

Libya : Lawless, Alarming, Unpredictable, Dangerous

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The situation in Libya is continuing to develop alarmingly. The current situation in the country is characterised by a complete lack of any signs of a state system. Libya is being devoured by civil war, disintegration, and the seizure of its territory by a huge variety of forces, most notably the Islamic State. Despite the fact that Prime Minister al-Thani took part in the recently concluded African Union summit in Johannesburg as the head of Libya, suggesting that he is actually the one ruling the country would be a sad joke. And although al-Thani's government is actually recognised by the African Union (and the majority of other countries) as 'legitimate', this is more out of despair.

At present, the 'legitimate' government is located in Tobruk, about a thousand miles from the country's capital, Tripoli. But even there, neither Prime Minister Abdullah al-Thani nor his government are in control of anything. In February, the residence of the head of parliament, Saleh Issa, was bombed by Islamic State militants and in May, Prime Minister al-Thani was lucky to survive an assassination attempt.

Parallel government bodies are operating in Tripoli that also have no control over the situation in the country, just individual parts of the former Libyan Jamahiriya. There is a total of five competing 'governments' in Libya, not counting those that have not proclaimed themselves to be a government, but are simply taking power into their own hands. Not a single one of the Libyan 'governments' has managed to resolve the country's main problem – putting an end to the mass violence and establishing at least some kind of control over the situation – and the number of armed groups is only increasing.

The situation was triggered back in 2012 when the latest in a series of favourites in the rank of 'government' officially decided to form armed brigades and provide them with law enforcement functions and the right to detention, establishing relatively high rates of pay for those working in them. This immediately led to the emergence of not one, but several parallel armies, police forces and other 'gendarmes'. Since then, many armed groups have become more efficient, improved their weapons and begun to outperform the national army and police force, while remaining on the payroll of the government. The weapons that once belonged to The former Libyan army have been looted and there is now a powerful uninterrupted flow of weapons into the country from abroad, including heavy artillery and ammunition. Despite efforts to tighten up the arms embargo, weapons continue to flow into the country (1).

Since 90 per cent of Libya's economy depends on the sale of oil, there is an ongoing bloody struggle for the possession of oilfields, pipelines and ports. In the western parts of the

country, the Libya Dawn coalition, which seized the capital of Tripoli and its environs, announced the appointment of a *Government of National Salvation* (after which Prime Minister al-Thani and his government fled to the east of the country). After taking control of Tripoli, Libya Dawn began a large-scale military operation in the area inhabited by the Warshefana tribe to strengthen its control over the city's surrounding areas. Several weeks of intensive shelling of areas of Aziziya and Swani led to the exodus of more than 120,000 inhabitants. A counter-offensive by Zintani forces launched to prevent the possible advance of Libya Dawn also led to a huge number of deaths and a massive displacement of the population.

Armed clashes in the oil-producing region resulted in the closure of oil loading ports in al-Sidra and Ra's Lanuf and the destruction of seven of the country's nineteen oil-storage facilities. There are ongoing armed conflicts in eastern Libya between Operation Dignity forces, mostly made up of Libyan army soldiers and other forces faithful to General Khalifa Haftar, and the Shura Revolutionary Council in Benghazi, a coalition of Islamist militias. The military clashes taking place in Libya are not just about sorting out the armed groups. The situation has long since grown into a civil war. Civilians are increasingly taking part in fighting on both sides and tensions are being stirred up between families.

A particular factor of the current situation in Libya is the creation of the Islamic State in part of its territory. The Shura Council of Islamic Youth in Derna has already sworn allegiance to IS (2). Although not all Islamic organisations in Libya have supported IS, its positions are gradually becoming stronger. So strong, in fact, that in February, Egypt carried out a massive strike on IS positions.

And what has been the UN's reaction? After all, it was the UN Security Council that passed Resolutions 1970 and 1973, which served as a justification for NATO aggression. So far, the response to what has been taking place has been two new UN Security Council resolutions that will obviously not be able to solve the Libyan crisis. Resolution 2214 on the extension of sanctions against a number of terrorist organisation members, for example, was adopted at the same time as a report was published by a panel of experts from the UN Security Council on Libya, which openly said that the regime of sanctions was ineffectual and virtually did nothing to prevent the illegal trade of oil and the trade of weapons (3). The provisions of another resolution, Resolution 2215, simply come across as clueless: *The UN Security Council reminds the Libyan government that arms and related material, including related ammunition and spare parts, that are supplied, sold or transferred as security or disarmament assistance to the Libyan Government should not be resold to, transferred to, or made available for use by parties other than the designated end user.*

Of special note is the role of the International Criminal Court (ICC). During the preparation and carrying out of NATO operations against Libya in March 2011, this institution openly came out as an instrument of war. The arrest warrant issued by the ICC against Muammar Gaddafi was a legal justification for war. Several days ago, the UN Security Council held its regular review of ICC activities in Libya. It became known that the International Criminal Court had launched a new investigation into the Islamic State. However, the proceedings already underway are in limbo. Neither Muammar Gaddafi's son, Saif Gaddafi, nor al-Senussi (former state security minister in Gaddafi's government) have as yet been handed over to the ICC, while the ICC itself is acting as if nothing special is going on. While feigning attempts to call for Saif Gaddafi to be handed over to The Hague, the court has abandoned any further demands regarding al-Senussi. And this is with the complete annihilation of the

state system, including the legal system!

Essentially, the Security Council is just pretending that something is required of the Libyan authorities, without actually taking any kind of action that would force the Libyan government to comply with its demand. As we saw earlier, the UN Security Council was perfectly capable of achieving its demands when it came to the previous Libyan government. Hence the unavoidable conclusion: neither the ICC nor the UN Security Council really wants Saif Gaddafi's case to be transferred to the Hague. Why? The answer is perfectly obvious. The case against Saif Gaddafi does not have any kind of real evidence. Transferring the case to The Hague would just give Saif the opportunity to tell the whole world about the crimes the West has perpetrated against Libya. Thus it is perfectly clear that neither the ICC, nor the Western majority in the UN Security Council, want to hold real and, in fact, public hearings against Libya's leaders. On the contrary, they have a vital interest in the courts either not being held at all or being carried out by Libya's current authorities without providing any kind of guarantees of justice.

The only country that has criticised the activities of the ICC in Libya has been Russia. The Russian representative on the UN Security Council said: *Following the destruction of its State institutions in 2011, the situation in Libya continues to be a source of multifaceted threats. It is enough to mention the vivid spectre of terrorism, arms trafficking and the unprecedented growth of the criminal business of smuggling migrants across the Mediterranean Sea. The breakup of the State has reached the point at which the Libyan conflict has become a constant, roaring hotspot on the global map of political instability.* (4)

Only the Russian representative paid any attention to the fact that instead of real reports, the ICC's prosecutor was providing artistic descriptions more akin to the materials issued by monitoring missions» than the reports of a judicial authority. The Russian diplomat noted that the experience of using the ICC to address the situation in Libya in terms of ensuring justice, encouraging prevention and contributing to national reconciliation cannot for the time being serve as an argument in support of proposals to refer other cases to the Court.

And this is where the International Criminal Court has started to show some real activity, hence the investigations into the crimes committed by IS militants. This is a completely new twist in the Libyan case at the ICC. It has absolutely nothing to do with achieving justice, however, it is just that the ICC (and its bosses) wants to use the situation in Libya to penetrate the whole of North Africa. After all, the Islamic State is not just occupying Libyan territory.

Notes

(1) «Special report of the Secretary-General on the strategic assessment of the United Nations presence in Libya». UN Document: S/2015/113.

(2) «Report of the Secretary-General on the United Nations Support Mission in Libya», S/2015/144.

(3) Final report from the panel of experts established pursuant to Resolution 1973 (2011), S/2015/128. [The group believes that the requesting mechanism for the designation of vessels is ineffective and should be revised. The Panel further found that not only crude oil was subject to illicit export, but also its derivatives, which is likely to provide funding to the ongoing conflict.]

(4) See the transcript for the UN Security Council meeting on 12 May 2015. UN Document: [S/PV.7441](#).

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