

NOVEMBER 2011

Libya Conflict: Weekly Recap

By Spencer Butts

November 7, 2011

Brothers Grim

As Saif al-Islam languished in Libya's southern desert, different groups competed to bring him to justice. The International Criminal Court (ICC) continued its indirect negotiations, hoping to take Saif into custody. Chief Prosecutor Luis Moreno-Ocampo asserted that a group of South African mercenaries had also contacted Saif and offered to bring him to a country that does not recognize the ICC's jurisdiction. Ocampo called on states to disrupt any operations to help Qaddafi's son escape from Libya. ([BBC](#), [LA Times](#)) Interim Justice Minister Mohammed al-Alagi stated the National Transitional Council (NTC) wishes to try Saif in Libya before turning him over to the ICC. Al-Alagi acknowledged that Saif's situation in Libya was precarious. "Nobody could guarantee he [Saif] would survive" if there was a battle to capture him, al-Alagi stated, "but if they arrested him, I think he would be safe." ([Reuters](#))

Saadi Qaddafi and his lawyer, Nick Kaufman, protested Interpol's "red notice." The notice compels Niger to arrest and extradite Saadi, but Kaufman questioned Libya's judicial facilities and impartiality. He brought up Qaddafi and Mutassim's deaths and stated, "My client would face a similar brutal fate if surrendered back to Libya pursuant to the red notice." Kaufman accused Interpol of assisting the NTC conduct a purge of Qaddafi and his family. ([Reuters](#))

Ace Attorney

As the ICC scrambled to obtain the surrender of Saif, it released some findings from their ongoing investigations. Chief Prosecutor Ocampo stated they had "substantial evidence" implicating Saif in the hiring and transportation of mercenaries as well as the organization of attacks against civilians. ([Reuters](#)) The court also conducted interviews to look into the accusations of mass rape. According to Ocampo, multiple witnesses "indicated that Muammar Qaddafi, al-Senussi and other high officials were discussing the use of rape to persecute those considered dissidents of rebels." ([Reuters](#)) The ICC also asserted it would investigate allegations that rebel fighters and NATO forces breached laws of war during the conflict. Ocampo did not mention specific claims against NATO, but stated allegations against the NTC included arbitrary detention and human rights abuses. ([Telegraph](#))

Yes Minister

On November 1, the NTC elected Abdel Rahim al-Keib to replace Mahmoud Jibril as Prime Minister. Al-Keib is a U.S.-Libyan dual citizen who taught as an engineering professor at the University of Alabama. Despite having spent the last few decades abroad, the council counted him as a representative of Tripoli. The NTC elected him with 26 out of 51 votes, selecting him over eight other candidates. ([WSJ](#)) Mohamed Benrasali, a spokesman for Misrata's local governing council, stated Keib "starts with a clean slate...He will not be troubled by his past, unlike Mr. Jibril." ([NY Times](#)) NTC spokesman Jalal el-Gallal touted the election as proof "that the Libyans are able to build their future." ([BBC](#))

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Secretary-General Anders Fogh Rasmussen visited Tripoli and met with NTC leadership to mark the end of NATO operations on October 31. He praised the success of the opposition movement and expressed hope for Libya moving forward. Rasmussen declared Operation Unified Protector as “one of the most successful in NATO history.” ([BBC](#)) However, Western countries are not completely leaving Libya. Pentagon spokesman Captain John Kirby remarked, “There will be some kind of overwatch role for a little while after the actual end.” ([CNN](#))

Rocky Road

Tripoli witnessed several violent incidents that raised concerns over the NTC’s control of militias. Early in the morning on October 31, fighters from Zintan tried to force their way into a hospital in Tripoli, intending to kill a patient they had injured earlier. The Tripoli Brigade fought them off in a pitched battle that lasted

for a few hours. One Zintani rebel and a civilian died and at least seven members of the Tripoli Brigade were injured. ([Telegraph](#)) Later in the evening, several rebel groups clashed at the capital’s airport when members of an eastern revolutionary group forcibly attempted to commandeer a plane to fly to Benghazi. Anis Sharif, a spokesman for Tripoli Military Council head Abdel Hakim Belhaj, stated the NTC inadvertently “left the capital with a political vacuum.” ([WP](#)) Rebel forces also continue to take out aggression on suspected loyalists. Human Rights Watch released a report on October 30 accusing Misratan opposition fighters of “terrorizing” displaced residents of Tawargha and ransacking the town. There are accounts of opposition fighters conducting arbitrary arrests and beating detainees. ([AP](#))

Even as the oil industry’s rising output levels seem to indicate a faster than expected recovery, issues continue to hinder complete resumption. Marathon Oil has not released a planned timetable for it to restart production due to the country’s security situation. The company’s executive Vice President stated it would take “some time before you will see us talk with any confidence about Libya.” ([Dow Jones](#)) Marathon is not the only company holding off from returning to the country. Norwegian Statoil announced it would not send its staff back to Libya “until we feel comfortable that they are safe.” ([Reuters](#)) There is still expensive damage to overcome. Harouge Oil Operations conducted an inspection of its facilities and estimated it would have to spend \$29 million to repair the damage. ([Bloomberg](#)) The oil industry still has hurdles to clear.

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Long Arm of the Law

A Tunisian appeals court granted the National Transitional Council’s (NTC) extradition request for former regime Prime Minister Baghdadi al-Mahmoudi. Al-Mahmoudi’s lawyers argued returning him to Libya would be dangerous, concerns that Amnesty International and Human Rights Watch (HRW) echoed. HRW stated, “To extradite al-Mahmoudi to Libya at this time, when the NTC cannot guarantee his safety, would place him at grave risk of abuse.” ([BBC](#)) NTC chairman Mustafa Abdel Jalil assured the international community that al-Mahmoudi would be safe in Libya and receive a fair trial. ([AFP](#)) If the extradition goes through, al-Mahmoudi would be the first regime figure returned to Libya and could set a precedent for other countries.

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The NTC is debating a “transitional justice” measure to address crimes under the regime and during the interim period. It would create an independent fact-finding commission to hear and investigate complaints and either recommend compensation or refer the case to court. ([AP](#)) As the NTC grapples with creating a judicial framework, independent militias continue to operate makeshift detention centers. As of November 6, a Libyan jurist revealed that the NTC only controlled one of the prisons in Tripoli and that the court system was operating at a low level. ([AP](#)) People gathered around one of Tripoli’s interim prisons to protest the seemingly arbitrary detainments and evidence of mistreatment. ([WSJ](#)) In what may have been an effort to ease the burden on the system, the NTC released hundreds of detainees ahead of the major religious festival Eid al-Adha. ([BBC](#)) Even with the prisoner release, the NTC lacks the ability to address the growing number of detentions.

[Woke up this Morning] Got Yourself a Gun

The NTC continues to struggle with securing the country’s arms depots and reclaiming weapons from the militias. NTC spokesman Jalal el-Galal admitted the council lacked the necessary funds to pay for guards at the weapons stockpiles, “But we are stretched and don’t want to put people who are outside of our control in charge of securing sites. We are concerned, but not panicked.” ([Reuters](#)) While the NTC attempted to downplay concerns, the UN envoy to Libya reiterated, “much has already gone missing” from the unguarded sites. The envoy, Ian Martin, reminded the international community of the difficulties protecting the country’s border and preventing stray weapons from destabilizing the region. Thankfully, international agencies confirmed that Libya’s chemical and nuclear material stockpiles are secure. ([AP](#))

After his election, new Prime Minister Abdel Rahim al-Keib stated that disarming the rebel groups would take time. Instead of developing “some laws that just prevent people from holding arms,” the new government will work

towards providing alternatives. ([AP](#)) The volunteer head of Zintan’s local council admitted their program to disarm fighters had met little success because they did not have anything to offer in return for their weapons. ([NPR](#)) Disarmament is a growing issue as clashes between militias continue to escalate. On November 5, a brigade from Zintan opened fire in one of Tripoli’s central neighborhoods, sparking a revenge shooting in the area the Zintanis occupied. ([WSJ](#))

Despite NTC promises and international concern, there is evidence that weapons have already left the country. Mokhtar Belmokhtar, the chief of a southern branch of al-Qaeda in the Islamic Maghreb, claimed the group had procured weapons from Libya, but did not specify the types or quantities. The report was unconfirmed. ([AP](#)) On November 6, the Nigerien army clashed with a heavily armed convoy heading from Libya to Mali. The army killed thirteen members of the convoy and captured another thirteen in the fighting, which also killed one soldier. They seized 36 assault rifles, 11 assorted machine guns, three rockets, and over 11,000 cartridges. There was no indication whether the convoy was fleeing loyalists or smugglers. ([Reuters](#))

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Black Gold

Libya's oil industry restarted more operations and generated steadily rising output levels. Austrian energy group OMV stated its Libyan production had reached approximately thirty percent of its pre-conflict output. ([Reuters](#)) Spanish company Repsol estimated its 2012 production would rise to 170,000 barrels per day (bpd), about half of its full levels. ([Reuters](#)) Benghazi-based Agoco restarted pumping at two of its oilfields, Beda and Hamada. However, both fields are still well below their usual production. ([Reuters](#)) Operations reportedly resumed at 'Elephant' oil field. ([Dow Jones](#)) The Waha oil workers' strike could end soon, providing much-needed labor to boost production. On November 7 a new chairman for Waha was proposed, but the NTC has yet to confirm the appointment. ([WSJ](#))

Even as oil production increases, recovery estimates remain mixed. The National Oil Corporation (NOC) asserted Libya would export 7 million barrels in November, roughly a fifth of the country's pre-war levels. ([Reuters](#)) Oil and Finance Minister Ali Tarhouni insisted output would reach 700,000 bpd by the end of the year and would reach full production, approximately 1.6 million bpd, by June 2012. However, the International Energy Agency (IEA) released new estimates predicting Libya would only produce around 1.17 million bpd by the end of 2012 and would not reach full output until well into 2013 due to damage at production facility and oil export terminals. ([Reuters](#)) As John Hamilton, the lead author of African Energy's Libya's Energy Future report, observed, "Every extra 100,000 barrels will be more difficult, costly, and time-consuming to bring back." ([UPI](#))