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Did the R2P Foster Violence in Libya?

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In the early 1990s, the relationship between genocidal violence and international humanitarian intervention was understood simplistically. Such intervention was viewed as always a response to, and never a cause of, inter-group violence. Well-intentioned intervention was expected reliably to reduce harm to civilians. Thus, the only obstacle to saving lives was believed to be inadequate political will for intervention. This quaint notion was popularized in mass-market books,¹ and it later gave rise to the “Responsibility to Protect” norm.²

By the mid-1990s, however, scholars had discovered that the causal relationship between intervention and genocidal violence was more complicated. The prospect of intervention sometimes incentivized violence by parties expecting to attract intervention to help their side in a domestic struggle. For example, a relatively weak faction might launch a rebellion or armed secession to provoke a government crackdown, in hopes of triggering intervention to help them achieve independence or control of the state.

Since the late 1990s, I have labeled this dynamic the “moral hazard of humanitarian intervention,”³ because the prospect of intervention is analogous to an imperfect insurance policy. It may backfire by encouraging irresponsible or fraudulent risk-taking, thereby increasing the likelihood of the negative outcome that the insurance was intended to avert. My publications have documented this dynamic in several cases, including Bosnia, Kosovo, and Darfur.⁴ Timothy Crawford rightly calls for specifying clearly the cause and effect of moral hazard in each case.⁵ The cause could be a diffuse norm of intervention, or previous intervention in a related instance, or a specific call for intervention in an ongoing situation. The effect could be the initiation of rebellion, or the escalation or perpetuation of an ongoing rebellion that otherwise might subside.

The moral hazard of humanitarian intervention is not responsible for all initiation, escalation, and perpetuation of rebellion. Nor is rebellion the cause of all state violence against civilians. However, moral hazard has been demonstrated in several cases to incentivize rebellion and thereby foster escalatory violence that harms non-combatants. The scope of this pathology must be investigated to inform a rational reassessment and potential reform of the R2P. Accordingly, this article examines what role if any the moral hazard of humanitarian intervention played in Libya’s 2011 rebellion that resulted in widespread and persistent suffering of civilians.

Background to the Rebellion

The question of why some Libyans rebelled in 2011 is especially interesting because they produced an unmitigated disaster. Over ten thousand Libyans have been killed, and violent anarchy persists while three different governments and hundreds of militias still vie for power and wealth. Fighting has sharply reduced Libya’s oil production, strangling its economy and draining its foreign-currency reserves. A country that traditionally had the highest standard of living in all of Africa,

¹ Most prominently, Samantha Power, *“A Problem from Hell:” America and the Age of Genocide* (New York: Basic Books, 2002), awarded the 2003 Pulitzer Prize in General Nonfiction.

² International Commission on Intervention and State Sovereignty, “The Responsibility to Protect,” 2001, accessed November 7, 2018, <http://responsibilitytoprotect.org/ICISS%20Report.pdf>; United Nations, *A More Secure World: Our Shared Responsibility*, High Level Panel on Threats, Challenges and Change, 2004, accessed November 7, 2018, http://www.un.org/en/events/pastevents/a_more_secure_world.shtml. United Nations, *World Summit Outcome*, 2005, UN Doc. A/RES/60/1, accessed November 7, 2018, http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf; Alan J. Kuperman, “The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All,” *Political Science Quarterly* 124, no. 3 (Fall 2009), 590-591.

³ For example, Alan J. Kuperman, “The Moral Hazard of Humanitarian Intervention: Lessons from the Balkans,” *International Studies Quarterly* 52, no. 1 (March 2008), 49-80.

⁴ Alan J. Kuperman, “Darfur: Strategic Victimhood Strikes Again?” *Genocide Studies and Prevention* 4, no. 3 (December 2009), 281-303.

⁵ Timothy W. Crawford, “Moral Hazard, Intervention and Internal War: A Conceptual Analysis,” in *Gambling on Humanitarian Intervention: Moral Hazard, Rebellion and Civil War*, ed. Timothy W. Crawford and Alan J. Kuperman (New York: Routledge, 2006), 26-44.

according to the UN's Human Development Index, now cannot provide electricity in its major cities for most of the day. Human rights abuses have increased, and terrorist groups including al Qaeda and the Islamic State have established footholds.

Libya admittedly had flaws prior to the 2011 rebellion, which partly explain why some Libyans sought revolutionary change. Libya had gained independence in 1951 under King Idris al-Sanusi, whose roots lay in northeast Libya, so he favored that zone with resources including after the 1959 discovery of oil in central Libya. In 1969, Col. Muammar Qaddafi led a coup that overthrew Sanusi, establishing an eclectic dictatorship. Qaddafi hailed from the western coast of Libya, so he instead favored that region in distributing oil proceeds, breeding resentment in the formerly favored northeast.

Although Qaddafi sponsored and employed military force elsewhere in Africa, at home he typically relied on oppression and exemplary punishment rather than large-scale violence to defeat multiple challenges to his authority. In 1975, he blocked an army coup and two years later executed 22 of its alleged leaders.⁶ In 1978, nonviolent pan-Islamists attempted to coopt Qaddafi's revolution, so he quashed them by targeting their leaders in Libya and abroad.⁷ In 1980, Qaddafi crushed a rebellion by Air Force officers in the eastern city of Tobruk, resulting in an estimated 400 combat deaths.⁸ In the 1980s, an expatriate-led, CIA-sponsored armed opposition group, the National Front for the Salvation of Libya (NFSL), attempted to overthrow Qaddafi several times, including by attacking his compound in 1984, but he neutralized them via widespread arrests in Libya and select assassinations abroad. In 1989, Qaddafi suppressed a Salafist Jihad by imposing restrictions on beards and niqabs. In 1993, members of the Warfala tribe from the western Libyan city of Bani Walid led an army revolt, but Qaddafi defeated it and then executed the ringleaders.⁹

In 1995, Libyan *Mujahedin* – having returned from fighting in Afghanistan – launched a low-level insurgency in eastern Libya under the banner of the Libyan Islamic Fighting Group (LIFG), but Qaddafi declared martial law and suppressed the movement within a few years, imprisoning hundreds of its members.¹⁰ In March 1996, an exiled former army officer launched another rebellion in eastern Libya, but it was crushed quickly, resulting in about two-dozen deaths.¹¹ The only known instance of the regime perpetrating large-scale killing of Libyans occurred in June 1996, when Qaddafi's security chief responded to an uprising in Abu Salim prison by massacring approximately 1,200 inmates,¹² allegedly Islamist militants from eastern Libya.

Pivoting sharply in the late 1990s, however, Qaddafi started liberalizing his domestic and foreign policy. He shared intelligence with the United States about international Islamist terrorists, even prior to the September 11, 2001, attacks on the United States. In 2003, he surrendered his nuclear-weapons program and paid reparations for the Lockerbie terrorist airplane bombing that Libya had been implicated in 15 years earlier. At home, he anointed one of his sons, the western-educated Saif al-Islam, to spearhead economic, social, and political reform.

Saif convinced his father that the regime should admit culpability for the notorious 1996 prison massacre and pay compensation to families of hundreds of its victims. In 2008, Saif published testimony documenting torture committed by Libya's Revolutionary Committees, the regime's zealous but unofficial watchdogs, and he demanded they be disarmed. From 2009 to 2010, Saif persuaded his father to release nearly all of Libya's political prisoners, including LIFG insurgents, creating a deradicalization program for Islamists that Western experts cited as a model. Amnesty International, in its 2010 annual report, notably did not cite any major abuses in Libya after 1999.¹³

⁶ George Joffé, "Civil Activism and the Roots of the 2011 Uprisings," in *The 2011 Libyan Uprisings and the Struggle for the Post-Qadhafi Future*, ed. Jason Pack (Palgrave Macmillan, 2013), 24.

⁷ Noman Benotman, et al., "Islamists," in *The 2011 Libyan Uprisings and the Struggle for the Post-Qadhafi Future*, ed. Jason Pack (Palgrave Macmillan, 2013), 195.

⁸ "Libya Denies Report of Military Revolt," *New York Times*, August 19, 1980, A7.

⁹ Joffé, *Civil Activism*, 30.

¹⁰ Benotman, et al., *Islamists*, 201.

¹¹ "Unrest Reported In Eastern Libya," *Washington Post*, March 26, 1996, A9.

¹² "Libya: June 1996 Killings at Abu Salim Prison," *Human Rights Watch*, June 28, 2006, accessed November 7, 2018, <https://www.hrw.org/news/2006/06/27/libya-june-1996-killings-abu-salim-prison>.

Saif also advocated abolishing Libya's Information Ministry to foster growth of independent media. He flew in renowned American scholars – including Francis Fukuyama, Robert Putnam, and Cass Sunstein – to lecture on civil society and democracy. In 2010, Saif declared that, “everyone should have access to public office. We should not have a monopoly on power.” He added that, “I will not accept any position unless there is a new constitution, new laws, and transparent elections.” He also brought into the government leading Libyan liberals, who later ironically became the first officials to defect to the rebellion.¹⁴

Despite this gradual liberalization, in early 2011 the contagion of the emerging “Arab Spring” spurred the most serious challenge yet to Qaddafi's authority. Across Libya's western border, Tunisia's longtime president stepped down on January 14, 2011, acquiescing to demands from largely peaceful protesters. To the East, Egypt's president resigned on February 11, 2011, when security forces abandoned him following a failed crackdown on protesters. Seizing the momentum, Libyan opposition expatriates announced a “Day of Rage” to be held in the country on February 17, 2011. As detailed below, Libya's uprising actually started two days earlier and escalated quickly, so that by February 20, militants had captured the main army garrison in the eastern half of the country, in Benghazi, the second largest city. On that day and the next, top Qaddafi officials defected, including the Minister of Interior, Abdel Fattah Younes – who assumed leadership of rebel forces – and the Minister of Justice, Mustafa Abdul-Jalil, who became the founding head of the rebels' political wing known as the National Transitional Council (NTC). The official whom Saif had appointed to head Libya's National Economic Development Board, Mahmoud Jibril, also defected and became the rebels' *de facto* foreign minister.

Catching Qaddafi by surprise, the eastern rebels moved rapidly west along the coast for nearly two weeks, reaching about halfway to the capital Tripoli. Qaddafi then mobilized his vastly superior security forces, however, and in just ten days defeated the rebels in most parts of the country, driving their main formation all the way back to Benghazi. The rebellion appeared on the verge of failing, as had all previous challenges to Qaddafi's authority. The death toll after a month of fighting – including rebels, government forces, and civilians – was approximately 1,000.¹⁵ But the rebellion did not end in Benghazi as expected. Instead, based on erroneous media reports that Qaddafi's forces had slaughtered thousands of civilians and were poised to commit a “bloodbath” in Benghazi, the UN Security Council on March 17, 2011, authorized military intervention to establish a no-fly zone and protect Libya's civilians. Two days later, NATO states and other intervening countries, interpreting their mandate broadly, started a campaign of bombing Qaddafi's forces while arming, training, advising, and coordinating with his opponents, which continued until the rebels captured the country and killed Qaddafi in October 2011.

Consequences of the Rebellion

Although many Libyans especially in the east initially were ecstatic to end Qaddafi's rule, the consequences of the rebellion have proved overwhelmingly negative throughout the country. Fighting has killed more than 10,000 Libyans.¹⁶ Six months after Qaddafi's demise, Human Rights Watch declared that abuses by the victorious rebels “appear to be so widespread and systematic that they may amount to crimes against humanity.” In October 2013, the UN Human Rights commissioner reported that under the victorious rebels the “vast majority of the estimated 8,000 conflict-related detainees are also being held without due process.” Amnesty International revealed that these “detainees were subjected to prolonged beatings with plastic tubes, sticks, metal bars or cables. In some cases, they were subjected to electric shocks, suspended in contorted positions

¹³ “Libya: Amnesty International Report 2010,” (Amnesty International, 2010), accessed November 7, 2018, <https://www.amnestyusa.org/reports/annual-report-libya-2010/>.

¹⁴ Ethan Chorin, *Exit Qaddafi: The Hidden History of the Libyan Revolution* (New York: Public Affairs, 2012), 124, 154, 200.

¹⁵ Alan J. Kuperman, “A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign,” *International Security* 38, no. 1 (Summer 2013), 118-121; Alan J. Kuperman, “Obama's Libya Debacle: How a Well-Meaning Intervention Ended in Failure,” *Foreign Affairs* 94, no. 2 (March/April 2015), 69-72.

¹⁶ The citations for the data in this paragraph can be found in Kuperman, *A Model Humanitarian Intervention?*; Kuperman, *Obama's Libya Debacle*.

for hours, kept continuously blindfolded and shackled with their hands tied behind their backs or deprived of food and water.” Due to pervasive violence, the UN also estimated that roughly 400,000 Libyans had fled their homes, a quarter of whom were seeking refuge in other countries.

Libya’s experiment in democracy also has proved unsuccessful so far. Following the rebellion, Libyans experienced a merry-go-round of seven prime ministers in less than four years. In 2014, civil war reignited between two competing Libyan governments: a secular one backed by Egypt and the UAE, and an Islamist one backed by Qatar. In 2016, the United Nations sponsored a so-called unity government, but that only succeeded at expanding the chaos to a three-way conflict.

Libya’s economy and quality of life have plummeted in the wake of rebellion. Oil production has averaged barely one-third of previous levels. Consequently, the World Bank reported in 2016 that, “GDP per capita fell by almost two-thirds of its pre-revolution level, to \$4,458.” Fighting has closed airports and seaports for long periods in Libya’s two biggest cities, Tripoli and Benghazi. Foreign exchange reserves have depleted rapidly from over \$100 billion to barely one-fifth that amount. As the World Bank concluded gloomily in 2016, “The Libyan economy is near collapse as political stalemate and civil conflict prevent it from fully exploiting its sole natural resource: oil.”¹⁷

The rebellion also greatly increased the terrorist threat in Libya and its neighbors. Al-Qaeda’s affiliate, Ansar al-Sharia, established itself in eastern Libya where, in September 2012, it attacked a U.S. diplomatic compound in Benghazi, killing U.S. Ambassador Christopher Stevens and three colleagues. In Mali, former Qaddafi soldiers of Malian descent launched a rebellion that quickly became hijacked by radical Islamist forces, so that by December 2012, the northern half of that country had become “the largest territory controlled by Islamic extremists in the world,” according to the U.S. Senate Subcommittee on Africa.¹⁸ By 2015, in Libya, the Islamic State had gained control of the coastal city of Sirte.¹⁹ Renewal of U.S. bombing the following year succeeded at scattering these terrorists but failed to purge them from the country.²⁰

Theory & Methodology

As I have explained in previous work, all potential explanations of decisions to rebel despite risks of failure and retaliation can be grouped into five categories (Table 1). Rebels may not expect the state to retaliate, so they perceive little to lose by rebelling. They may expect the state to punish their group anyway, and so perceive little to gain by not rebelling. They may expect to defeat the state without assistance from humanitarian intervention. Or they may expect to defeat the state because they anticipate that humanitarian intervention will enable their victory. Lastly, rebels may be driven by emotional impulses such as frustration, rather than by strategic calculation.

Table 1. Five Explanations for Rebellion.

1	Do not expect retaliation
2	Perceive victimization as inevitable
3	Expect victory without humanitarian intervention
4	Expect humanitarian intervention to enable victory
5	Driven by emotion, not strategic calculation

The analysis below assesses which of these five hypotheses explains two critical junctures in Libya’s rebellion. The first is the launching of the rebellion in mid-February 2011, despite Qaddafi’s

¹⁷ “Libya’s Economic Outlook,” World Bank, October 2016, accessed November 7, 2018, <http://www.worldbank.org/en/country/libya/publication/economic-outlook-fall-2016>, which also reports that “Foreign reserves will average around \$26 billion during 2017-2019.” Patrick Wintour, “Libya’s government faces forced currency devaluation,” *Guardian*, November 20, 2016.

¹⁸ Craig Whitlock, “Pentagon Helping Organize Multinational Operation in Mali,” *Washington Post*, December 6, 2012.

¹⁹ David D. Kirkpatrick, et al., “ISIS’ Grip on Libyan City Gives It a Fallback Option,” *New York Times*, November 29, 2015.

²⁰ Missy Ryan and Sudarsan Raghavan, “U.S. begins airstrikes on ISIS in Libya,” *Washington Post*, August 2, 2016; Eric Schmitt, “ISIS Remains Threat in Libya Despite Surt Defeat, U.S. Officials Say,” *New York Times*, December 9, 2016.

history of crushing such challenges and killing or imprisoning their leaders. The second is the perpetuation of the rebellion after early-March 2011, despite Qaddafi's overwhelming counter-offensive and the rebels' opportunities to end the uprising without facing retribution. Sources include the following: contemporaneous news reports, videos, and social media; retrospective interviews with Libyans involved in the revolution; and secondary material including books, scholarly articles, and reports by national governments, the United Nations, and non-governmental organizations.

Launching the Rebellion

The conventional narrative of the outbreak of rebellion in Libya, depicted in both scholarly and media accounts, is based largely on misleading propaganda from the rebels' small liberal wing that was well connected in the West. It claims that Libyans launched exclusively peaceful demonstrations on February 15, 2011, in Benghazi, and that Qaddafi's forces responded by killing unarmed protesters on that day and the next. The peaceful demonstrators then held a funeral procession along a street adjacent to Benghazi's main army garrison. Troops inside the base shot and killed peaceful marchers, which spurred even bigger funeral processions and additional massacres by the security forces in subsequent days.²¹ An army commander, who had been deployed to reinforce the Benghazi garrison but who was outraged by Qaddafi ordering the killing of peaceful protesters, defected with his forces and thereby transformed the uprising from nonviolent resistance to rebellion on February 21. Radical Islamist militias did not join until late February, after the rebellion had already gained momentum.

The actual events, however, were starkly different. Libya's rebellion in reality emerged from premeditated violence by Islamist militants in eastern Libya, starting the same night as the ostensibly peaceful protests in Benghazi. These rebels attacked a series of increasingly important security installations, obtaining materiel from each target to use against the next. They first attacked police stations with rocks and petrol bombs to get firearms, which they used to attack internal-security forces to acquire higher-caliber weapons, which they employed to attack a military base to acquire heavy weapons and armored vehicles, which they used to capture the Benghazi garrison and four air bases in eastern Libya – all during the week of February 15-21, 2011. At each installation, some of the defending forces defected to the rebels, out of fear or sympathy, thereby bolstering the rebels for their next attack. The regime – hoping to avoid escalation, and surprised by the speed and intensity of the uprising – was slow to mobilize its key military forces and thus failed to avert these initial rebel gains.

Planning of the rebellion was facilitated by the widespread calls of Libya's political opposition, via at least three online efforts in early-February 2011, for a "Day of Rage" to be held February 17, 2011.²² Although these appeals emerged mainly from liberal groups, especially expatriate Libyans in Europe, they inspired militants inside the country to plan violence for that week.²³ In Derna, the epicenter of Libya's militant Islamism, "plans were in place from 14 February" to attack security

²¹ This false narrative infects even scholarly treatments, such as Youssef M. Sawani, "The February 17 Intifada in Libya: Disposing of the Regime and Issues of State-Building," in *Revolution, Revolt, and Reform in North Africa: The Arab Spring and Beyond*, ed. Ricardo Laremont (London and New York: Routledge, 2014), 78, which asserts the following: "On the 19th and the 20th [February] the youth attacked the headquarters of Al-Fadhil Abu Omar Special Battalion [the Katiba] in Benghazi, which resulted in many deaths. This particular incident [was] led by unarmed youth."

²² On February 1, domestic Libyan activists were detained for online advocacy of demonstrations. By February 4, three online campaigns were reported as calling for a "Day of Rage" on February 17; M. Cherif Bassiouni, ed., *Libya: from Repression to Revolution: A Record of Armed Conflict and International Law Violations, 2011-2013* (Leiden: Martinus Nijhoff Publishers, 2013), 126, 154, footnote 180; Jason E. Strakes, "The Arab Spring Through a Libyan Prism: Contagion, Cleavages and Adverse Transition," in *The Arab Spring, Civil Society, and Innovative Activism*, ed. Cenap Çakmak (New York: Palgrave Macmillan, 2017), 152-153; "Libya Protests: Second City Benghazi Hit by Violence," *BBC*, February 16, 2011, accessed November 7, 2018, <http://www.bbc.co.uk/news/world-africa-12477275>.

²³ According to Noman Benotman, a former LIFG leader who had helped negotiate the 2009 deradicalization deal with Qaddafi, many of the group's members inside and outside of Libya rejected that deal as surrender. By late 2010, they also viewed the emerging Arab Spring as their opportunity to relaunch an Islamist revolution under a new name, so when violence broke out in Libya on February 15, they quickly held a press conference in London the same day to announce the new Libyan Islamic Movement for Change (LIMC). Interview with author, March 16, 2018.

institutions, according to Yasser Ben Halim, a longtime Libyan Islamist militant who participated in the planning of rebellion and then fought his way to the capital, eventually becoming head of the Tripoli Military Council's protection forces after the war.²⁴

Qaddafi's regime tried to preempt the February 17 Day of Rage by arresting a protest leader, Fathi Terbil, in Benghazi on February 15.²⁵ However, this only fueled public outrage, triggering a premature start to the peaceful and militant uprisings that evening. Though international media attention initially focused on Benghazi, the more consequential events centered on two smaller cities in eastern Libya – Derna and Beida – both hotbeds of militant Islam.



Figure 1. Map of Northeast Libya. Source: Adapted from Nations Online Project.

Benghazi

Contrary to the conventional narrative, even some protesters in Benghazi employed violence from the beginning. They provoked a rapid escalatory spiral with government forces but failed initially to acquire sufficient firepower to capture the city's garrison. On the night of February 15, and the following evening, these militants threw petrol bombs and rocks at police and at a Revolutionary Committee building, and they set cars on fire, according to local reports.²⁶ Police initially responded only with rubber bullets and water cannon, so that most of the thirty-eight injured in Benghazi on that first day were security officials, explained a local hospital director.²⁷ Indeed, the future rebel leader Mustafa Jalil was still Qaddafi's Justice Minister, and he later acknowledged that at the time he participated in "intense meetings" with the heads of Public Security, Foreign Affairs, External Security, Internal Security, and Intelligence, and "every person present said that we needed to deal with the events without using force, regardless of whether the protesters called for looting or burning or anything else."²⁸ A Libyan commander later testified to UN investigators that, "only after demonstrators acquired arms did the Qaddafi forces begin using live ammunition."²⁹

²⁴ "Top Tripoli Military Council official wants Sharia law: interview with Yasser Ben Halim," *Libya Herald*, May 22, 2012, accessed November 7, 2018, <https://web.archive.org/web/20120601084346/http://www.libyaherald.com:80/interview-with/>.

²⁵ William C. Taylor, *Military Responses to the Arab Uprisings and the Future of Civil-Military Relations in the Middle East: Analysis from Egypt, Tunisia, Libya, and Syria* (New York: Palgrave Macmillan, 2014), 147. The Libyan government said the grounds for arrest were that he had falsely claimed Abu Salim prison was on fire, which incited unrest. "Senior Libyan security official gives details on unrest in Benghazi," *BBC Worldwide Monitoring*, February 23, 2011.

²⁶ "Libyan police stations torched," *Al Jazeera*, February 16, 2011, accessed November 7, 2018, <https://www.aljazeera.com/news/africa/2011/02/20112167051422444.html>; *Libya Protests: Second City Benghazi Hit by Violence*; 14 تفجر اشتباكات في مدينة 14 "بنغازي الليبية وأبناء عن اصابة" February 16, 2011, accessed November 7, 2018, <https://www.turess.com/alfajrnews/45727>.

²⁷ "Violent protests rock Libyan city of Benghazi," *France24*, February 16, 2011, accessed November 7, 2018, <http://www.france24.com/en/20110216-libya-violent-protests-rock-benghazi-anti-government-Qaddafi-egypt-tunisia-demonstration>, citing a local Libyan newspaper that Reuters says is "Libya's most reliable media outlet." See "Death toll in fighting for Libya's Zawiyah 23-paper," *Reuters*, February 24, 2011, accessed November 7, 2018, <http://uk.reuters.com/article/libya-protests-toll-idUKLDE71N2BY20110224>.

²⁸ Libyanfreepress, "Mustafa Abdul Jalil, Head of False Libyan Revolution, Admits Ghaddafi did not Kill Protesters," translation by Patrick Harned, YouTube video, May 31, 2014, accessed November 7, 2018, <https://youtu.be/Jjf5MTKHbqw>.

²⁹ United Nations Human Rights Council, *Report of the International Commission of Inquiry on Libya*, March 2, 2012, advance unedited version, UN Doc. A/HRC/19/68, 53.

On February 17, the Benghazi protesters attacked and burned additional police stations, security installations, and Revolutionary Committee buildings.³⁰ They seized AK-47s and machine guns from a military base in Benghazi's al-Rahba neighborhood.³¹ In the city center, they also launched their first unsuccessful attack on the *Katiba Al-Fadhil Abu Omar*, the biggest army garrison in eastern Libya and a base of the regime's internal security 32nd Brigade, led by Qaddafi's son Khamis.³² Government forces responded with their first live fire in Benghazi,³³ but aimed to wound rather than kill on this day, according to a French doctor working in a city hospital.³⁴ By February 18, all police stations in Benghazi reportedly had been burned. Militants also set ablaze two internal security buildings, freed the prisoners within, and seized weapons and "ammo for various arms."³⁵ Police officers fled for shelter to Benghazi's public security headquarters, where militants attacked them again and set the building on fire.

Qaddafi reinforced the *Katiba* with an additional security unit,³⁶ which employed deadly force against the attackers and thereby also killed or injured some unarmed protesters intermingled with them. The militants used construction equipment in attempts to breach the walls of the garrison, and "the young people were making human shields for the drivers of the bulldozers," according to a doctor who treated casualties in the city's trauma ward.³⁷ Qaddafi's son Saadi, who also was in the garrison, justified the government's use of force: "when those guys came with weapons and wanted to attack the *Katiba*, of course they were gonna get in and kill the soldiers. So [the soldiers] had to defend."³⁸ By contrast, when the security forces confronted unarmed protesters at the main courthouse on February 18, they reportedly fired only teargas.³⁹ The regime survived these violent and peaceful protests in Benghazi for five days, until the arrival of better-armed Islamists from the east.

Derna

Derna was long known as Libya's militant Islamist heartland. It was the center of the LIFG rebels in the 1990s and, a decade later, the world's most concentrated source of al-Qaeda foreign fighters to Iraq.⁴⁰ Derna was also the first place in Libya where rebels reportedly obtained military weapons to confront the regime in 2011.⁴¹ On February 16, less than a day after the Benghazi protests started,

³⁰ "ثورة 17 فبراير المباركة" *Revolutions and Changes around the World 2011* (blog), 2011, accessed November 7, 2018, <http://amr333-revolutionsaroundtheworld.blogspot.com/2011/11/17.html>.

³¹ "شريحة الفسي: دور معسكر الدروع الرجمة في ثورة 17 فبراير" ["The Role of the Rahbat Military Base in the February 17 Revolution"], *Libya-al-Mostakbal*, April 1, 2012, accessed November 7, 2018, <http://archive2.libya-al-mostakbal.org/news/clicked/20842>.

³² Bassiouni, *Libya: from Repression to Revolution*, 156.

³³ UN Human Rights Council, *Inquiry on Libya*, 52.

³⁴ Gérard Buffet, "French Doctor Recounts 'Apocalyptic' Scenes in Libya," interview, *Agence France-Presse*, February 2011, accessed November 7, 2018, <http://www.youtube.com/watch?v=jwHUqPflEPs>; François Malye, "Libye: 'C'était un carnage absolu,'" *Le Point*, February 23, 2011.

³⁵ Translated transcript of contemporaneous phone account, indicated as recorded on February 18, 2011. Gahgeer, "Benghazi 'unde people control' - Transcript of Libyan Call through Feb17 voices," *Gahgeer* (blog), February 19, 2011, accessed November 7, 2018, <https://gahgeer.blogspot.com/2011/02/benghazi-under-people-control.html>.

³⁶ Taylor, *Military Responses*, 148.

³⁷ Paul Schemm, "Battle at army base broke Gadhafi hold in Benghazi," *Washington Post*, February 25, 2011, accessed November 7, 2018, http://www.washingtonpost.com/wp-dyn/content/article/2011/02/25/AR2011022505021_pf.html.

³⁸ "The Battle for Libya: Killings, Disappearances, and Torture," Amnesty International, September 8, 2011, accessed November 7, 2018, <https://www.amnesty.org/en/documents/MDE19/025/2011/en/>, 42. A Libyan government spokesman, on February 22, 2011, similarly justified the use of lethal force in defense of the *Katiba*: "When it gets to breaking into an army camp, which has huge stockpiles of ammunition, there was no alternative but to fire [at assailants]. As a result, many were killed from both sides." See, *Senior Libyan Security Official*.

³⁹ Evan Hill, "The day the *Katiba* fell," *Al Jazeera*, March 1, 2011, accessed November 7, 2018, <http://www.aljazeera.com/indepth/spotlight/libya/2011/03/20113175840189620.html>.

⁴⁰ Joseph Felner and Brian Fishman, *Al-Qa'ida's Foreign Fighters in Iraq: A First Look at the Sinjar Records*, US Military Academy, January 2, 2007, reports that Derna "has far and away the largest per capita number of fighters in the Sinjar records," accessed November 7, 2018, <https://ctc.usma.edu/al-qaidas-foreign-fighters-in-iraq-a-first-look-at-the-sinjar-records/>, 10.

Derna's "Islamist gunmen... assaulted an army weapons depot and seized 250 weapons, killed four soldiers and wounded 16 others," *Agence France Presse* reported.⁴² These militants were assisted by defection of an army colonel, who "joined them and provided them with a rocket-propelled grenade launcher, three pieces of anti-aircraft artillery, and 70 Kalashnikov" rifles, according to a Libyan security official.

Two days later, following Friday prayers on February 18, Derna's Islamist militants launched a broader offensive. They attacked the port and seized 70 military vehicles,⁴³ and set fire to the general security directorate, internal security directorate, and Revolutionary Committee building. As security forces fled, the militants seized control of these installations and the city.⁴⁴ In one case, they captured Libyan officials, locked them in a jail cell, and then burned the building with the officials inside, according to a pro-rebel activist.⁴⁵

The Islamist militants had planned these attacks on February 14, even prior to the outbreak of Benghazi's protests, according to Ben Halim,

we had all agreed to set off from the mosques, which we coordinated with area residents. So on Friday [February 18], we went out immediately after prayers and headed for all security departments in the city. We took control of them. We were also joined by the police force and guards. That lasted for about four hours, then we headed for Beida where there was one of Qaddafi's brigades called al-Jareh. We managed to overpower them. After that we went to Benghazi – that's where the real battle started.⁴⁶

Another key figure in Derna's uprising was Abdul Hakim al-Hasadi. An LIFG member, he had evaded the Libyan government's pursuit in the 1990s, ending up in Afghanistan at the time of the September 11, 2001 terrorist attacks, then fled to Pakistan, and later returned to Libya where he was arrested and eventually released in 2007 under Qaddafi's ill-fated reconciliation with Islamist militants. On February 16, 2011, according to a reporter who interviewed him soon afterwards, "His military training kicked in. Over the course of the next two days, Hasadi helped protesters organize attacks on military facilities and other government buildings in town."⁴⁷ In a February 20 news report, a Libyan security official claimed the Derna attacks were being led by Islamists who previously had fought for al-Qaeda before being arrested and released from Libyan prison, and who now were calling themselves the "Islamic Emirate of Barqa."⁴⁸

Beida

Events around Beida, a city larger than Derna and closer to Benghazi, were crucial to the militants' success. By February 16, hundreds of protesters in the city had attacked and set fire to police

⁴¹ It is not known who led these attacks, but Derna was home to at least two veteran Islamist commanders. Abu Sufian bin Qumu fought in the LIFG, then joined al Qaeda in Afghanistan in the 1990s, was captured in Pakistan in 2001, held in Guantanamo until 2007, and released by Qaddafi in 2008. Salem Derby was a legendary LIFG fighter who had successfully evaded Qaddafi by hiding in the mountains of eastern Libya from the 1990s until 2011. After the revolution he was killed in Jihadi infighting in 2015 by the Islamic State. Benotman, interview.

⁴² "Libya Islamists 'seize arms, take hostages,'" *Agence France Presse*, February 20, 2011.

⁴³ *Ibid.*

⁴⁴ Akram San, "February 17th Libyan Revolution, The City of Derna from the 16th to the 23rd of February," February 27, 2011, accessed November 7, 2018, <https://youtu.be/i7r138VQdbs>.

⁴⁵ Ian Black and Owen Bowcott, "Libya protests: massacres reported as Qaddafi imposes news blackout," *Guardian*, February 18, 2011, accessed November 7, 2018, <https://www.theguardian.com/world/2011/feb/18/libya-protests-massacres-reported>.

⁴⁶ *Top Tripoli Military Council*.

⁴⁷ Babak Dehghanpisheh, "America's Islamist Allies in Libya," *Daily Beast*, April 9, 2011, accessed November 7, 2018, <https://www.thedailybeast.com/americas-islamist-allies-in-libya>; Dan Murphy, "Why the West need not fear Libya's Islamic warriors," *Christian Science Monitor*, April 22, 2011, accessed November 7, 2018, <https://www.csmonitor.com/World/Middle-East/2011/0422/Why-the-West-need-not-fear-Libya-s-Islamic-warriors>.

⁴⁸ *Libya Islamists seize arms*; Two days later, a Libya government spokesman said that two Islamic Emirates had been established: one in Derna led by Hasadi, and the other in Beida led by Khayrallah Barasi. See, *Senior Libyan Security Official*.

stations, shouting “People want the end of the regime.”⁴⁹ That evening, security forces responded forcefully, allegedly killing the first three civilian victims of the rebellion.⁵⁰ As the mob of protesters grew, some police and soldiers defected to their side,⁵¹ enabling the militants the next day to launch armed attacks and overrun Beida’s internal security directorate.⁵² In so doing, on February 17, the rebels obtained heavy weapons including 105mm (known as “106”) anti-tank guns.⁵³



Figure 2. Beida militants transport anti-tank weapons to attack Shahat barracks, February 18. Source: <https://youtu.be/Jz2ZkHP1s-I>, accessed November 7, 2018.

That night and the following day, February 18, the triumphant Beida militants transported their new weapons ten miles east to Shahat to attack the region’s al-Jareh army barracks, home of the Hussein Juweifi 165th battalion, which had been reinforced by elements of the Khamis Brigade including ethnic African troops. Since February 16, protesters at the barracks had been throwing petrol bombs and rocks, but they had been unable to penetrate the base. This changed when the Beida militants arrived with their heavy weapons and machine guns, supplemented by armed Islamists from nearby Derna. Inside the barracks, a deputy commander and some soldiers from the 165th battalion defected, providing the rebels with additional weapons and fighters.⁵⁴ The militants used construction vehicles to knock holes in the perimeter wall to infiltrate, then engaged in a

⁴⁹ *Libyan police stations torched*; “Libya, Middle East rocked by protests,” *CBC News*, February 16, 2011, accessed November 7, 2018, <http://www.cbc.ca/news/world/libya-middle-east-rocked-by-protests-1.1029900>; “Libya Protests: Second City Benghazi Hit by Violence.” Videos of these events are available at <https://www.youtube.com/watch?v=EEePa6fUdw0&index=15&list=PLCE6A19CF14D5F514>, accessed November 7, 2018.

⁵⁰ “أبناء عن ثلاثة قتل بمظاهرات ليبيا” *Al Jazeera*, February 16, 2011, accessed November 7, 2018, <http://www.aljazeera.net/news/arabic/2011/2/16/أبناء-عن-ثلاثة-قتل-بمظاهرات-ليبيا>. Skeptics cite evidence that rebel snipers may have committed the early killings of protesters in Beida. See Ola Tunander, “Geopolitics of the Libya Crisis: The Use of Rhetoric and Deception to Destroy a State,” 25th draft, 2017, 51 (personal communication to author), a revised version of which was later published in Norwegian, as *Libya Krigen: Bruken av retorikk og bedrag for å ødelegge en stat* (Oslo: Sirkel Forlag, 2018).

⁵¹ “Protesters battle security forces in eastern Libya; at least 40 reported dead,” *France24*, February 18, 2011, accessed November 7, 2018, <http://www.france24.com/en/libya-violence-crackdown-escalates-protest-benghazi-gadafi-obama-tripoli-demonstrations>; صحيفة الوسط البحرينية, “الجيش الليبي ينتشر في بنغازي ومشاركة القذافي في مظاهرة مؤيدة له,” February 18, 2011, accessed November 7, 2018, <http://www.alwasatnews.com/news/527947.html>.

⁵² “القذافي يقصف المحتجين بالأسلحة المضادة للطيران” *Nahar*, February 18, 2011, accessed December 5, 2018, <https://www.ennaharonline.com/القذافي-يقصف-المحتجين-بالأسلحة-ال-%E2%80%A0-%E2%80%AC-؛-Amnesty-International,-The-Battle-for-Libya,-37>.

⁵³ Coffeeaddict99, “شباب مدينة البيضاء متوجهون للهجوم على معسكر شحات,” YouTube video, February 19, 2011, accessed November 7, 2018, <https://youtu.be/Jz2ZkHP1s-I>, shows the weapon and reports that, “This is one of a group of 106 anti-tank guns used in the battle.” مقتل القذافي .. نهاية محتومة لطاغية كان يريد أن يحرق ليبيا بأكملها. بوابة الأهرام, accessed November 7, 2018, <http://gate.ahram.org.eg/News/128895.aspx>.

⁵⁴ Patrick Haimzadeh, “Libye: Le Miracle De La Reconstruction Nationale,” *Politique Internationale - La Revue* 149 (Winter 2015), footnote 2, accessed November 7, 2018, http://www.politiqueinternationale.com/revue/read2.php?id_revue=149&id=1433&content=texte. Collaboration between defectors and rebels at the perimeter can be seen in this video: Hobby Libya, “Shabab Youth, Battalion and RBG ‘Speed of Mindfulness,’” YouTube video, September 11, 2011, accessed November 7, 2018, <https://youtu.be/UZC5j3mOtIQ>.

fierce firefight.⁵⁵ During the battle, they captured and summarily executed at least 15 dark-skinned soldiers, suspected as foreign mercenaries but who may have been Libyan dual-nationals.⁵⁶



Figure 3. Militants with heavy machine guns and ammunition at Shahat barracks, February 18-19. Source: <https://youtu.be/3nPg1YThjdo>, accessed November 7, 2018.

Shahat to Benghazi

The following day, February 19, the militants captured the Shahat barracks and its equipment, including armored vehicles and heavy weapons,⁵⁷ and then drove some of this hardware three hours to Benghazi, which decisively bolstered the attack on the Katiba, according to multiple sources. The *Associated Press* reported

a mob descended on a local army base on the outskirts of town and forced the soldiers to give up their weapons, including three small tanks. Truckers drove them into town and rammed those too into the Katiba's walls. Days later, the burned hulks of the armored vehicles can still be seen, stuck halfway into the breaches they made.⁵⁸

U.S. intelligence veteran William C. Taylor reports similarly that, "protesters had also ransacked the local arms depot from the Hussein Juweifi battalion [in Shahat] and were turning the depot's machine guns at the al-Fadhil base" in Benghazi.⁵⁹ Amnesty International also documents the escalation at the Katiba on February 19-20, observing that, "by then protesters in Beida had overrun the Shahat military base and looted the weapons and munitions there."⁶⁰ The attack on Benghazi's Katiba culminated on February 20, reportedly led by rebel Gen. Ahmad Qatrani and his Faileq 36 battalion,⁶¹ and "joined by people from the eastern towns of Derna and Beida, who had liberated weapons from local security bases."⁶² In addition to armored vehicles, heavy weapons, petrol bombs, light weapons, and bulldozers, the attackers' munitions included a suicide vehicle bomb. In preceding days, the Katiba's troops had worried that funeral processions along the perimeter

⁵⁵ See video: Hobby Libya, "Shahat Battalion," YouTube video, October 28, 2011, accessed November 7, 2018, <https://youtu.be/6mPaafU-IEg>.

⁵⁶ Abigail Hauslohner, "Among Libya's Prisoners: Interviews with Mercenaries," *Time*, February 23, 2011, accessed November 7, 2018, <http://content.time.com/time/world/article/0,8599,2053490,00.html>; Black and Bowcott, *Libya protests*.

⁵⁷ The first armored vehicle that the rebels seized can be seen emerging from the barracks in this video: Hobby Libya, "February Revolution of the city of Shahat... Directed by the first tank February 19," YouTube video, November 7, 2011, accessed November 7, 2018, <https://youtu.be/vSa-oE91rEQ>.

⁵⁸ Schemm, *Battle at army base*.

⁵⁹ Taylor, *Military Responses to the Arab Uprisings*, 149.

⁶⁰ Amnesty International, *The Battle for Libya*, 42, 102.

⁶¹ Paolo Sensini, *Sowing Chaos: Libya in the Wake of Humanitarian Intervention* (Atlanta: Clarity Press, 2016), 109.

⁶² Schemm, *Battle at army base*.

were a security threat, so they had used force to disperse them, which aroused international condemnation. On February 20, however, the soldiers' security concerns were vindicated when a vehicle, loaded with propane tanks and explosives, diverged from a funeral procession and detonated at the Katiba's gate, leaving a fiery breach that enabled militants to enter and compelled the troops to retreat further inside.⁶³



Figure 4. Militants emerge with armored vehicles from Shahat barracks and parade through town, February 19. Source: <https://youtu.be/3nPg1YThjdo>, accessed November 7, 2018.

Aware that the Katiba was crucial for control of eastern Libya, Qaddafi ordered his Interior Minister, Abdel Fattah Younes, to lead a special-forces battalion to reinforce the garrison on the afternoon of February 20.⁶⁴ Upon arriving, however, Younes realized the tide already had turned in favor of the attackers. As other Libyan officers had done in preceding days at installations across the east – police, military, internal security, and Revolutionary Committee – he chose to defect rather than fight a deadly and potentially losing battle against the now well-armed rebels, to whom he surrendered the Katiba.⁶⁵ The next day, February 21, militants seized four regional air bases: Abraq near Shahat, Benina near Benghazi, Adem near Tobruk, and Bombah near Derna.⁶⁶ In one week, the rebels had conquered the eastern part of the country, setting the stage for a full-blown civil war. Although Qaddafi's explanation of the rebellion as an Islamist plot was ridiculed at the time by western media, in retrospect it was quite accurate in many respects.⁶⁷

⁶³ Ibid.

⁶⁴ Two days later, a Libyan government spokesman claimed that a deal had been reached beforehand with representatives of the Benghazi protesters for Younes's unit on February 20 to replace the Katiba troops implicated in the killing of attackers, presumably to alleviate public outrage and deescalate the Katiba protests. Instead, militants at the Katiba escalated their attacks that day using armored vehicles, heavy weapons, construction equipment, and a vehicle bomb. See, *Senior Libyan Security Official*.

⁶⁵ Hill, *The day the Katiba fell*; Schemm, *Battle at army base*. Younes permitted the escape of soldiers who remained loyal to Qaddafi. It is unclear if this contributed to the decision by Islamist rebels five months later to kill Younes. "Libyan Rebel Military Leader Is Killed," *Sky News*, July 29, 2011, accessed November 7, 2018, <https://archive.is/20120715083554/http://news.sky.com/home/world-news/article/16039491>.

⁶⁶ Sensini, *Sowing Chaos*, 110. Hasadi apparently assisted in the capture of Abraq and Bombah, the air bases closest to Derna; "مصر: القيادي الإسلامي عبد الحكيم الحصادي في درنة," *Al-Ahram*, March 3, 2011, accessed November 7, 2018, <http://www.masress.com/ahram/65773>.

⁶⁷ Qaddafi defended his actions in a televised live speech on March 2, 2011, as follows: "How the story began? There are small sleeper cells affiliated with Al-Qaida.... Suddenly, this sleeper cell in Beida attacked the battalion in the city. It opened fire and seized weapons. It seized weapons from police stations. This was the first fight. It was between these elements and Hussein Juweifi Battalion.... The number of deaths on both sides was 150 or 200... Half of the dead were from the police force and the soldiers who were surprised by the sudden attack on their barracks... The people were killed at the gates of the battalion and outside the police center. This shows that the police and the battalion did not go out to the street to kill them, but the people were the ones who came to the battalion and were killed at the gate... After that, the same thing happened in Benghazi. The Fadhil Abu-Omar Battalion was attacked... After that, the world

Other regions of Libya also experienced unrest during the week of February 15-21, 2011, including demonstrations and the setting of fires at government buildings.⁶⁸ However, these actions were not as militarized and do not appear to have been led by militant Islamists. Qaddafi managed to suppress these other protests by early March,⁶⁹ so they probably would have been insufficient by themselves to foment full-blown civil war and trigger humanitarian intervention.

Explaining the Armed Uprising

The outbreak of Libya's rebellion in mid-February 2011, led by Islamist militants in the eastern cities of Derna and Beida, cannot be explained by four of the five hypotheses proposed above. These Islamists could not have been surprised that Qaddafi responded to their armed uprising with forceful retaliation, because they had lived through a similar crackdown on their LIFG rebellion in the mid-1990s. Neither could they have feared that the regime would attack them if they refrained from rebellion, given that Qaddafi was pursuing reconciliation with the Islamists by releasing them from prison and paying reparations to the families of the 1996 Abu Salim victims. Nor is there any reason to believe that the Islamists rebelled because they expected sympathetic western intervention. These militants viewed the West as the enemy, and vice-versa, and some had even been detained or renditioned by U.S. forces in Iraq. Moreover, during the first week of Libya's uprising, the militants openly perpetrated atrocities – including summary executions of government forces in Derna, Beida, and Benghazi – seemingly incompatible with any potential strategy to attract western support. Finally, Libya's rebellion was not a spontaneous emotional response to a government crackdown on nonviolent protesters, as widely reported in the West, because Ben Halim reveals that he and fellow Islamist militants plotted the uprising in Derna on February 14, one day before an opposition leader's arrest in Benghazi triggered the violent protests that prompted the regime's forceful response.

This leaves only one plausible explanation. Libya's Islamist militants launched their rebellion because they hoped to prevail on their own, without any anticipation of humanitarian intervention. Their hopes likely had been raised by the recently successful revolutions in neighboring Tunisia and Egypt, and by Qaddafi's release from prison of Islamist veterans of insurgencies in Libya, Afghanistan, and Iraq. Foreign Islamist groups, such as Al-Qaeda or Egypt's revived Muslim Brotherhood, may have promised or provided resources that further encouraged Libya's uprising, but there is no evidence of such aid prior to the rebellion.

Perpetuation of Rebellion

Another explanation is required, however, for the continuation of the rebellion after early March 2011. By then Qaddafi had responded with a massive counter-offensive that compelled the rebels into abject retreat, while he offered them ways to end the rebellion without punishment. Compared to the initial uprising, key rebel decisions were now made by different actors, under different circumstances, for different reasons. The decisive factor in this period was the expectation of humanitarian military intervention, as demonstrated by examining the five hypotheses in turn.

Retaliation Unforeseen?

By the first week of March 2011, Qaddafi had mobilized his security forces, which during the next ten days drove the rebels back rapidly, reversing their trajectory of the preceding two weeks. From March 5 to 15, government forces re-took all but one of the major rebel-held cities – including Ajdabiya, Bani Walid, Brega, Ras Lanuf, Zawiyah, and most of Misurata – and converged on the final one, Benghazi. If it had not been obvious before, by early March it was clear that rebellion would provoke an overwhelming government response. Thus, the rebels' decision to continue fighting in March, rather than to flee or pursue amnesty, cannot be explained by failure to expect retaliation.

started talking about peaceful demonstrations coming under fire and about thousands of deaths." See "Libyan leader vows to fight to last man and woman; text of speech on 2 Mar," *BBC Monitoring Middle East*, March 4, 2011.

⁶⁸ *Libyan police stations torched*; "القذافي يغادر طرابلس كرهاً نحو سيها.. خوفاً من وصول انتفاضة بنغازي إلى العاصمة" الدولية" (blog), February 16, 2011, accessed November 7, 2018, <http://www.doualia.com/2011/02/16/kadhafi-quitte-tripoli-pour-sabha-regret-craignant-larrivee-de-linsurrection-dans-la-capitale-de-benghazi/>.

⁶⁹ Kuperman, *A Model Humanitarian Intervention?*, 119-120.

Victimization Inevitable?

The conventional narrative suggests that the rebels kept fighting in March because they expected Qaddafi to commit widespread massacres, so they had little to lose by continuing their rebellion. Proponents of this view cite Qaddafi's threats in speeches during the first month of the rebellion. On February 22, he promised to "cleanse Libya inch by inch, house by house, home by home, alley by alley, person by person, until the country is cleansed of dirt and scum," and urged his fellow Libyans to "get rid of the rats."⁷⁰ On March 2, he warned that, "We will fight to the last man and last woman in defense of Libya."⁷¹ On March 17, he threatened that, "We will have no mercy on them. We will remove the walls around them one by one in search of them."⁷² These statements, when quoted out of context by western politicians and media, suggest that Qaddafi was threatening to kill anyone associated with the rebellion, who thus had every reason to keep fighting as their best hope of survival.

That is the opposite, however, of what Qaddafi actually said. His speeches repeatedly pledged to hold harmless any Libyan rebel who gave up the fight. Indeed, his threats explicitly aimed to encourage rebels to disarm or flee the country to ensure their well being. On March 2, he explained, "the amnesty that we are offering them amounts to permitting them to leave the country," so they don't "fight to the bitter end." Qaddafi offered escape routes on both sides of the country: "Whoever leaves Benghazi, Beida, or Derna, they will be able to leave safely via Tobruk [into Egypt]. As for those who seek to leave western Libya, they would move to Tunisia...They can leave safely." Alternatively, Qaddafi offered the militants the option of remaining in Libya, if they abandoned their rebellion: "We ask our Libyan people to pardon all our children who hand over their weapons and go back to their families as if nothing has happened. They will be completely pardoned."⁷³

In his March 17 speech, Qaddafi reiterated this amnesty pledge: "anyone who throws away his weapon and stays at home peacefully will be pardoned no matter what he did in the past." This offer appeared credible, because it reflected what his forces actually had been doing as they recaptured cities from the rebels in March. Qaddafi underscored this point: "Throw away your weapons, exactly like your brothers in Ajdabiya and other places did. They laid down their arms and they are safe. We never pursued them at all."⁷⁴

This makes clear that in the first half of March 2011, the rebels had two plausible options to protect themselves other than continuing to fight. They could lay down their weapons and accept Qaddafi's amnesty, if they believed he would continue to exercise restraint as he had in other recaptured cities. Alternatively, they could flee to neighboring countries. Not only had Qaddafi offered free passage, but the rebels controlled the Libyan coast east of Benghazi, so they had a clear escape route to Egypt. Thus, the rebels' decision to keep fighting cannot be explained by them supposedly believing they were otherwise doomed to victimization.

Win on Their Own?

By early-March 2011, the rebels knew they could not prevail without international assistance. Qaddafi had successfully mobilized his counter-offensive, so it was now a lopsided fight. The rebels possessed only a few thousand poorly trained troops armed with light weapons and a few armored vehicles and artillery pieces. Qaddafi, by contrast, had several battalions of his best forces – with superior training and equipment – supplemented by air power. The rebels put up little to no resistance as they retreated along hundreds of miles of Libya's coastline during the first two weeks of March 2011, surrendering their gains and leaving them in control of only one major city, Benghazi, as Qaddafi's forces approached rapidly. The rebellion's end appeared nigh.

⁷⁰ "Libyan leader says 'will fight until the last drop of blood,'" text of February 22 televised address, *BBC Worldwide Monitoring*, February 23, 2011.

⁷¹ "Libyan leader vows to fight to last man and woman; text of speech on 2 Mar," *BBC Monitoring*, March 4, 2011.

⁷² "Qadhafi Promises 'No Mercy with Traitors' in Address to Benghazi, 17 Mar 2011," *BBC Monitoring*, March 19, 2011.

⁷³ *Libyan leader vows*.

⁷⁴ *Qadhafi Promises*.

It might be argued that the rebels' persistence at this point was fostered by military aid from neighboring countries motivated by self-interest rather than humanitarianism. For example, by early March, Libya's rebels had obtained weapons from Egypt, following the fall of Mubarak.⁷⁵ Two other potential suppliers were Sudan, which resented Qaddafi's past support of Darfur rebels, and Qatar, which habitually supported Islamist militants.

However, such aid from Arab countries to the rebels at the time comprised mainly light weapons, clearly inadequate against Qaddafi's elite forces. The rebels could not have expected to prevail without more substantial intervention, including crucially air power. On March 16, Saif Qaddafi proclaimed, "everything will be over in 48 hours."⁷⁶ In the absence of humanitarian intervention, that prediction appeared credible, including to the rebels as documented next.

Moral Hazard?

The weight of evidence indicates that within two weeks of the initial uprising, the rebels' political leadership had come to view humanitarian intervention by NATO as vital to the rebellion's survival in the face of Qaddafi's counter-offensive. On February 28, 2011, in a television interview, NTC leader Mustafa Abdul-Jalil appealed for international imposition of a no-fly zone: "what we want is an air embargo to stop Qaddafi bringing in mercenaries."⁷⁷ Foreign officials had already raised the rebels' hopes of such intervention. Six days earlier, on February 22, the UK's former Foreign Secretary, Lord David Owen, called for a no-fly zone on *Al Jazeera*.⁷⁸ On February 26, the UN Security Council punished Libya's regime by imposing an arms embargo and referring it to the International Criminal Court.⁷⁹ On March 2, the rebels' military commander spoke by telephone to the UK's Foreign Secretary "about planning for a No-Fly Zone."⁸⁰

On March 4, the UK announced it was deploying military experts to advise the rebels in eastern Libya, which the media rightly characterized as "a clear intervention on the ground to bolster the anti-Qaddafi uprising."⁸¹ The next day, British Special Forces and intelligence agents clandestinely attempted to meet with rebels in eastern Libya.⁸² On March 10, France's President Nicolas Sarkozy recognized the rebels' political wing as Libya's legitimate government and promised military strikes against Qaddafi's air force bases, during a meeting with the top rebel diplomat, Mahmoud Jibril.⁸³ The same day, as the rebels retreated rapidly, their political leader Mustafa Abdul-Jalil appeared on *CNN* to plead again, this time in desperation, for a no-fly zone: "It has to be immediate action."⁸⁴

⁷⁵ Charles Levinson and Matthew Rosenberg, "Egypt Said to Arm Libya Rebels," *Wall Street Journal*, March 17, 2011, accessed November 7, 2018, <https://www.wsj.com/articles/SB10001424052748704360404576206992835270906>; Kareem Fahim and David D. Kirkpatrick, "Libyan Rebels Repel Qaddafi Forces Near Tripoli," *New York Times*, February 25, 2011, cites a claim that "\$75,000 in automatic weapons" had been imported from Egypt in the early days of the rebellion.

⁷⁶ "Libyan Army Calls for Benghazi to Surrender as Saif Qaddafi Says Town Will Fall within 48 Hours," *Telegraph*, March 16, 2011.

⁷⁷ Alex Rossi, "Libya: Rebels 'Will Use Force to Take Tripoli,'" *Sky News*, February 28, 2011, accessed November 7, 2018, <http://oceanpark.com/webmuseum/2011/libya-2011-02-27c.html>.

⁷⁸ "Live Blog—Libya Feb 22," *Africa, Al Jazeera* (blog), February 22, 2011, accessed November 7, 2018, <https://www.maltatoday.com.mt/news/national/9035/libya-live-blog-february-22#.W-OgjPZFxpY>. He repeated the call on *BBC* the next day. See Michael White, "Libya Crisis: Too Late for UN Military Intervention?" *Guardian*, February 23, 2011.

⁷⁹ "UN Security Council slaps Libya with sanctions," *CNN*, February 26, 2011.

⁸⁰ "Foreign Secretary Speaks to General Abdul Fattah Younis al Obidi," Foreign and Commonwealth Office, London, United Kingdom, March 2, 2011, accessed November 7, 2018, <http://www.fco.gov.uk/en/news/latest-news/?view=News&id=559394982>.

⁸¹ Patrick Wintour and Richard Norton-Taylor, "Libyan Opposition Leaders to Get Advice from UK Military," *Guardian*, March 4, 2011, accessed November 7, 2018, <http://www.guardian.co.uk/world/2011/mar/04/libyan-opposition-leaders-advice>.

⁸² Martin Chulov, et al., "'SAS Unit' Captured in Libya," *Guardian*, March 6, 2011, accessed November 7, 2018, <http://www.guardian.co.uk/world/2011/mar/06/liam-fox-sas-unit-libya>. On March 3, some rebels initially captured the British officials, misunderstanding their intent.

⁸³ Renaud Girard, "La campagne libyenne de Bernard-Henri Lévy," *Le Figaro*, March 18, 2011, reports that on March 10, "Sarkozy, alors, annonce aux Libyens éberlués et ravis le plan qu'il a concocté . . . frappes ciblées sur les aéroports militaires du pays." See also, Steven Erlanger, "By His Own Reckoning, One Man Made Libya a French Cause," *New York Times*, April 1, 2011.

⁸⁴ "Rebel Leader Calls for 'Immediate Action' on No-Fly Zone," *CNN*, March 10, 2011.

These facts indicate that by the third week of the uprising, the rebels had come to believe that their only hope was humanitarian intervention, which they expected imminently. Strong signals of support from NATO members, starting in February, encouraged the otherwise feeble rebels to continue fighting Qaddafi's vastly superior forces in early March, rather than accepting his offers to flee the country or lay down arms in exchange for amnesty. The rebels also sought to attract humanitarian intervention by exaggerating the regime's threat to civilians, as previously documented.⁸⁵

Although the UN Security Council authorization of March 17 was nominally limited to protecting civilians, in practice it opened the floodgates of military assistance. In mid-March, U.S. President Barack Obama signed an intelligence "finding" to allow covert aid to the rebels.⁸⁶ By early-April, British military and intelligence officials in Benghazi were helping the rebels establish a command structure and defense ministry.⁸⁷ In mid-April, Qatar shipped French antitank missiles to rebels in eastern Libya,⁸⁸ and "the Obama administration secretly gave its blessing" to such arms transfers.⁸⁹ In early-May, France began airdropping weapons to militants in western Libya, trained by operatives from France, Italy, and the UK.⁹⁰ Without such foreign assistance, the rebels would have been quashed by late-March, so that their continued rebellion after that point, and the disastrous consequences for Libyans, stem directly from the NATO-led humanitarian intervention. The rebels also repeatedly rejected generous power sharing and constitutional reform offers from Qaddafi – which could have ended the violence – because they anticipated that intervention would enable their outright victory.⁹¹

Emotion Not Calculation?

The compelling evidence of a rebel strategy by early March 2011 that was based on expecting to benefit from humanitarian intervention and seeking to expedite such aid is inconsistent with the final hypothesis, that the rebels persisted due to emotion rather than calculation. It is possible and even likely that individual militants were motivated by feelings such as revenge, but the rebel leadership's decisions to continue fighting were driven by strategy.

Lessons

The outbreak of Libya's 2011 rebellion was not caused by the moral hazard of humanitarian intervention but rather by domestic Islamist militants, emboldened by the recent "Arab Spring" revolutions and fortified by Qaddafi's release of veteran Islamist fighters under an ill-fated reconciliation effort. The rebellion was timed to coopt a planned Libyan "Day of Rage" that ironically had been devised by non-militant, liberal expatriates.

After Qaddafi's counter-offensive forced the rebels into rapid retreat, however, their persistence is best explained by the moral hazard of humanitarian intervention. Had it not been for the expectation, and then actuality, of NATO-led intervention, the rebellion would have ended about a month after it started, as the rebels either fled to neighboring countries, accepted Qaddafi's amnesty offer, or were crushed in battle. The death toll of such a brief war without humanitarian intervention would have been about 1,000 – including rebels, government forces, and civilians.

⁸⁵ Kuperman, *A Model Humanitarian Intervention?*, 134.

⁸⁶ Mark Hosenball, "Obama Authorizes Secret Help for Libya Rebels," *Reuters*, March 30, 2011, accessed November 7, 2018, <http://www.reuters.com/article/2011/03/30/us-libya-usa-order-idUSTRE72T6H220110330>.

⁸⁷ Mark Urban, "SAS on Ground during Libya Crisis," *Newsnight*, BBC, January 18, 2012, accessed November 7, 2018, <http://www.bbc.co.uk/news/world-africa-16624401>.

⁸⁸ Ian Black, "Libyan Rebels Receiving Anti-Tank Weapons from Qatar," *Guardian*, April 14, 2011, accessed November 7, 2018, <http://www.guardian.co.uk/world/2011/apr/14/libya-rebels-weapons-qatar>.

⁸⁹ James Risen, et al., "Militant Forces Got Arms Meant for Libya Rebels," *New York Times*, December 6, 2012.

⁹⁰ Samnia Nakhoul, "Special Report: The Secret Plan to Take Tripoli," *Reuters*, September 6, 2011, accessed November 7, 2018, <http://www.reuters.com/article/2011/09/06/us-libya-endgame-idUSTRE7853C520110906>; Colum Lynch, "U.N. Panel Documents Military Shopping List That Helped Topple Qaddafi," *Turtle Bay, Foreign Policy*, April 4, 2012, accessed November 7, 2018, http://turtlebay.foreignpolicy.com/posts/2012/04/04/un_panel_documents_military_shopping_list_that_helped_topple_qaddafi; Michael Birnbaum, "France Sent Arms to Libyan Rebels," *Washington Post*, June 29, 2011.

⁹¹ Kuperman, *A Model Humanitarian Intervention?*, 115; Kuperman, *Who Lost Libya?*, 158-159.

Regrettably, the moral hazard of humanitarian intervention perpetuated the war for seven more months, creating anarchy that persists seven years later. At least 10,000 more Libyans were killed, Mali was destabilized, weapons proliferated throughout the region, international terrorists gained footholds in Libya, and migrant flows magnified to Europe.

The Libya case thus provides additional grounds for reforming the R2P to address moral hazard. I have previously proposed five such reforms,⁹² most importantly to refrain from intervening on humanitarian grounds in ways that benefit rebels unless government forces are targeting civilians. For such a reform to be effective, however, potential interveners must sift through propaganda to assess whether civilians actually are being targeted. Qaddafi's regime was focused on fighting militants, not unarmed protesters, who were caught in the crossfire. Rebel leaders falsely portrayed this as Qaddafi massacring civilians and preparing to commit a genocidal bloodbath, which duped western countries into intervening on humanitarian grounds.⁹³ Future prevention of atrocities will thus require not only a more enlightened and restrained intervention policy but also more competent acquisition and processing of intelligence. That could prove even harder than building "political will" for intervention, but it also might accomplish more good.

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⁹² Alan J. Kuperman, "Why the R2P Backfires (And How to Fix It)," in *Last Lectures on the Prevention and Intervention of Genocide*, ed. Samuel Totten (New York: Routledge, 2018), 121-126; Alan J. Kuperman, "Rethinking the Responsibility to Protect," *Whitehead Journal of Diplomacy and International Relations* 10, no. 1 (Winter/Spring 2009), 33-43.

⁹³ Kuperman, *A Model Humanitarian Intervention?*, 134; Tunander, *Geopolitics of the Libya Crisis*, 35-37, notes that Sliman Bouchuiguir, who was simultaneously the General Secretary of the Libyan League of Human Rights and a rebel official based in Switzerland, claimed on March 1, 2011, that 6,000 Libyans already had been killed, and on March 14, 2011, that "there will be a real bloodbath, a massacre like we saw in Rwanda." White House official Dennis Ross soon afterwards justified the intervention on grounds of "the real or imminent possibility that up to 100,000 people could be massacred." See also, Laura Rozen, "Averting 'Srebrenica on steroids': White House defends Libya operations," *The Envoy*, March 23, 2011. Such propaganda to justify intervention may be pervasive, notes Douglas Irvin-Erickson, "Genocide Discourses: American and Russian Strategic Narratives of Conflict in Iraq and Ukraine," *Politics and Governance* 5, no. 3 (2017), 130-145.

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