministry of Interior and the Police

14. The General People's Committee for Public Security (Ministry of Interior) and its Police Forces were tasked under the Law No. 10 of 1992 to maintain State security, public order, and to protect the lives and honour of the citizens. The MoI was also responsible for recording births, deaths and marriages as well as the licencing of private weapons. There are a number of differing assessments as to how many police served in the MoI by the start of the Feb 17 Revolution; there were reportedly about 60,000 police with uniforms and operating on a regular basis but also up to an additional 40-60,000 receiving salaries but not working. It is not clear how many of these were a result of excessive and inappropriate pressure on the MoI by the Ministry of Labour, regularly ordered by Qadhafi to find work for the hordes of unemployed leaving university each year, or a result of double salaries being given to select officers. By the time General Abd al-Fatah Younis took over, the Ministry was not fit for purpose, staffed by a flabby bureaucracy of often corrupt police veterans steeped in out-dated and inefficient policing traditions.

15. Libya had also been somewhat shamed by the international reaction to the heavy handed policing of demonstrations protesting the Danish Cartoons that had led to deaths of at least fourteen people in 2006. On his arrival at the Ministry, Abd al-Fatah Younis set about regularising many of the MoI's forces, beefing up counter-terror and public order police and splitting out the leviathan administrative, finance, contracts and procurement departments which had previously operated under one department. By Feb 17th 2011, the MoI's police had functional Directorates General (such as the public order, special police, aviation and customs etc), regional Directorates General (Tripoli, Benghazi and Sebha etc), general administrative Directorates (such as Contracts and Finance etc) and so-called 'Authorities' such as the Fire Brigade (*Dafa'a Medani*). Directors General all reported directly to the Minister. Sub-departments and branches out on the ground, however, ended up reporting to both their regional Directors General (the local Police Chiefs) as well as to their functional chiefs back in Tripoli. Little is known about the Police's public outreach efforts.

General People's Committee for Public Security (Mol) Pre-February 17 2011

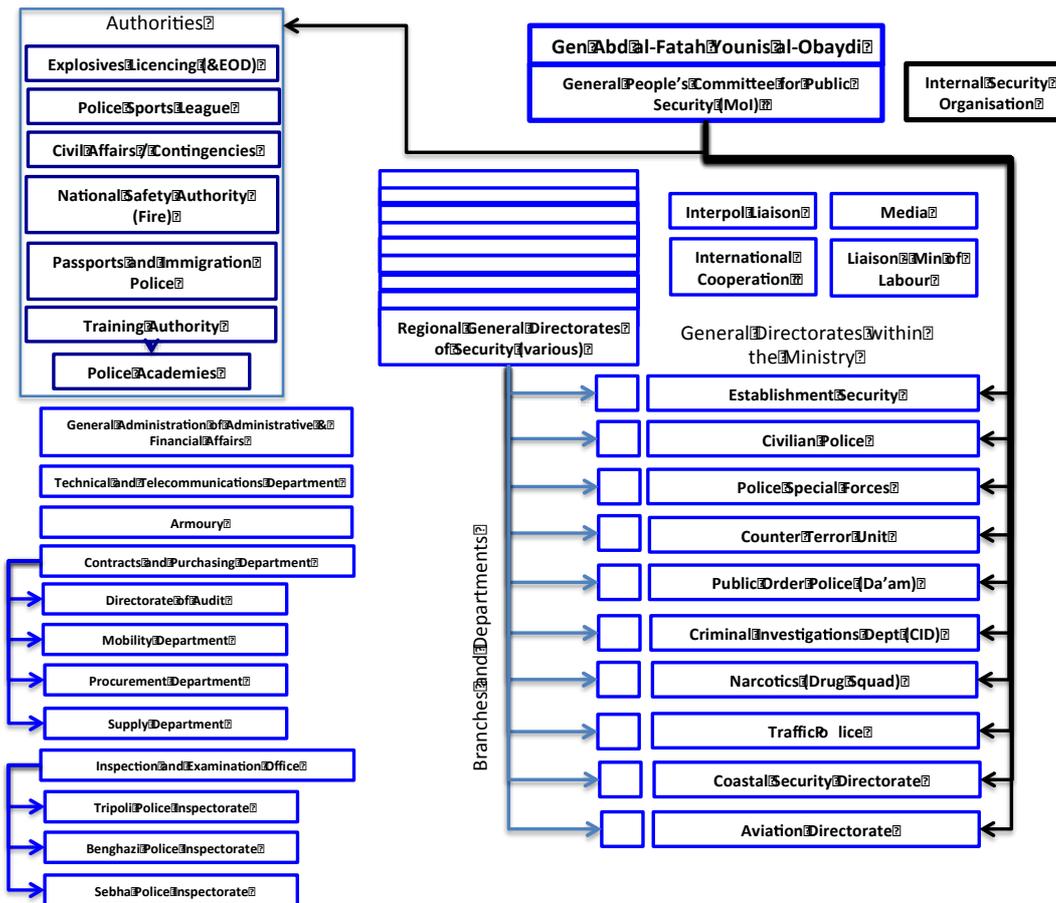


Figure 2, Ministry of Interior Pre-Transition

16. The civilian or ‘city’ police conducted basic law enforcement throughout the country and had stations in all cities and most towns. They did not operate with any great effect out in the desert where an Oil Protection Force protected strategic oil and Border Guards, who were under the command of the Army, protected infrastructure and the Borders. The Criminal Investigative Directorate (*al-Ba’ath al-Jina’i*) was responsible for conducting investigations and, with the Counter-Terror Unit and Police Special Forces, liaised closely with the internal security organisation (ISO) which was responsible for leading on domestic political security. However, both petty corruption and regular overriding by suspects’ friends and family within the extra-judicial security and intelligence services meant that the Police were often sidestepped.

17. The Police Authorities included the passports and immigration authority and the Training Directorates as well as the Explosives Licencing Department and the Police Sports League; this authority managed the police force’s sports and welfare facilities including a number of officers’ clubs and investments. Interestingly enough, one of the first things the new Transitional Government Minister did was appoint a new board to the Police board discharging these responsibilities.

The Judicial Police

18. The Judicial Police recruits were trained in the Police academies but then detached to the Ministry of Justice and its General Directorate of Judicial Police (*al-Shurta al-Qadha’iya*). The Judicial Police were responsible for the protection and staffing of the Ministry of Justice’s civilian prisons (see Penal Sector) as well as for securing the courts and safe transit of accused criminals.

Women in the security sector

19. Given Libya's Muslim and Arab background, security and policing are not seen as an appropriate occupation for women. However, women were still recruited into the Police, Military and special personal protection details that guarded Qadhafi. There was a 'Women's Military Training Academy' in Tripoli which recruited and trained female recruits and then delivered them to the close protection battalions (the higher-profile units), as well as to the Police and Military where they were predominantly deployed in the administrative and archive departments. It is estimated that women make up between 1-3% of the Police in the police stations but are often better represented in the administrations such as the Audit & Inspection and Examination Directorates.

Oversight and accountability

20. Law No. 10 of 1992 reportedly gave senior officers the responsibility to regulate their subordinates. The General People's Committee for Justice (the Ministry of Justice) also nominally had authority to issue regulations and supervise the roles and duties of the Police and security forces but was regularly ignored or thwarted by those services through the use of the special chambers attached to the official courts (formerly the People's Courts). While superseding and updating previous legislation, Law No. 10 from 1992 was also considered by international interlocutors to be out of date by the revolution, unsophisticated and not fit for purpose.

21. The Minister of Interior, General Abd al-Fatah Younis, while nominally appointed by the General People's Congress (GPC) was rather 'endorsed' by the Congress having been given Qadhafi's 'advice.' The formal reporting chain was through the relatively new National Security Council chaired by the Prime Minister, Baghdadi Ali al-Mahmoudi, and then to the GPC. Informally, the Minister of Interior reported directly to Qadhafi when required.

Planning, budgeting and training

22. Planning, budgeting and training within the Ministry were in a parlous state on General Abd al-Fatah's appointment as Minister in 2006/7. Corruption was rife amongst a clique of aging Directors General who, having arrived at the top of their Directorates, jealously guarded their own fiefdoms and the budgetary benefits that accompanied them. Planning was also badly affected by external factors such as the imposition of additional and unrequested manpower quotas by the Ministry of Labour (under Qadhafi's orders); this meant thousands and thousands of people were added to the staff payroll but provided little to the Ministry's capabilities. Slow social and economic reforms were attempting to cut off some of the un- and underemployed state salary receivers, and others were being farmed out to executive ministries with orders to find them gainful employment. Abd al-Fatah fought the imposition and won the right to accept them only after they had completed appropriate and professional police training. This led to the rapid development of the Ministry of Interior's Training Directorate and the establishment of new training facilities in Tripoli, Sirte and Benghazi by the MoI's Chief of Training, Brigadier Assaibi.

23. Corruption, though still prevalent, was clamped down on after Younis's arrival and loyalty encouraged through the retirement of a slew of senior Police officers and promotion of the more junior ranks. Procurement, Contracting and Finance were hived away from each other into separate departments and an inspection and examination department established to assess and confirm the propriety of acquisitions.

Command and Control

24. The regional General Directorates for Public Security (*Mudiariyaat al-Amn al-Am*), housed operations rooms facilitating the more effective management and deployment of police forces on the ground. However, while individual department heads reported to the local Chief of the regional Directorate General of Public Security (Chief of Police), they also retained close relations with their functional General Directorates in the MoI in Tripoli.

25. Military units and regime maintenance forces would often recruit from amongst their own tribes and close relations. The Police, in general, was more likely to have a broader recruitment pool within the cities and more closely reflected the populations that they served. This worked for much of the country, though some cities felt that they were treated differently and even marginalised. The Misratans poorly received Qadhafi's export of Tripoli police to Misrata, viewing them as yet another oppressive measure.

Appointments and promotions:

26. There was no dedicated Human Resources Department within the Police; associated departments in the Ministry of Labour conducted most of the HR (check the law). However, the new Training Directorate began to improve the situation with the establishment and maintenance of training records and personal files. The 'Minister of the Interior' (Abd al-Fatah Younis) actively engaged in the selection and promotion of senior officers and used his arrival as a watershed to remove the aging higher ranks and bring up more junior and now more loyal officers.

Service Conditions

27. Until 2006, senior officers had managed to stay on past their official retirement ages but this was later redressed. Pay issues were rampant. As of 2010, an average Police officer would earn 4-500 LyD, a Police General with thirty years experience earned only 700-750 LyD per month but yet would have a vast property portfolio. Despite the wide property portfolios for the Senior Officers, junior ranks would be often deployed onto the ground and into the Police Stations in shifts of 24hrs blocks in which they would both work and sleep (providing some form of reaction capability) before returning to their homes for 24 to 36 hrs. While the Police struggled with their logistics and routine, the regime maintenance forces often enjoyed superior quarters, located in the heart of the cities (such as in the Bab al-Azaziya compound and 32 Brigade HQs around the edges of Tripoli and the Fadeel Battalion HQ in Benghazi etc) and greater mobility with the latest equipment and vehicles.

Training

28. Police Training received a significant boost from 2006 onwards; the provision of which included basic training, CID, public order and counter-terror training. Police training centres graduated recruits who started their career as cadets and then moved through the limited non-commissioned ranks before being promoted to officer. Police Academies graduated officers. The Police Academy in Tripoli was reported to process over 2,000 recruits every one and a half years and suffered a 25% dropout rate. Some specialist skills were taught in country though access to foreign training began to increase. English Language Training was started in 2006. Senior Command Training was started in 2009 in conjunction with media reporting a UK government decision to send British Police officers to Libya to support training development. Successful applicants could go to Egypt to study Law and criminology and to the KSA (Prince Nayef Security Services Academy) for trade training. Prior to Abd al-Fatah Younis, foreign training had been conducted by the Germans and Italians in Libya and there had been some French Government to Government training and equipping, however, two week long Train the Trainer (TTT) courses in Paris were considered weak and of little use. France therefore sent French trainers to be based in

Libya who reportedly delivered longer courses to thirty students at a time from between 2007 and 2010.

Equipment

29. The changes in the procurement process, with responsibilities being divided out amongst the Contracts and Purchasing Department and the Inspection and Examination Office, and with a nod to changing political exigencies, helped lead to a rebalancing of procurement away from cheaper lower quality far-eastern equipment suppliers to better quality and more appropriate materials from Europe and the USA. Malta reportedly supplied pistols and shotguns in 2009 to the MoI, UK companies reportedly delivered body armour and public order support materials.

Culture

30. The Police, security and regime maintenance forces used military ranks (police ranks went from Cadet, Sargent, Second Lieutenant, First Lieutenant, Captain, Major, Lt Colonel, Colonel, Brigadier, Major General, Lt General and General). There were relatively few non-commissioned ranks and Majors only commanded about 15-30 men, a platoon sized unit. The Police had struggled with a lack of training and leadership and were not prepared for public order disturbances the likes of which were seen outside the Italian Consulate in Benghazi in 2006. Their conduct during the demonstrations, which would have benefitted from some Rules of Engagement, led to the withdrawal of their long-barrelled weapons (AK-47 type variants) by the Ministry.

Organisational Overview - Internal security and regime maintenance forces

31. Alongside and above the Ministries of Interior and Defence, Qadhafi and his closest cohorts cultivated a network of extra-judicial executive forces and intelligence services. Benefitting from independent budgetary lines and the latest equipment and training, they were favoured over the official Police and Army and reported directly to Qadhafi through his Information Office.

The Information Office (Maktab al-Ma'loumat)

32. This was the physical link between Qadhafi and heads of his regime maintenance forces. It was based in the Bab al-Azaziya Compound in central Tripoli and routed calls and reporting upwards and direction downwards.

The External Security Organisation (ESO)

33. Prior to his elevation to Minister of Foreign Affairs during the February 17th Revolution, the ESO agency was led by Musa Kosa and reported directly to Mu'ammer al-Qadhafi. On Kosa's move to the MFA, the agency still worked through Musa Kosa but was then led by Abu Zayd Umar Dorda. Dorda, a trusted Qadhafi operator, who had previously served as Governor of Misrata, a Diplomat at the UN and as 'Prime Minister', was reportedly hand picked by Qadhafi to oversee 'modernisation' of the ESO. Brigadier Abd al-Salam Hamuda, Abdallah Senussi's cousin ran the operations department which over saw the organisation's various strands of activity. The ESO had both an internal as well as more traditional external function. Subordinate departments included the *Nashaat al-Kharijiya* – the External Activities Department – that kept tabs on Libyan students and dissidents abroad, the *Nashaat al-Hadam* – 'Demolition' Department that serviced information and psychological operations and, reportedly, the *Tasfiya* – 'Execution' Department.

The Internal Security Organisation (ISO)

34. The ISO was previously led by Abdallah Senussi before his move to Military Intelligence and, by February 17 2011, was commanded by Brigadier Khalid Tuhami. This organisation conducted traditional internal security and counter-intelligence operations with specific focus on internal dissidents. Its technical Department, which operated the 'Eagle' eavesdropping system well reported in the Media, was co-located with the ISO. Established in 2009, this technical department monitored phone calls and Internet activity. The ISO also cooperated with the Police and Ministry of Interior but reported directly to Mu'ammer al-Qadhafi. It had an estimated 8,000 direct employees and a vast array of indirect and secondary informants.

Military Intelligence (MI)

35. The Libyan MI was commanded by Abdallah Senussi and conducted a broad range of counter-intelligence and counter-coup activities focussing on the penetration of Libya's own military and security forces. While a 'military' organisation it operated outside of the MoD's lines of command and Senussi enjoyed broad and loosely defined responsibilities.

Special Forces, Quwat Sa'iqā, (SF)

36. This military force reported directly to General Abd al-Fatah Younis, who retained control of them after his move to the Ministry of Interior. The SF benefitted from foreign training, including according to Media reports support from the UK's Special Forces, and more generous budgets than the regular Army. It was also allowed to remain outside of the MoD's direct Command and Control. Units from the Sa'iqā forces were dispatched to Benghazi in February 2011 to help quell the revolt and support the withdrawal of a besieged regime maintenance battalion but, like General Abd al-Fatah, ended up staying and supporting the Revolution.

Khamis' 32 Brigade (32 Bde)

37. This was a regime maintenance force led by Khamis al-Qadhafi who used his family position to gain direct and independent funding lines from the Military's Chief of Procurement. Its bases surrounded Tripoli and it was tasked with securing Tripoli in case of invasion or civil insurrection.

Mehmet al-Magarief Battalion (Body Guards)

38. This was a formation dedicated to Qadhafi's protection and was comprised of both male and female bodyguards. Its strength was estimated to be between 2-3,000 personnel and they reported directly to Qadhafi and his Information Office.

Revolutionary Guard (Haras al-Thawri)

39. Three thousand men under Revolutionary Committee Liaison Office (*Maktab al-Itisal BiLejan al-Thawriya*) under command of Muhammad al-Majdoub until 2005 and then it passed to Hassan al-Kabir al-Qadhafi (a cousin of Mu'ammer Qadhafi) who reported to Abd al-Gadr al-Baghdadi (killed in Feb 17 Revolution upon liberation of Tripoli) and Umar Ashkal (still at large); both of whom were members of the Revolutionary Committees Council. The Revolutionary Guards were tasked with counter-coup duties and assumed responsibility for most of the regular Army's weapon's stores, keeping the most effective and modern weapons and tanks for themselves, and

doling out the rest piecemeal to the regular Army when needed. Hassan al-Kabir's own battalion was responsible for much of the intimidation and oppression in Tripoli during February 2011.

Popular Guard (Haras al-Sha'abi)

40. The Popular Guard was officially under the Temporary General Committee for Defence (MoD), Established in June 1990, it acted as a reserve unit capable of mobilising and arming elements of the general population. It was also counter-coup organisation tasked with focusing on the threats from within (including Islamists). By February 17 2011, Mansour Dow commanded the Popular Guard. He was captured in Sirte with Qadhafi and is now held in Misrata.

The Judicial Sector

41. Under Qadhafi, Libya developed three main pillars of official power; the General People's Congress (the GPC), the General People's Committee (GPCo) and the nominally independent Judiciary. The GPC had between 2000 and 2700 members and met two or three times a year to rubber-stamp legislation that Qadhafi 'suggested' and nominally appointed the GPCo, which in reality was comprised of close Qadhafi confidantes. By 2011, the GPCo was chaired by Prime Minister Baghdadi al-Mahmoudi. The GPCo's Minister of Justice chaired the Judicial Council, the highest judicial authority in the country, and had a say in the appointment and promotion of Libya's senior judges but didn't generally get involved in individual cases. The Judges were left to deal with the day-to-day running of the judicial system.

42. There were four main levels of courts; the summary or magistrates courts which dealt with 'contraventions' and small claims of 200LyD or less, the Courts of 1st Instance which dealt with 'misdemeanours', claims of higher value and criminal charges the penalties for which were between 30 days and 3 years in gaol, the Courts of Appeal or Appellate Courts which dealt with 'felonies' and the Supreme Court in which sat the highest ranking judges who enjoyed the highest salaries and the rank of Minister.

43. The Supreme Court had five main branches; criminal, civil and commercial, constitutional, Administrative and personal relations (Shari'a) and acted as the highest court of law, reviewing appeals from lower courts and checking that they had applied the law appropriately. Its only task was to check on the decisions of the lower courts.

44. The plaintiffs in the summary courts could appeal to the 1st instance courts who, in turn, could appeal to the courts of appeal who in turn could appeal to the summary court. Investigations by prosecutors into felonies required referral to 'referral judges' who decided whether there was a case to answer. It was then referred to the Appellate Courts, three judges would decide the case and sentence accordingly with penalties from three years up to life imprisonment and the death penalty. If the death penalty was passed then the Supreme Court automatically reviewed the case.

45. The official system was generally considered to work, particularly in areas of commercial and family law (in so far as a system can work where Qadhafi's laws undermined the very fabric of society). Large cases were regularly and successfully brought against the government. However, while prosecutors in the official system could order the detention of suspects for six days and request six day extensions from a judge, a parallel system of so-called 'people's courts' were able to operate independently and regularly detained suspects for forty-five days at a time and without recourse to judicial supervision or oversight. A revised law from the General People's Congress (Law No. 5 from 1988) established the People's Court and it acted as a parallel system designed to protect Qadhafi's 'revolution', in essence, the Regime.

46. The Internal and External Security Organisations regularly detained those suspected of political crimes and processed them through the People’s Courts. Lawyers acting on behalf of the detainees were rarely given a chance to review casework or files before sentencing and were regularly denied recourse to courts of appeal. However, growing pressure from the Libyan population and international community led to the formal ‘abolition’ of the People’s Courts in 2005 (Law No. 7 from 2005). However, adjuncts, or ‘special chambers,’ to the official courts, then replaced the People’s Courts and acted in a very similar fashion to them.

47. Alongside the official and semi-official systems of prosecutorial (*Niyabah*) justice, infused with French, British and Egyptian elements, common to much of the Middle East, Libya also enjoyed recourse to tribal and traditional systems of resolution often referred to as *Sulha*. When accidents occurred which led to the death or serious injury of private individuals, the respective families would often come together to discuss the matter and work out a mutually beneficial arrangement. This would then be written down and sent to the prosecutor and judges for endorsement.

48. *Sulha* is considered a good system, which delivers results. However, while it was prevalent in Benghazi and across the South and East of the Country, areas more tribal in their social and political outlooks, it was less common in Tripoli. Seen more as a complimentary than competing system of justice, recourse to *Sulha* reached new heights during the revolution as the official system broke down and the semi-official regime maintenance system was deconstructed.

The Official and Parallel Libyan Judicial Sectors Pre-February 17th 2011 Revolution

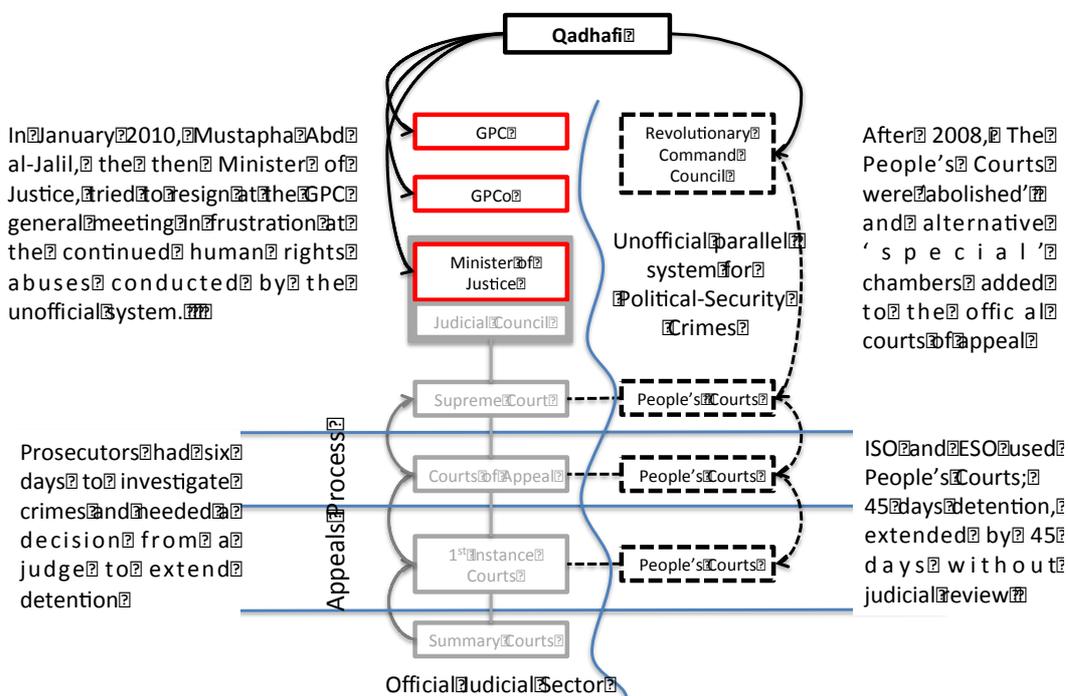


Figure 3, Judicial Sector Pre-Transition

The Penal Sector

49. The Libyan prison system previously fell under the authority of the Ministry of Public Security and Justice (the Ministry of Interior) but by 2005, 38 of the country’s prisons were transferred to the newly created Ministry of Justice under Mustapha Abd al-Jalil. By 2011, these official prisons were assessed to be holding about 16,000 prisoners. Two prisons remained under

the direct control of the Ministry of Public Security (MoI) Ain Zara 2 and the infamous Abu Salim Prison, in which political prisoners and those convicted of terrorism were held. It was assessed that these prisons held between 500 and 1,000 prisoners in executive detention and outside the due process of the official judicial system.

50. The Judicial Police, previously under the authority of the Ministry of Public Security (MoI) was also transferred across to the MoJ in early 2005. The current penal law is the Law No. 5 of 2005, which replaces post-WW2 era legislation. The Judicial Police (JP) were responsible for the implementation of the orders of the courts, escorting people to and from court, receiving people from bail, tracking down fugitives and the MoJ's prisons. They divided up their administration into seven districts; Zawiya, Tripoli, Sirte, Benghazi and the Green Mountains Branches, Western Mountains Branch, and Sebha Branch. The rank-structure mirrored that of the Police with non-commission ranks operating the Prisons and officers managing them. Promotion was on time served until the rank of Brigadier-General, which required the expressed support of Qadhafi. First phase training was conducted with the regular police in the Police Academies but was then followed by a short trade-training course in prison management. Like the regular Police and Army, the Judicial Police were forced into accepting new recruits far over and above the force's requirements as part of a Qadhafi inspired and Ministry of Labour administered employment drive. As with the regular Police, this created significant training and management challenges and affected the standards and professionalism of the prisons' staff. The overcrowding of prisoners was also a problem pre-Revolution, caused by in many areas a rising level of illegal migration.

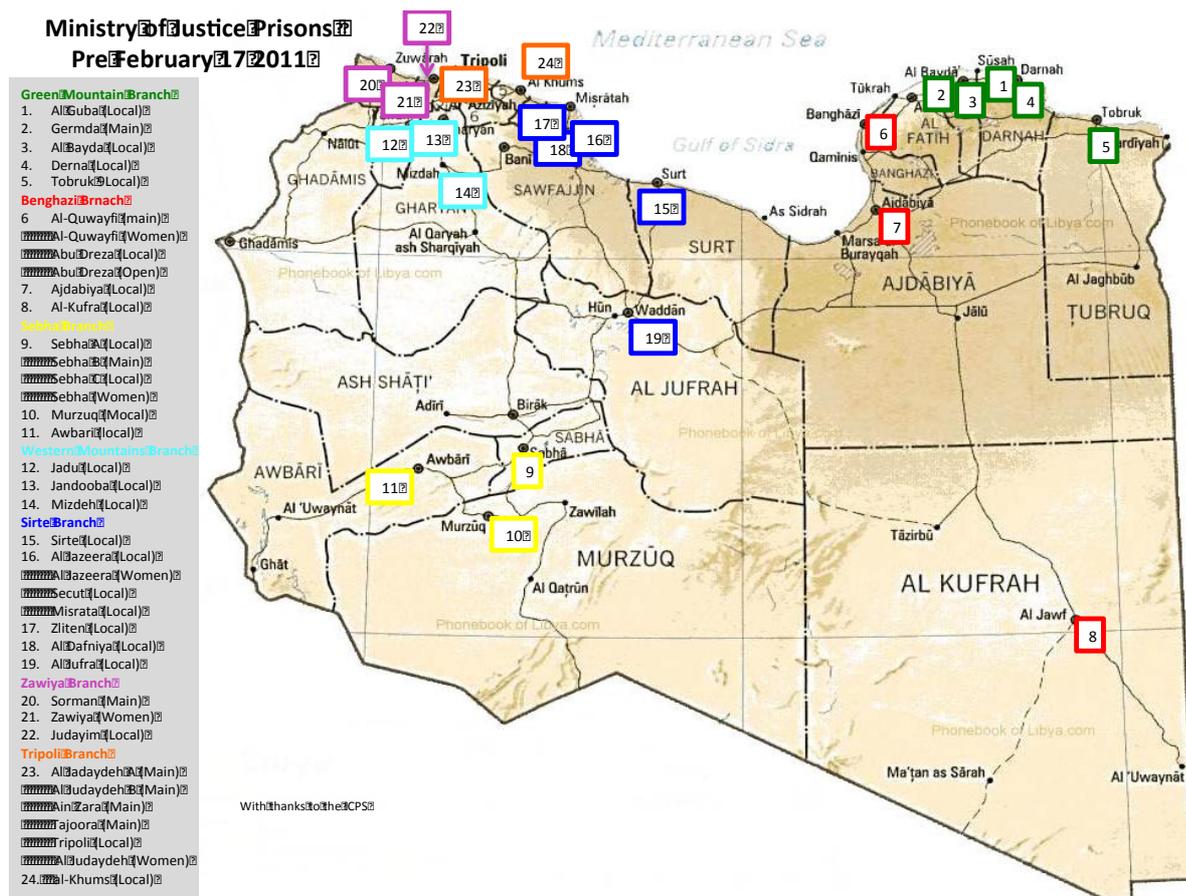


Figure 4, Prisons System Pre-Transition (with thanks to ICPS)

External Engagement in the Libyan Security Sector

51. The increasing engagement of foreign actors within the mainstream Libyan security sector, and particularly within the MoI and Police, achieved reportedly mixed results. The police had begun a long process of reform and professionalization and were still along way from policing standards expected of modern police forces. However, they continued to compete unsuccessfully with the other more favoured internal security and regime maintenance forces.

52. General Abd al-Fatah's appointment was generally considered inside the machine to have precipitated a sea change within the Police and MoI. Despite a natural tendency within the Regime to distrust the less stringently vetted Police force (and Army), he succeeded in initiating a process of professionalization and reform of the procurement process, the results of which are still visible today to international policing advisors.

II. THE TRANSITIONAL PHASE

Phase 1: Benghazi to Tripoli

53. Political stage (East): the transitional phase began days before February 17, 2011 with protesters gathering on the steps of Benghazi's Main Courthouse. They demanded justice for family members killed in the infamous massacre at Tripoli's Abu Salim Prison and reform of the legal and constitutional framework of the country. By the 17th of February, protests had already turned violent and while the courthouse protests on the steps still called for 'reform', increasingly well-armed groups of demonstrators took to patrolling the streets, calling for 'revolution' and meeting Police efforts to control them with force. The rest is history but from this melee, three main discernable groups of participants emerged; the social revolutionaries (young unarmed protesters and their spokesmen and women, mixed liberals and moderate Islamists, *twitterati*), the armed revolt (increasingly well-armed moderate to extreme Islamist groupings – with some secular and liberal elements of both society and the military) and thirdly, what some Benghazinos referred to as, the 'hostile senior management buy-out of the Qadhafi family business (now-defected Ministers and senior military and security leadership). A National Transitional Council (NTC) appointed itself from amongst a host of predominantly Eastern and moderately Islamist notables and Mustapha Abd al-Jalil artfully assumed the mantle of its chairman in front of a host of international Media outlets while negotiations for the appointment continued inside the courthouse.

The Police

54. The police bore the brunt of the initial demonstrations and after attempts to control the crowds using their recently obtained public order training, elements of the Police Special Forces and higher-end tactical response teams were sent in. This led to an increase in injuries and fatalities amongst the, albeit increasingly well-armed and revolutionary civilians – the *thuwwar* (revolutionaries). The popular reaction was immediate and swift and within a short time, the Police Headquarters on the Airport Road, sections of Benghazi's General Directorate for Public Security, and almost every station, post and detachment were burnt out of their premises, their weapons 'liberated' and vehicles stolen. As an effective force in the East, the Police were finished.

The Military

55. Much of the hollow and poorly armed military remained in their barracks but other elements took it upon themselves to join and 'protect' the demonstrations. A company of General Abd al-Fatah Younis' Special Forces, under the command of Colonel Wanis Bukhamaida al-Meghrebi, independently deployed itself down to Brega and Ras Lanouf in support the then mobile hordes of the 'armed revolt'. General Abd al-Fatah Younis al-Obaydi (scion of the eastern Obaydat Tribe and Minister of the Interior) was despatched by Qadhafi to solve the revolt but arrived in the East only

to change sides and declare his support for the nascent National Transitional Council under Mustapha Abd al-Jalil (the former Minister of Justice). With his defection, most of the ‘established military’ in the East, who until that time had been wavering, confined themselves to camp and did their best to preserve their stockpiles of weapons.

The security and intelligence services

56. Like the police, the security and intelligence services were burnt out and the rapid succession of high profile assassinations of Military Intelligence and Internal/External Security Officers sent a clear message to the rest to move on. However, some elements of the traditional interest groups that supported Qadhafi remained and reinvented themselves as ‘revolutionary’ militias. Some genuinely turned and began to report to Mustapha Abd al-Jalil, others flew the revolutionary tricolour flag and kept their heads down – only to be subsequently called out and disbanded, like the Nida’ Brigade, a Warfalili tribe linked militia in the centre of Benghazi. This group had survived in the open for almost six months before being dismantled violently by Islamist elements of the armed revolt that were only alerted to their presence when they tried to ‘liberate’ some members who had been detained at the Military Police prison.

The Armed Revolt

57. The Armed Revolt coalesced into an ever-changing group of ‘Battalions’ or ‘Brigades’ (Kata’ib) who suffered significant setbacks before being ‘saved’ by French air strikes on Government/Regime loyal columns of tanks and troops closing in on Benghazi. From the mêlée in the city to the newly created frontlines on the coast road to Tripoli, a number of umbrella brigades formed, the higher profile ones being the February 17th Martyrs Brigade, the Umar al-Mukhtar Brigade, the Rafala Suhati Company and others. Together they established a ‘gathering’ of revolutionary companies, the so-called ‘*tajammu Sarayat al-Thuwwar*’. Fawzi Bukatif, an engineer from the State owned Arabian Gulf Oil Company (AGOC), rose to become their representative and, with a number of other notable revolutionaries from the heady days on the courthouse steps, such as Mustapha al-Sagizli, provided a link between the rapidly growing revolutionary ground forces and the newly formed and self-appointed NTC.

58. In the cities, particularly Benghazi, an ever-growing plethora of militias was creating a nightmare; in dark dens and recovered ISO facilities, militias began ‘interrogating’ captured Qadhafi loyalists and suspected spies. A number of detainees were killed under torture and, as reports of their acts leaked out, these independent and self-tasking militias began to jeopardise the legitimacy with which the general public now imbued the revolutionaries.

Regularising the Militias

59. There were significant challenges to controlling the situation. The NTC and its executive committee of ‘ministers’ had few levers to pull – the revolutionaries were enjoying significant support from abroad in terms of financing and weapons; a support which avoided ‘official’ lines of command and control and went directly to revolutionary commanders on the ground. Despite this, the Executive Committee’s ‘Prime Minister’, Mahmoud Jabril, and his ‘Minister’ of the Interior, Judge Ahmad Dharat, commissioned a number of revolutionary groups now operating inside the cities and within the internal security environment, to band together. A number of militia commanders formed the Preventative Security Organisation (*al-Amn al-Waqa’i*) as a collective. Like the rest of the armed revolt, it reflected a spectrum of political views from the Arab socialist to Islamist. The reportedly Islamist Ibrahim Bargathi was elected its Director General and, as a ‘Wakil’ or deputy/under secretary to the EC’s Minister of Interior, he set about forming a new

Ministry to serve as a link between the Minister and those new revolutionary groups who had now occupied the space left behind by the retreating ISO and associated regime maintenance forces.

60. In tandem with the regularising of militias conducting internal security work in Benghazi and the eastern cities, the NTC and the Benghazi Local Council sought to re-establish the rule of Law. They appointed Dr Ashur Schwayal, local Benghazi notable and Chief of Benghazi's Traffic Police, as new Chief of Police. Recognising that the political situation had changed dramatically, Dr Ashur reached out to both the least toxic elements of the Police (the CID, traffic Police and communications sections) and the revolutionaries; together they reformed and established a joint operations room in the reclaimed Directorate General of Public Security and rebranded the Police 'the National Security Forces' (*al-Amn al-Watani*). This rebranding was significant as it was the first genuine effort to bring elements of the 'old' and 'new' together under one name and in the service of the Benghazi People – 'the solid ninety per cent' – who wanted to see the rapid return of safety and security to their streets. It was not a panacea, however, and the revolutionaries were very careful not to let the Police regain anything like the power or capability it wielded prior to the uprising.

61. Having burnt out the old Police and dismantled the internal security forces in near totality in the East and having fought an eight month long campaign on the eastern front in Brega without leave, these revolutionary forces had, with sanction, formed new revolutionary ministries which began to coordinate with political actors both inside and outside the NTC. Both Fawzi Buktaif under the EC's Minister of Defence and Ibrahim Barghathi under the EC's Minister of Interior put themselves under the authority of the Executive Committee in the belief that they were going to have a role in reforming and restructuring their respective Ministries upon the 'liberation' of Tripoli – this was not to be the case.

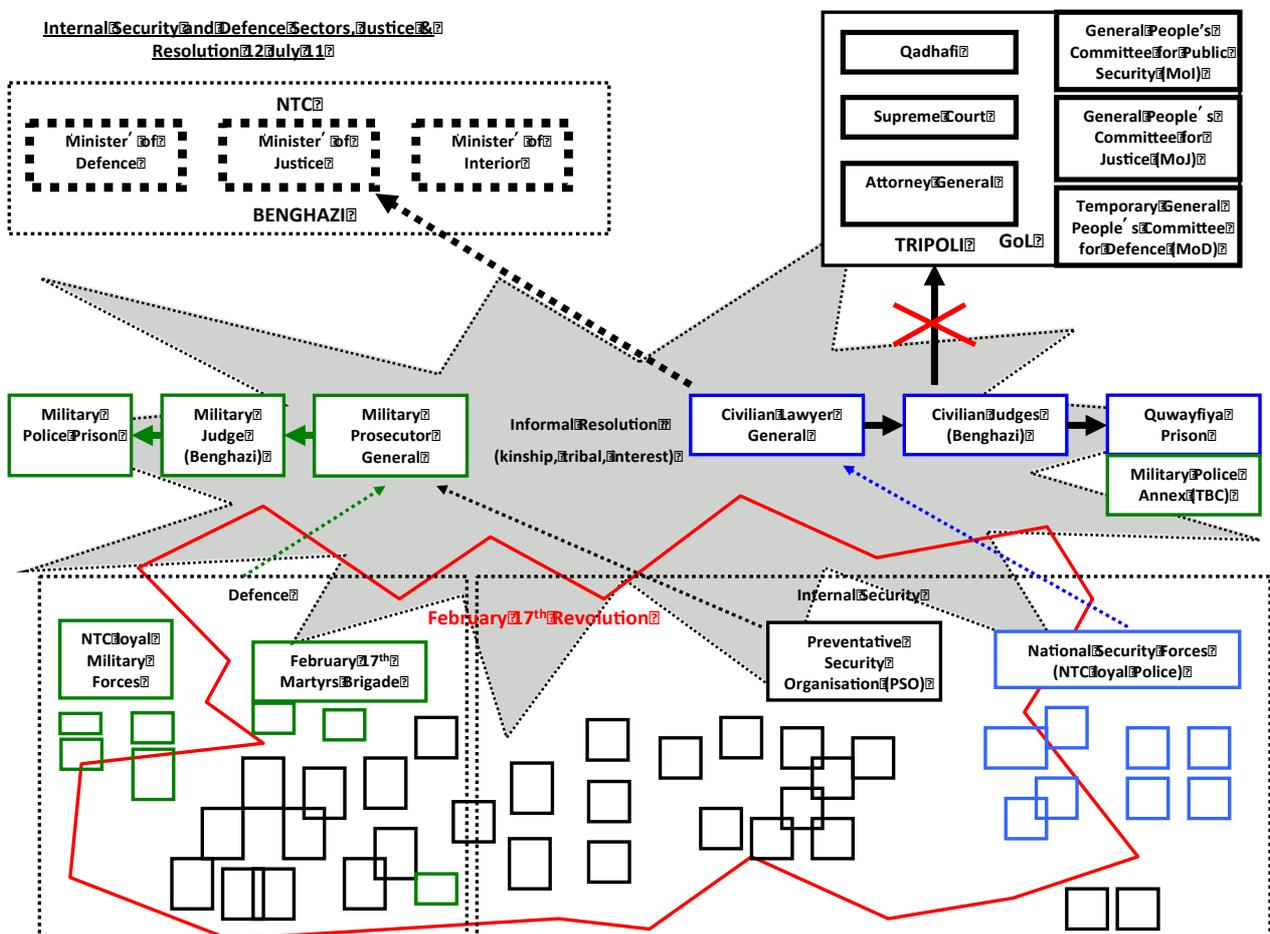


Figure 5, Internal Security, Defence and Judicial Sectors in Benghazi during early Transition

62. With near stalemate in the east, the NTC and those that recognised it within the international community re-focussed on the West of the country. This was where the revolutionary war was to be won or lost. Unlike the East, much of the West and South of Libya had received significant largesse from the Qadhafi family and associated elements of Government. The west and southern tribal networks had been a central pillar of Qadhafi's regime maintenance strategy for a long time. With the Warafali, centred in Bani Walid but with members across the country, the Megarha (Meghrahis), Qadhdadfa (Qadhafis) and others wielding significant political as well as social influence, the social revolutionaries and armed revolt struggled to gain traction and critical mass.

63. Much of Qadhafi's regime maintenance forces were based in and around Tripoli and the established military more closely aligned to western interests. As the 'revolution' arrived in Tripoli, the Police quietly withdrew, drawing lessons from their colleagues in Benghazi. However, while they managed to maintain control of a number of police facilities, their weapons and cars were rapidly 'liberated' by incoming revolutionary forces, which had been massing in the Nafousa Mountains. The established Army, such as it was, fractured with some elements defecting on mass to the incoming revolutionaries. Others, including much of the Regime's MoD hierarchy, remained loyal to Qadhafi to the end. If they didn't die in Sirte or were captured by revolutionary brigades then they returned to their homes and farms in the tribal heartlands most loyal to Qadhafi, such as Bani Walid.

Two competing initiatives

64. Two competing initiatives began to rub up alongside each other in Tripoli; a revolutionary and armed revolt led 'bottom-up' approach, which underpinned the advancement of revolutionary commanders and sought to establish new security organs, and a top-down Executive Committee led effort to corral the now NTC loyal established Police and Military commanders. This led to the evolution of two rival addresses within the security/defence environments; the top down 'established' military councils made up of regular officers who looked for leadership in those elements of the former government now present in the Executive Committee and a bottom up coagulation of revolutionary 'gatherings', which culminated in their establishment of a Union of Revolutionary Gatherings (*Ittihad Tjammuaat al-Thuwwar*) in Misrata on 22 September 2011.

65. In Tripoli, the two blended in the Tripoli Military Council. Abd al-Hakim Bil Hajj, a 'civilian' revolutionary commander, albeit with decades of operational experience as a senior leader in the anti-Qadhafi Libyan Islamic Fighting Group (LIFG), snatched the high ground and claimed leadership of the EC's Tripoli Military Council – a move perhaps which led its rapid move towards obscurity and obsolescence.

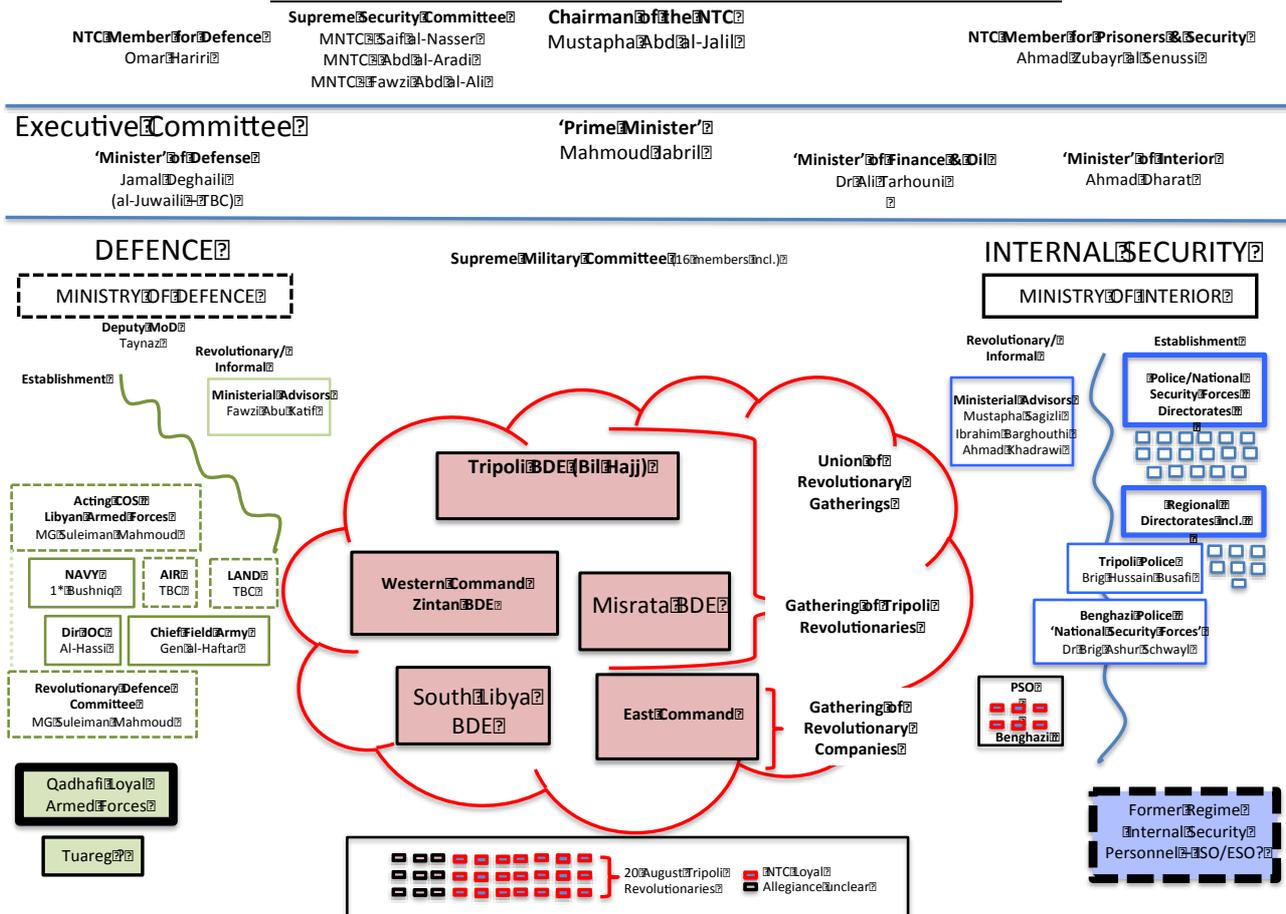


Figure 6, Libyan Security and Defence environments, circa October 2011

66. International engagement: some of the international community’s support was designed to help protect civilians and time limited to the removal of Qadhafi. Other support, however, focussed on picking leaders and sought to shape and influence the post-conflict environment. The presence of foreign Special Forces was much reported in the Media. Qatari officials held a high-profile Media conference to welcome back and congratulate a Battalion’s worth of their special forces who had been ‘operationally mentoring’ on the front lines with revolutionary colleagues. It was unfortunate though that much of the foreign support was both selective, in that much of it was directed to predominantly Islamist aligned forces on the ground, and effectively by-passed the NTC and ‘official’ Libyan political oversight.

Phase 2: Transitional Government

67. On the Liberation of Tripoli on 20 August 2011, the incoming revolutionary battalions were met by a groundswell of local civilian and mixed civilian/security militias rising up from within their districts. Many of these were the so-called ‘20 August revolutionaries’ who had been running interference with Qadhafi’s government since the beginning of the revolution with acts of civil disobedience, sabotage and assassination. Other militias were comprised of less than revolutionary civilians and former regime members who sought to retain some sort of control over their districts while the city descended into chaos. At the time, local commentators felt that 70% of the local neighbourhood watch committees had genuine revolutionary and anti-Qadhafi credentials. Those that didn’t, as in Benghazi, were slowly singled out, disarmed or sent to ground.

68. In the absence of a functioning police, the local armed committees took up the role of policing their areas. Some evolved into local arms of the Tripoli Brigade and began to link into their Operations Rooms and operate outside of their own districts. During the fall of regime, the revolutionaries made huge swathes of arrests of regime officials and security personnel. Even today it is assessed that there are still about 19,000 detainees being held by the revolutionaries with as many as 6,000 of them in Misrata. Once the initial conflict died down, local people began to report crimes to both the police (established and now revolutionary) but also to the local security committees and revolutionary battalions 'occupying Tripoli'. At first, the revolutionaries would obtain warrants from revolutionary friendly prosecutors and then try to affect the arrests through engagement with the relevant local district security committees.

69. The regular Police force had, by the end of 2011, largely melted away. Despite less than zealous efforts to counter the revolutionaries from some and active support for them from others, their police stations and headquarters were still overrun and what vehicles and weapons remained were appropriated. The Ministry remained intact though and as the NTC settled in and appointed its new Transitional Government, it and the International Community were faced with a challenging conundrum; what to do with the Ministry and the old forces.

70. International Community 'experts' and former regime members now serving in the NTC and its executive committee wanted to keep the Ministries of Interior and Defence. Learning the (potentially inappropriate) lessons from Iraq, they didn't want to 'throw the baby out with the bath water.' The Revolutionaries, however, were clear that this wasn't an invasion or occupation by a foreign colonial force which wanted to keep the old structures intact - this was a revolution and the Ministries were just as much part of the problem as their political masters and subordinate forces had been. These were clearly two mutually exclusive positions.

The Supreme Security Committee

71. With the gradual establishment of NTC and government control over the Ministries' building and occupants in Tripoli, pressure grew to incorporate the revolutionary forces into official and semi-official structures in order to legitimise them and improve command and control (C2). Abd al-Majeed Saif al-Nasser (MNTC), Abd al-Razaq Aradi (MNTC) and Fawzi Abd al-Al (M-NTC) established the 'Supreme Security Committee' in order to supervise and gather the various revolutionary forces in Tripoli. By February 2012, with Misratan prosecutor, Fawzi Abd al-Al, the Minister of Interior in al-Kib's Transitional Government, in the lead, the SSC was a semi-official organisation under the aegis of the Minister of Interior. With the offer of limited salaries, the SSC provided a temporary home to the now scattered elements of the Police who, having worked with the revolution, were struggling to return to the previous positions and roles inside General Police Directorates - essentially unchanged from before the revolution. The SSC also provided a home and legitimacy for the thousands of '20 August Revolutionaries.' The more military revolutionaries who had swept into the city from the mountains and had been fighting on the various fronts for up to eight months also started to join up under the banner of the SSC.

Libyan Ministry of Interior and parallel Supreme Security Committees (SSC) October 2012

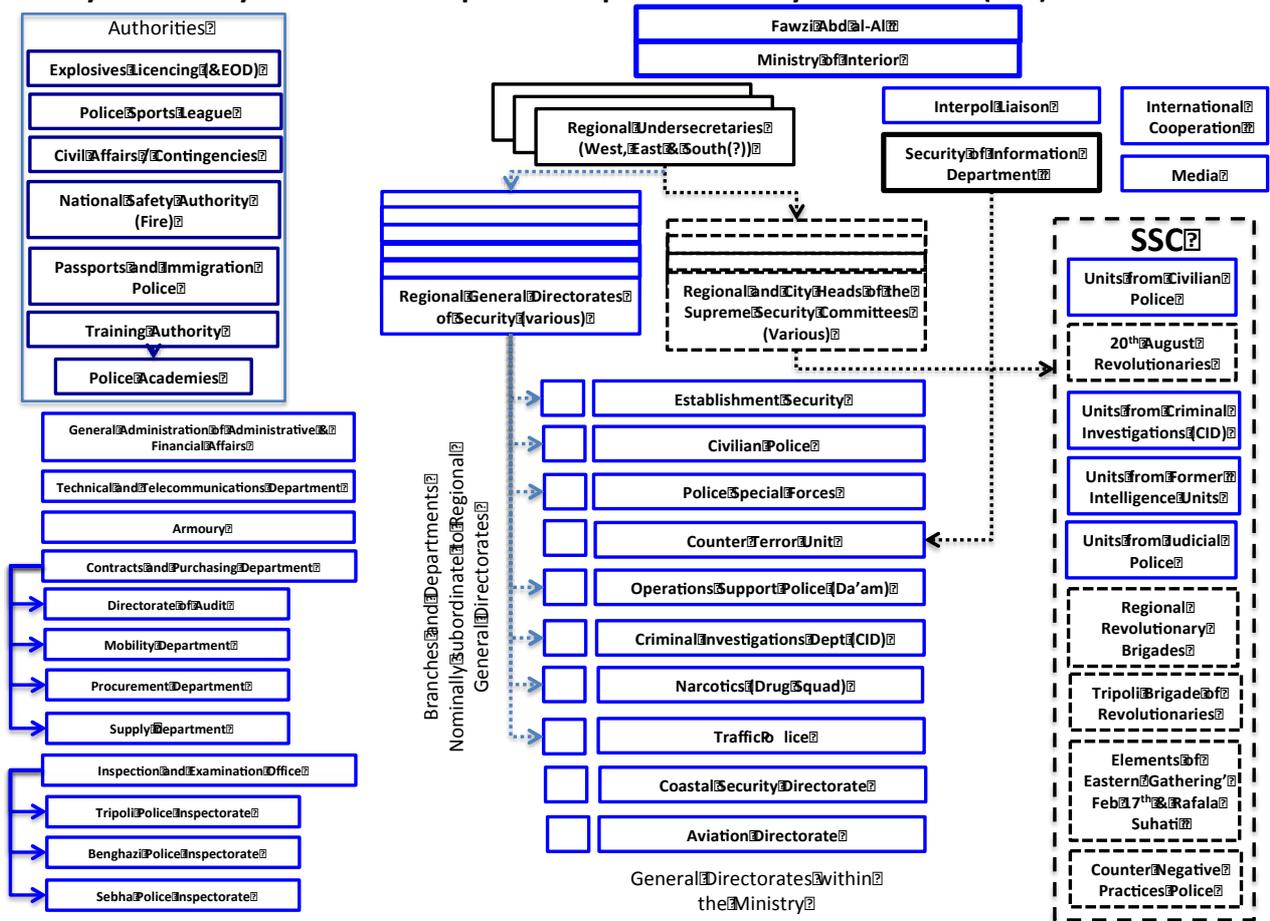


Figure 7 - MoI Police and Supreme Security Committees – despite the layout of the organisational chart, the SSCs are much more numerous and better armed

72. As Abd al-Hakim Bil-Hajj, the then Tripoli Brigade Commander, began to focus more on politics and other activities abroad, and with the appointment of Colonel Osama Juwayli (established Military Officer from Zintan) as Minister of Defence, Hasham Bishr, took up the reins as Tripoli Military Council Chief and then slide side-ways to assume command of the nascent SSC in Tripoli. These zigzagging moves allowed the revolutionaries to remain in place within the city and legitimised their policing and internal security duties they had now inherited at the end of the armed conflict. Legitimacy in the eyes of the people had become the most important currency.

73. Similar movements started within the defence sector as well but with implications for the internal security and political environments. Despite the appointment of Juwayli as Minister, a competition for leadership and resources developed between him, his chief of Staff General Mangush and the under secretary/deputy Minister of Defence, al-Sadiq Mabrouk al-Gaith al-Obaydi.

Police Training

74. The Tripoli based MoI has, in conjunction with UNSMIL (the United National Support Mission in Libya), overseen a number of initiatives from European and Middle Eastern countries aimed at injecting new training and skills into the fractured police forces now attempting to police the streets. The Jordanian Government offered to train new Police recruits from the revolutionary battalions and, under the auspices of the Libyan MoI, enrolled the first batch of cadets at the

Jordanian International Police Training Centre (JIPTC) at the beginning of 2012. Despite the expulsion of a number of the militia recruits for ill-discipline, the majority of the reportedly 1900 recruits passed-off in July 2012 having received basic training in public order, patrolling, criminal investigation, penal codes, laws and conventions pertaining to human rights and self defence. Jordan reportedly is prepared to accept up to 10,000 more. Turkey also announced a police training initiative, which started reportedly in July 2012 with the deployment of over 800 new recruits to train at the Turkish Adile Sadullah Mermerci Police Centre. This followed the delivery of 'police' vehicles and 6000 uniforms towards the end of 2011.

75. The UK has a number of police advisors working within the Ministry of Interior and in support of Tripoli's Police Chief and they have also agreed to the delivery of the delivery of crime scene investigation technology and complimentary training. There are also slew of smaller but interesting acts of cooperation including study trips and exchanges arranged by (semi-official) non-government organisations such as the Warriors Affairs Committee (WAC). A veteran's organisation which compiled extensive lists of revolutionaries who fought in the revolution and/or stood up afterwards to include themselves in the momentous events, it reportedly sent 25 Libyans to Kosovo in May 2012 for police training at the Kosovo Police Academy. Most of the recruits were civilian revolutionaries but three had former police experience.

76. At the local level, Tripoli's Police have a new head of Training, Colonel Jamal Safar, who is based at the surviving Tripoli Training School not occupied by revolutionary formations. This centre has training facilities, which it shares with the Judicial (Training) Institute's mock courtrooms and auditoria.

Pay and conditions

77. While Police officers are still being paid their 4-500 LyD per month, SSC members have been reportedly paid between 800-1000 LyD a month. In some areas of the Capital, Police are also being used as taxis to bring cooked lunches to the SSC Thuwwar (lunches paid for by the MoI and not available to the Police who have to buy their own). Naturally this is causing some additional friction and doesn't help the reported 20-40% absenteeism currently reported amongst official police.

Equipment and facilities

78. Most of the Police's equipment and weapons were confiscated from them (unless taken and hidden at home) during the revolution by the rapidly growing revolutionary armed groups/militias. Many of the Police HQ's and compounds were taken over by revolutionary militias. However, some old habits die hard. Some recent uniform acquisitions in 2012 have come from China and remain inferior leading to allegations of mismanagement and/or corruption and prompting the suspension of the Colonel responsible for managing the contract. The UAE and Qatar, both generous donors of equipment (reportedly arms during the revolution and now vehicles post-revolution), have reportedly offered training support but it is not known at this stage whether it has been taken up.

Libyan Shield (Dera' Libya)

79. The Chief of Staff recently reported in the Press that 'the Military as an institution no longer exists' and it will take many years to build up effective lines of authority, command and control. Despite this, the Chief of Staff has not been idle. General Mangush has overseen the development of a semi-official military formation called the Libyan Shield (*Dera' Libya*). Much like the SSC for the internal security sector, the Libyan Shield acts as an umbrella formation providing legitimacy

for a regularly changing and loose coalition of revolutionary formations. There are currently five brigades, two in the West, two in the East and one covering the South. Of the two Eastern Libya Shield Units, the first – led by Wissam Binhumaid - reportedly consists of elements from the February 17 Martyrs Brigade and Rafala Suhati Company, both predominantly Islamist in aims, who came together early in 2012 and deployed to Kufra to stabilise the conflict re-igniting between Arab and Tebu tribes. The second Libya Shield Unit in the East is predominantly Federalist in its alignment, number about five thousand men and is reportedly led by Munir al-Obaydi. Dera Libya is not a standing army, however, but appears to come together when the Chief of Staff delivers money and vehicles for particular operations.

Mobile Forces (al-Quwat al-Muharakah)

80. In addition to the Libyan Shield Forces, General Mangush has endorsed a new force called the Quwat al-Muharakah (the Mobile Forces). These were initially formed in Tripoli mid 2012, drawing for the most part on Western Mountain manpower. They were reportedly designed to help the MoD recover its estates, then occupied by rogue and errant militias, but has subsequently expanded its remit. As a brand, the ‘Mobile Forces’ now also operate in the East, where Special Forces (Sa’iqā) Officer and revolutionary militia commander, Salah Buhaliaga, has been appointed as chief of Government aligned revolutionary forces with close ties to former NTC members.

Borders and Strategic Installation Security

81. Deputy Minister Sadiq Mabrouk’s responsibilities covered key areas of the country’s oil sector and the borders. The oil infrastructure, much of it untouched during the war, was taken over by revolutionaries now ‘protecting’ it in return for a salary. These groups were slowly incorporated into a new oil installation protection force and rented back out to the National Oil Corporation (NOC) and its subsidiaries in return for salaries. This umbrella has provided an attractive top-cover to many of the revolutionary groups still spread across the country. Many commanders, yet to engage with the new Ministers of Defence and Interior have started to detach and second large elements of their own forces to this new body (like they have with the Libyan Shield).

The National Guard (al-Haras al-Watani)

82. Initially established under the authority of the now defunct Tripoli Military Council, its own authority tenuously linked to the NTC, Sadiq Maboruk promulgated a decision on 25 February 2012 legitimising a new formation, the National Guard. Khalid Sharif, who like many of the sub-commanders, is a former member of the Libyan Islamic Fighting Group (LIFG), commands this unit. The National Guard (NG) is essentially a fighting force with at least thirty-nine subordinate militias nominally serving under the Ministry of Defence. However, twenty-six of these subordinate units are either drawn from or are garrisoned in Tripoli and are reportedly conducting internal security and counter-intelligence activities against former regime members as well as traditional interest groups. This includes the continued detention of many of the high value targets from the former Regime. Other sub-units are based in Derna, Sebha, al-Qatroon, Awbari and Turaghin.

Judicial Sector

83. Prior to the Revolution, the Minister of Justice headed up the High Judicial Council. The NTC, however, under Mustapha Abd al-Jalil decoupled the executive from the judiciary and now the Chief Judge in the Supreme Court reportedly chairs the Judicial Council.

84. The absence of a constitution and coherent operation of the General National Congress means that Libyan law, while extant, will be subject to some very significant changes in the near

future. The skills and experience of the judiciary and prosecutors require major investment; the most able lawyers very quickly left public service under Qadhafi and entered private practice, often focussing on commercial law. The physical infrastructure of the courts and Judicial Police run prisons has been very badly affected by the revolution. What few courts that remain are subject to significant security threats and judges still struggle to sit and judge sensitive cases. That reconciliation and a political settlement between the various fighting groups remains allusive is a serious challenge and means that many of the former Regime apparatchiks are being detained under the unjust laws which they themselves used. The Military Police and Military Prosecutor's office, which remained in operation throughout the revolution, continued to apply Qadhafi era anti-subversion laws but just re-interpret the definitions and substitute the Feb 17th revolution for Gadhafi's revolution.

85. The Judicial Police struggle to protect the courts from more heavily armed groups of criminals and revolutionaries and revolutionary battalions occupy what few of their MoJ prisons that remain. Many of these revolutionaries nominally accept the authority of the MoJ but are, anecdotal reporting suggests, setting up their own revolutionary courts to assess and judge cases in the absence of a functioning official system.

Re-establishment of the Libyan General Intelligence (al-Mukharabat al-Amah) or Libyan Intelligence Agency (LIA):

86. On 02 June 2012, the NTC re-incorporated the Libyan Intelligence Agency, formally known as the External Security Organisation, with Law No. 7 for 2012. With reference to both the establishment of the NTC, its Constitutional Declaration and NTC Directive No. 134 from 2011 (which deals with the evolution of the ESO into a National Security Agency) as well as drawing on legacy legislation and Cabinet level directives such as the Military Retirement Law No 43 from 1974, Law No. 12 from 2010 dealing with Labour Relations – the NTC re-established the ESO as the Libyan Intelligence Agency and gave it a very broad remit to resume operations in support of external intelligence collection and countering the threat posed by foreign intelligence services. In addition to these though, the LIA was also clearly given an internal security function with duties to 'follow trends and activities detrimental to Libya's security, counter-terror and organised crime, act as an early warning system of internal threats and to protect and maintain surveillance of foreign VIPs while they operate inside the country. Reporting directly to the 'President' of the country (NTC Chairman and now GNC Chairman), the agency has a rank structure similar to the military and police with servicemen, non-commissioned officers and officers. The agency is headed by General Salim al-Hassi who enjoys the privileges of an Under Secretary (Wakil) of a Ministry.

III. POST TRANSITIONAL CHALLENGES AND PRIORITIES

Challenges

87. The challenges ahead are predominantly political. While the revolution succeeded in dispatching Qadhafi and his cohorts, the loose coalition of NTC loyal traditional interest groups, anti-Qadhafi independents and moderate to extreme Islamist groupings are struggling to develop a coherent and sustainable consensus or vision.

88. A multitude of bottom-up initiatives are evolving in mirroring, parallel structures such as the Libyan Shield for the MoD and the SSC for Interior. The absence of trust between the old and new forces prevents effective cooperation and undermines the chances of successful integration down the line. There is an argument for the establishment of a set of 'third forces' that can 'protect' the revolution (and the GNC itself for starters) and act as a balance to the traditional police and Military in whom the revolutionaries have little trust. However, this risks repeating a very similar structure

to the one that existed under Qadhafi where better-armed semi-official forces rode roughshod over the Law and the official security and military forces.

89. Despite the election of the GNC, the relations between the political representatives and their electorate are still nascent and subject to significant pressures. Communications will be key in sharing on going conceptual debates with the general population. At the political level the main parties of the National Forces Alliance or Tahaluf (traditional interest groups), Justice and Construction Party (Muslim Brotherhood) and National Front aligned independents have only just developed a compromise in the GNC sufficient for the establishment of a Government; it remains to be seen how stable this consensus will be but the recent appointment of Ali Zeidan, and the vote of confidence in his government, may inject some momentum back into the process.

90. The new Government will need to show legitimate security forces that they enjoy the full confidence of the State by rolling out emergency financing for reconstruction of facilities and mass-training programmes, the products of which can be deployed in the very close term down to borders and onto the streets in the cities. The masses of disparate armed un- and under-employed need to be put to work. Re-arming the Police will be a sensitive subject and best approached after a political settlement – without it they risk rubbing up against the militias in the SSC, which burnt them out of their stations in the first place. Accountability and transparency will of course be key but an element of corruption should be expected, and even allowed in the very short term, to avoid slowing down the spending and development needed to maintain momentum.

91. In addition to the fracturing conceptual challenges, there are clear practical issues such as the absence of independent and functioning facilities for the Police and Judicial Police. Many of their bases are still inhabited by militia, SSC or Libya Shield associated forces and continue to be fought over by competing forces. The military, while not technically a main focus of this paper, will have a large role to play in bring peace and stability to the country. Only a new Army will have the weapons and skills required to take on the now very well armed and battle hardened extremists from both ends of the spectrum that remain outside the law. The police or new policing forces cannot be expected to do this in the short term.

92. The effects of insecure borders are already being felt with the relatively free movement of people and goods detrimental to the safety and security of the general population. The international community's expertise from vastly differing operating environments may provide additional challenges.

93. The high doses of political capital injected into the NTC by, among others, President's Obama, Sarkosi and Prime Minister Cameron were dramatically reduced after the liberation of Tripoli for a range of reasons – 'this was a Libyan revolution.' However, just as the established and new forces policing the streets need to 'feel the love' and enjoy confidence of the State behind them, so too do the established interest groups and moderate Islamists require a sensitive and appropriate maintenance of the international community's support. The Libyans will take care though over whom they ask to help, whether from the West or the Arab world; Libyans remain extremely sensitive to outside engagement, however, particularly to certain actors whose support during the revolution favoured particular groups over others; groups now pitted against each other in Congress as well as on the street.

94. There are a number of approaches to policing evolving on the ground, including armed neighbourhood watches and initiatives seeking to bring in a more Islamic flavour. 'Moral police' paraded at the Islamist rally in Benghazi in early June and the Grand Mufti Sadiq al-Giriyani has publically endorsed a form a moral police in Media announcements.

95. In the absence of state sanctioned forces returning to enforce the law and protect communities, local militias still remain whether ‘protecting’ their districts in Tripoli or villages out in the countryside; some of these militias are now squabbling over territory. Bound by kinship and political affiliation, some of these groups, despite the odds, have been able to protect their interests, such as the tribal militia from Rajma to the south of Benghazi who, in the face of a massed Islamist and Dera Libya force, repulsed tomb-smashers on early September 2012.

96. The political will exists to change and develop the current state of the defence and security sectors but absent a coherent and inclusive national narrative the old and new factions with defence and security areas propose mutually exclusive paradigms and plans. Leading revolutionaries want to see new security forces, which are built predominantly on new civilian battalions and units but drawing on the experience of established personnel and officers deemed sufficiently ‘revolutionary’ and anti-establishment. The established security and defence forces, NTC and now GNC loyal, want to be reactivated and are prepared to incorporate new revolutionary commanders but only on their, established, terms.

97. The writing and passing of a new constitution will be the single biggest challenge facing the GNC and its constitutional assembly. The debate concerning the role and position of Shari’a Law is not expected to be too demanding, as all Libyans are Muslims. The challenges concerning Shari’a will come further down the line in its interpretation and application. However, in the meantime, the GNC is still yet to publicly confirm the means by which they will form the constitutional assembly – either by election, as stipulated in a last minute NTC directive or appointed, albeit through consultation with the regions.

Priorities (Political)

98. The new Libyan politicians need to maintain a sustainable majority in the GNC, sufficient for the construction and communication of a new, compelling and inclusive national narrative; one around which both the new and established military and security forces can rally as well as the Libyan people. This would lay the foundation for a genuine reconciliation process, which would allow the State to agree what constitute the main threats to Libya today – criminal elements of the former regime at one end of the spectrum and rogue, ‘revolutionary’ armed groups who operate outside the Law (such as criminal gangs and extreme Islamists) at the other. This will require painful compromises from the Tahaluf, JCP, National Front aligned and non-aligned independents as well as the more fundamental Islamists in the GNC. The international community can and should play a sensitive yet very active part in this trust building, if invited.

99. In tandem with efforts at the political level, trust-building efforts should take place at the operational level with senior commanders from the established and new security forces being encouraged to foster and develop joint operational and training initiatives – perhaps something along the lines of Senior Leaders Courses but very clearly focussed on supporting the political level.

Priorities (Practical)

100. **Protecting the country, protecting the process:** At the operational level, there are two clear priorities – the security of the country and protection of the people on one hand and the security and protection of the political process (the GNC) on the other. In light of the ease with which disparate tribal, militia and interest groups can access and disrupt GNC proceedings, protecting the process is the first priority and will require both sustained technical support and a sophisticated communications engagement with the general populace to underpin the legitimacy of the Government’s efforts to control demonstrations. The GNC is requesting public order support materials and support from the international community. The International Community should

address this as an immediate priority and contemplate both the provision of immediate government-to-government (G2G) support as well as the facilitation of engagements between the GNC and private sector in slower time.

101. **DDR and control through pay:** Clear lines of control and authority should be established from the political level to both the official and semi-official operational levels. Unification of these lines should take place with the establishment of a National Security Council drawn from within the new Government (and with close links to its shadowing National Security Committee within the GNC). In tandem at the lower levels, the judicious application and withholding of salaries and budgets to both old and new forces should be conducted. Without control, any effort to affect a disarmament, demobilisation and reintegration programme will be severely hampered. There may be some value in establishing a new Paymaster General's Office to cover both old and new forces and incorporate established military and security as well as revolutionary commanders. This will require new laws, however interim or emergency, and will of course be predicated on a sufficiently stable majority in the GNC.

102. **Borders – cities and external:** Libyan security forces should focus on securing the access and exits of the main cities in order to stabilise population centres the consensus of which will provide the foundation for the signing off big projects and financing needed to secure the rest of borders. Tripoli and Benghazi are the main priorities, Misrata already has informal 'border controls' operating at its city limits. There are plenty of 'border solutions' being offered by the commercial sector. There will be plenty of time for the high-tech quality options but there are a lot of Libyans under arms who need to be gainfully employed and can't all be 'guarding' the centre of town.

103. **New facilities and training for the Police and Army** should be focussed on, particularly barracks and training establishment; less sensitive than re-arming, building new bases for new forces sends a clear message of State support. The development and equipping of joint operations rooms under Police command may also help cement higher level political 'jointery.'

104. **Writing a new constitution** to underpin reconciliation between the old and the new remains in the hands of the politicians. The international community can engage with senior leaders within the judicial sector both in the training and mentoring of judges and prosecutors and the provision of English Language Training (a multiplier of international efforts). Like the Police and Military facilities, many of the country's courts were not in a great state to begin with and will also need refurbishment and rebuilding. Records and archiving is done by hand and on the printed page. Up-to-date IT and complimentary training will be needed. Despite this, the overriding priority remains security; if the Judicial Police and courts cannot protect themselves then they cannot function and there are many sensitive cases to hear; one amongst many concerns the murder of General Abd al-Fatah Younis who, despite his turn to the NTC in the very early days of the Revolution, was assassinated by reportedly Islamist elements of the armed revolt in revenge for his involvement in previous Regime repression.

Comment

105. The wider Arab context is not fixed and regional developments will have an effect on the Libyan experience. Since the 'liberation' of Tripoli, external actors, particularly western, have tuned down their overt *political* support to the new Libya, waiting for the GNC to be elected and to appoint a new government. This has taken much wind out of the narrative sails of fringe groups; groups who thrive on what they see as meddling by outsiders. However, it has also denied Libya real friends at a time of great need. A sensitive balance is proving to be a challenge.

106. The GNC agrees that security is the priority. However, the GNC needs to foster quickly the political maturity and experience necessary to sustain a consensus with sufficient authority to not

only appoint a new government but also support its policies over the medium term. There needs to be a political settlement, justice and reconciliation. Until then, the conflict, between reformers and revolutionaries, risks crystallising into a long-running civil conflict; a civil conflict already resuming in the East, with the return of a low-level insurgency against official security apparatus, and condemned to play out in the long shadow of a dead but not forgotten Qadhafi.

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