

HUMAN RIGHTS WATCH

DEATH OF A DICTATOR

Bloody Vengeance in Sirte

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Summary and Recommendations



A still image from a video recorded by opposition fighters on October 20, 2011, and obtained by Human Rights Watch, shows the late Libyan leader Muammar Gaddafi apparently just moments after his capture on the outskirts of Sirte by Misrata-based opposition fighters. When captured, Muammar Gaddafi was already heavily bleeding from a shrapnel wound to his temple caused by a grenade thrown by his own bodyguards that exploded in their midst, according to interviews with eyewitnesses. After his capture, Muammar Gaddafi was stabbed in the buttocks with a bayonet and severely abused by the opposition fighters. A later video shows his apparently lifeless and semi-nude body being loaded into an ambulance.



DEATH OF A DICTATOR

Bloody Vengeance in Sirte

When protests against the rule of Libyan leader Muammar Gaddafi broke out in Libya in February 2011, the government's security forces responded by opening fire on the protesters. As an initially peaceful protest movement transformed into a fully-fledged armed uprising against his 42-year rule, Gaddafi pledged to chase down the "cockroaches" and "rats" who had taken up arms against him "inch by inch, room by room, home by home, alleyway by alleyway, person by person."[1] A brutal conflict began, with pro-Gaddafi forces indiscriminately shelling civilian areas, arresting thousands of protesters and others suspected of supporting the opposition, holding many in secret detention, and carrying out summary executions.

But after a North Atlantic Treaty Organization (NATO) military intervention and eight months of intense conflict, it was Muammar Gaddafi and his inner circle who found themselves cornered and isolated in the coastal city of Sirte, Gaddafi's hometown, moving between abandoned homes to avoid the fierce and indiscriminate shelling by anti-Gaddafi militias from Misrata, Benghazi, and elsewhere who had surrounded the area. On the morning of October 20, 2011, Mutassim Gaddafi, the son of Muammar Gaddafi who had led the defense of Sirte, ordered Gaddafi's inner circle, his remaining loyalists, and some of the remaining civilians to abandon the besieged District 2 of Sirte in a convoy of some 50 heavily armed vehicles.

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[1] Video available on YouTube: http://www.youtube.com/watch?v=69wBG6ULNzQ&feature=related (accessed July 3, 2012); Kareem Fahim and David Kirkpatrick, "Gaddafi's Grip on the Capital Tightens as Revolt Grows," *New York Times*, February 22, 2011, http://www.nytimes.com/2011/02/23/world/africa/23libya.html?pagewanted=all (accessed July 3, 2012).



(right) A still image from a video recorded by opposition fighters recorded on October 20, 2011, and posted on YouTube of the son of the late Libyan leader Muammar Gaddafi, Mutassim Gaddafi, who led the loyalist defense of Sirte, smoking a cigarette while being questioned by Misrata-based opposition forces. Following his capture at the final Gaddafi convoy battle, the wounded Mutassim Gaddafi was transported alive by opposition forces to Misrata, and repeatedly filmed in their custody. Just hours after this video was recorded, the body of Mutassim was on display in Misrata next to his father, with a large wound on his upper chest that was not present when this video was recorded—indicating strongly that he was killed in custody.



A Libyan man visits the wreckage of Muammar Gaddafi's convoy the morning after his capture and death, Oct 21, 2011. The convoy, containing some 250 people, attempted to flee Sirte before being bombed by NATO and engaging in a fierce final battle with opposition fighters. More than 105 bodies were strewn around the wreckage of the convoy. While the majority of them appeared to have been killed during the NATO strikes and the final battle, some showed signs of having been executed. The bodies of an additional 66 members of the convoy who were detained alive after the final battle were later discovered dead at the nearby Mahari Hotel, most of them apparently victims of summary executions.

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The escape attempt was doomed: as the heavily armed convoy of Gaddafi loyalists sought to flee the besieged District 2 of Sirte, a NATO drone-fired missile hit it, destroying one vehicle, witnesses said. After traveling a few more hundred meters westward, the rest of the convoy came upon a Misrata-based militia and was then struck by airburst bombs fired from a NATO warplane, which incinerated dozens of Gaddafi fighters. While some of the survivors of the NATO attack engaged in a skirmish with the Misrata militiamen, Muammar Gaddafi and other survivors from the convoy fled to a nearby walled villa compound, and soon thereafter tried to escape through the fields and two drainage pipes underneath a major road nearby. That is where the Misrata militias caught them.

This report presents evidence that Misrata-based militias, after capturing and disarming members of the Gaddafi convoy and bringing them under their total control, subjected them to brutal beatings before apparently executing dozens of them. One year later, Libyan authorities have neither investigated nor held accountable those who committed these crimes.



The entrance to the Mahari Hotel in Sirte on October 23, 2011, where the bodies of an estimated 66 captured members of the Gaddafi convoy were found, apparently victims of summary execution. At the time of the killings, the hotel was under the control of Misrata-based opposition fighters, who spray-painted the names of their units on the walls of the hotel. The red graffiti on the right of the entrance states "Tiger Brigade," a prominent Misrata fighting group.

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When militia fighters found Muammar Gaddafi and his inner circle hiding next to the drainage pipes, one of Muammar Gaddafi's bodyguards threw a hand grenade at them, which bounced off the concrete wall and exploded in the midst of the leadership circle, killing Gaddafi's Defense Minister Abu Bakr Younis, and spraying shrapnel that wounded Muammar Gaddafi and others, according to survivors of the incident whom Human Rights Watch interviewed. Muammar Gaddafi was immediately set upon by Misrata fighters who wounded him with a bayonet in his buttocks, and then began pummeling him with kicks and blows. By the time Muammar Gaddafi was loaded into an ambulance and transported to Misrata, his body appeared lifeless: it remains unclear whether he died from this violence, the shrapnel wounds, or from being shot later, as some have claimed.

That same morning of October 20, Misrata militia members separately apprehended Muammar Gaddafi's son Mutassim, who was in charge of the military defense of Sirte and had led the doomed convoy, as he tried to flee from the scene of the



fighting. Video footage taken shortly after his capture shows Mutassim conscious and able to walk, but with small shrapnel wounds in his upper chest. Video footage taken later on October 20 shows him talking in a room with Misrata fighters from the Lions of the Valley militia, drinking water and smoking cigarettes. By the afternoon of the same day, he was dead, with new major wounds that suggest he was killed in custody.

When the final battle ended, more than 100 members of the convoy were dead at the scene. While the majority died in fighting and NATO strikes on the convoy, at least some were apparently shot dead after anti-Gaddafi militias sweeping the area in the aftermath of the fighting found them alive and captured them.

Anti-Gaddafi forces captured alive an estimated 150 persons after the battle. They transported some 70 of these survivors to Misrata and held them there in custody, but at least 53 and possibly as many as 66 people were found dead the next day at the nearby Mahari Hotel. Amateur video footage recorded by a Misrata fighter shows 29 of the detained persons being beaten, slapped, insulted and spat upon by their captors, at the place of their capture. Six of the twenty-nine in the video have been identified by Human Rights Watch as being among the bodies photographed later on the grounds of the Mahari Hotel, and hospital staff in Sirte confirmed a match for an additional seven men seen on the video and those found at the hotel. Five other bodies at the hotel were identified by relatives and friends.



These killings apparently comprise the largest documented execution of detainees committed by anti-Gaddafi forces during the eight-month conflict in Libya. The execution of persons in custody is a war crime.

Libya's transitional authorities have taken no serious steps to investigate this grave crime, even though the evidence suggests that members of Misrata-based militias either perpetrated or have direct knowledge of this crime. To some extent, the failure of Libya's authorities to investigate shows their continuing lack of control over the heavily armed militias, and the urgent need to bring Libya's numerous militias under the full control of the new authorities. Human Rights Watch calls upon the Libyan authorities to take immediate steps to investigate and prosecute the killings in Sirte, and calls upon the international community to insist on accountability for these crimes, and to offer technical assistance in conducting the investigation.

Bodies of apparent execution victims found at the Mahari Hotel in Sirte on October 21, 2011, the day after the final battle with the Gaddafi convoy (left). An estimated 66 captured members of the Gaddafi convoy were apparently executed at the site by opposition fighters. Human Rights Watch researchers visited the site on October 23, 2011, and found the decomposing bodies of 53 apparent execution victims, all male, still at the scene (above).

© 2011 Lee Thompson (opposite)
© 2011 Peter Bouckaert/Human Rights Watch (above)



One of the bodies of the apparent execution victims found at the Mahari Hotel in Sirte on October 21, 2011. Some of the victims found at the Mahari Hotel had their hands tied behind their backs with plastic ties, indicating they had been in custody when killed. An estimated 66 captured members of the Gaddafi convoy are believed to have been executed at the hotel.

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A still image from a video recorded by opposition fighters on October 20, 2011, shows Ahmed Al-Ghariyani, a navy soldier from Tawergha (left) and another resident from Tawergha with a stomach wound (right), in the custody of opposition fighters in Sirte. Both men were later executed, and their bodies were found at the Mahari Hotel, where Sirte hospital volunteers photographed them before burial. The photograph on the right shows Al-Ghariyani's body as photographed by hospital volunteers, between October 21 and 22, 2011. In the seven-minute video, 29 detainees can be seen, including these two men, sitting against a wall opposite from where the final battle with the Gaddafi convoy took place, being abused, cursed, spat upon, kicked, and insulted. Using morgue photos, Human Rights Watch matched many of people in the video against the bodies found and recovered from the Mahari Hotel.





A still image (left) from a video recorded on October 20, 2011, by opposition fighters shows Gaddafi Behri in the custody of opposition fighters in Sirte. His body was later found on the grounds of the Mahari Hotel in Sirte, showing signs of execution. Sirte hospital volunteers photographed his body (right) sometime between October 21 and 22, 2011. In the seven-minute video, 29 detainees can be seen sitting against a wall opposite from where the final battle with Muammar Gaddafi's convoy took place, being abused, cursed, spat upon, kicked, and insulted. Using morgue photos, Human Rights Watch matched many of people in the video against the bodies found and recovered from the Mahari Hotel.


Meters
0
125
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750
Mahari Hotel: location of 66 suspected execution victims
Misrata Tiger Brigade Base
Water Treatment Plant
Gaddafi leadership sought shelter within compound
1st NATO airstrike
Site of Muammar Gaddafi's capture
2nd NATO airstrike
Locations of at least 103 bodies
Eastern Seacoast Brigade Base
Electrical relay station



Map detailing locations along the path of Muammar Gaddafi's convoy's attempted escape from Sirte, and the sites of confrontations and other incidents discussed in this Human Rights Watch report. Dozens of convoy members were detained alive and apparently executed by Misrata opposition fighters at the nearby Mahari Hotel.

RECOMMENDATIONS

TO THE LIBYAN AUTHORITIES

- **Investigate and prosecute, in accordance with international fair trial standards, the individuals credibly implicated in the killing in custody of members of the convoy of Gaddafi loyalists who tried to flee Sirte on October 20, 2011—including those liable under the concept of command responsibility for their failure to prevent or prosecute these crimes.**
- **Ensure that the commission of inquiry established by the National Transitional Council (NTC) to conduct a criminal investigation into all possible crimes committed in Sirte on and around October 20, 2011, actually starts its investigations and is afforded all possible cooperation by the Misrata authorities, particularly when calling in witnesses.**
- **Ensure that Misrata's chief prosecutor proactively coordinates between the forensics experts responsible for issuing the autopsy reports, the police agencies charged with gathering evidence, and other government institutions to accelerate the pace of investigation.**
- **Identify and adequately protect from intimidation, threats, or violence, witnesses and survivors and their families who have information about the crimes documented in this report.**
- **Securely preserve all evidence that could shed light on the crimes documented in this report, including video footage and photographic images, and ensure access to the crime scenes for the investigative authorities.**
- **State publicly that crimes committed by militias associated with the NTC will not be tolerated, and that such crimes will be investigated and punished, up to the highest level.**
- **Put into place a strict yet transparent vetting process for all those to be newly incorporated into any formal national security force, whether under the authority of the Ministry of Defense, Interior or Justice, and render ineligible anybody accused of committing serious crimes.**
- **Amend Law 38 of 2012, On Some Procedures for the Transitional Period, which gives an amnesty for "military, security, or civil actions dictated by the February 17 Revolution that were performed by revolutionaries with the goal of promoting or protecting the revolution." International law prohibits amnesty for serious international crimes such as war crimes and crimes against humanity and all cases of torture.**

TO THE INTERNATIONAL COMMUNITY

- **Demand accountability for the killings in custody of persons captured from the Gaddafi convoy, and support Libyan efforts to bring the perpetrators of these crimes to justice.**
- **Provide the Libyan authorities with any support required to investigate and prosecute these crimes, and share any intelligence and surveillance information collected by NATO or its members that may contribute to the investigation and prosecution of these crimes.**

TO THE PROSECUTOR OF THE INTERNATIONAL CRIMINAL COURT (ICC)

As part of ongoing UN Security Council-mandated jurisdiction over serious crimes committed by all sides to the conflict in Libya, the ICC prosecutor should:

- **Inform the Libyan authorities of their obligation to investigate and, where appropriate, prosecute allegations of war crimes committed by all sides to the conflict in Libya, including the crimes documented in this report in which members of anti-Gaddafi militia are implicated.**
- **Underscore concern about Libya's apparent unwillingness to address serious crimes committed by all sides, pointing out that the abuses may fall within the ICC's jurisdiction.**
- **Examine the crimes currently exempted from prosecution by laws recently passed in Libya, and if appropriate, investigate any that fall within the jurisdiction of the ICC.**
- **Monitor any domestic efforts to prosecute serious crimes with a view towards determining whether to open an investigation into those that fall within ICC jurisdiction, should Libyan efforts to demonstrate a lack of will or capacity to hold the perpetrators accountable.**

I. Background

In February 2011, peaceful pro-democracy protests broke out in Libya, and were quickly and violently repressed by Libyan government forces, leading to hundreds of deaths.[2] Despite the crackdown, protesters, buoyed by army defections, seized control of much of eastern Libya. The initially peaceful uprising rapidly evolved into an internal armed conflict between forces that remained loyal to Gaddafi and a broad coalition of opposition forces loosely coordinated under the banner of the NTC, the "interim government" formed by opposition leaders in the eastern city of Benghazi on February 27, 2011.

On March 17, as military forces loyal to the Libyan leader Muammar Gaddafi closed in on Benghazi, the opposition's key stronghold in the east, the United Nations Security Council (UNSC) passed Resolution 1973 imposing a no-fly zone over Libya and authorizing the use of "all necessary measures"—with the exception of an occupation force—to protect civilians. This led to NATO's Operation Unified Protector, which consisted of an arms embargo, the creation of a no-fly zone over Libya, and military action to protect civilians from attack or the threat of attack.[3] Subsequently pro-Gaddafi forces failed to retake Benghazi and eastern Libya. France, Qatar, the United Arab Emirates, and possibly other governments provided weapons and training to opposition forces, and Qatar later acknowledged that it had deployed hundreds of its own forces on the ground.[4]

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[2] "Libya: Governments Should Demand End to Unlawful Killings: Death Toll Up At Least 233 Over Four Days," Human Rights Watch news release, February 20, 2011, http://www.hrw.org/news/2011/02/20/libya-governments-should-demand-end-unlawful-killings.

[3] NATO, Operation UNIFIED PROTECTOR Final Mission Statistics, November 2, 2011, http://www.nato.int/nato_static/assets/pdf/pdf_2011_11/20111108_111107-factsheet_up_factsfigures_en.pdf. However, US President Barack Obama, UK Prime Minister David Cameron, and President Nicolas Sarkozy of France published a joint op-ed on April 14, 2011, stating that Muammar Gaddafi had to leave power:

> There is a pathway to peace that promises new hope for the people of Libya—a future without Qaddafi that preserves Libya's integrity and sovereignty, and restores her economy and the prosperity and security of her people. This needs to begin with a genuine end to violence, marked by deeds not words. The regime has to pull back from the cities it is besieging, including Ajdabiya, Misurata and Zintan, and return to their barracks. However, so long as Qaddafi is in power, NATO must maintain its operations so that civilians remain protected and the pressure on the regime builds. Then a genuine transition from dictatorship to an inclusive constitutional process can really begin, led by a new generation of leaders. In order for that transition to succeed, Qaddafi must go and go for good.

Barack Obama, David Cameron, and Nicolas Sarkozy, "Libya's Pathway to Peace," *New York Times*, April 14, 2011 (also reprinted in the *International Herald Tribune*, *Le Figaro*, and *The Times of London*).

[4] Ian Black, "Qatar admits sending hundreds of troops to support Libya rebels," *Guardian*, October 26, 2011.

Between February and August 2011, when Tripoli fell, pro-Gaddafi forces committed serious violations of human rights law and the laws of war. They detained thousands without charge, and often subjected them to torture and mistreatment in detention. Gaddafi's forces repeatedly launched indiscriminate attacks using mortars, artillery, and Grad rockets into civilian areas,[5] and indiscriminately laid tens of thousands of anti-personnel and anti-vehicle mines.[6] Human Rights Watch documented 20 cases of gang rape and sexual assault of men and women by pro-Gaddafi forces, although the overall extent of such abuses remains unknown.[7] Gaddafi's forces also executed prisoners in their custody, most notably just before the fall of Tripoli, when at least 45 detainees were executed in a warehouse located adjacent to the base of the Khamis Brigade, run by Gaddafi's son Khamis.[8]

Opposition forces also committed human rights abuses and violations of the laws of war, including some extrajudicial executions, arbitrary arrests and torture against detainees,[9] revenge attacks against towns that were seen as supportive of Gaddafi,[10] and widespread

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[5] "Libya: Cluster Munitions Strike Misrata: Human Rights Watch Witnesses Attack Into Residential Areas," Human Rights Watch news release, April 15, 2011, http://www.hrw.org/news/2011/04/15/libya-cluster-munitions-strike-misrata; "Libya: Indiscriminate Attacks Kill Civilians: Grad Rockets Fired Into Residential Area," Human Rights Watch news release, April17, 2011, http://www.hrw.org/news/2011/04/17/libya-indiscriminate-attacks-kill-civilians; "Libya: End Indiscriminate Attacks in Western Mountain Towns: Civilians Killed, Homes, Mosques and a School Damaged," Human Rights Watch news release, May 9, 2011, http://www.hrw.org/news/2011/05/09/libya-end-indiscriminate-attacks-western-mountain-towns.

[6] "Libya: Government Use of Landmines Confirmed: Opposition Forces Pledge Not to Use Mines," Human Rights Watch news release, March 31, 2011, http://www.hrw.org/news/2011/03/30/libya-government-use-landmines-confirmed; "Libya: Government Lays More Mines in Western Mountains: Three Antivehicle and Antipersonnel Mine Fields Discovered," Human Rights Watch news release, July 8, 2011, http://www.hrw.org/news/2011/07/08/libya-government-lays-more-mines-western-mountains; "Libya: Government Using Landmines in Nafusa Mountains: Placement of More Than 150 Antipersonnel Mines Confirmed," Human Rights Watch news release, June 21, 2011http://www.hrw.org/news/2011/06/21/libya-government-using-landmines-nafusa-mountains; Human Rights Watch Technical Briefing Note, "Landmines in Libya," July 19, 2011.

[7] "Libya: Transitional Government Should Support Victims: Promote Justice for Sexual Violence," Human Rights Watch news release, September 19, 2011, http://www.hrw.org/news/2011/09/19/libya-transitional-government-should-support-victims.

[8] "Libya: Evidence Suggests Khamis Brigade Killed 45 Detainees: Bodies Found in Burned Warehouse," Human Rights Watch news release, August 29, 2011, http://www.hrw.org/news/2011/08/29/libya-evidence-suggests-khamis-brigade-killed-45-detainees; "Libya: Gaddafi Forces Suspected of Executing Detainees: Evidence of War Crimes Before Tripoli Fell," Human Rights Watch news release, August 28, 2011, http://www.hrw.org/news/2011/08/28/libya-gaddafi-forces-suspected-executing-detainees; Human Rights Watch news release, "Libya: Mass Grave Yields 34 Bodies: Gaddafi Forces Had Detained Men at Base," September 14, 2011, http://www.hrw.org/news/2011/09/14/libya-mass-grave-yields-34-bodies; Human Rights Watch news release, "Libya: Ten Protesters Apparently Executed: Troops Stormed Room Where Demonstrators Hid, Town Residents Say," August 18, 2011, http://www.hrw.org/news/2011/08/18/libya-10-protesters-apparently-executed.

[9] "Libya: Opposition Arbitrarily Detaining Suspected Gaddafi Loyalists: Respect Due Process Rights; Reign in Volunteer Security Groups," Human Rights Watch news release, June 5, 2011, http://www.hrw.org/news/2011/06/05/libya-opposition-arbitrarily-detaining-suspected-gaddafi-loyalists; "Diplomat Dies in Militia Custody: Investigate Death of Former Envoy to France," Human Rights Watch news release, February 3, 2012, http://www.hrw.org/news/2012/02/02/libya-diplomat-dies-militia-custody.

[10] "Libya: Militias Terrorizing Residents of 'Loyalist' Town: Beatings, Shootings, Deaths in Detention of Tawerghans," Human Rights Watch news release, October 30, 2011, http://www.hrw.org/news/2011/10/30/libya-militias-terrorizing-residents-loyalist-town; "Libya: Bolster Security at Tawergha Camps: Survivors Describe Fatal Attack," Human Rights Watch news

attacks against Sub-Saharan African migrant workers they accused of being mercenaries for Gaddafi.[11]

The opposition forces fighting against Gaddafi in Libya's 2011 civil war were loosely organized and often did not fall under the centralized control of the NTC, the interim opposition body that was founded on February 27 in Benghazi and that ultimately succeeded the Gaddafi government. Hundreds of individual militias sprung up to fight against Gaddafi, organized around informal networks such as individual towns, companies, schools, former military units (in the case of defectors), or religious institutions to which members of the militia belonged. In almost every city and town across Libya, the primary loyalty of the city or town's militias was to their place of origin: hence, the myriad of militias became mostly identified with their place of origin, and loosely coordinated their activities along those lines.

The city of Misrata, and its militias, had a unique experience and profile during the 2011 conflict. Gaddafi forces subjected Misrata to a two-month siege in the spring of that year, with near-daily shelling that caused hundreds of civilian deaths while preventing humanitarian and medical aid from reaching the city. Human Rights Watch documented the government's use of mortar-fired cluster munitions and powerful, indiscriminate Grad rockets into residential neighborhoods of Misrata.[12]

Some of the militias from Misrata have also earned a reputation for brutality since overcoming the siege of Misrata. Most visibly, militias from Misrata continue as of this writing to prevent about 30,000 people from returning to their homes in Tawergha, a town south of Misrata, because they accuse them of having committed atrocities against the people of Misrata, in collaboration with Gaddafi forces. Displaced Tawerghans have been

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release, March 5, 2012, http://www.hrw.org/news/2012/03/05/libya-bolster-security-tawergha-camps; "Libya: Displaced People Barred From Homes: Misrata Authorities Fail to Stop Destruction of Nearby Villages," Human Rights Watch news release, February 21, 2012, http://www.hrw.org/news/2012/02/21/libya-displaced-people-barred-homes; "Libya: Opposition Forces Should Protect Civilians and Hospitals: Looting, Arson, and Some Beatings in Captured Western Towns," Human Rights Watch news release, July 13, 2011, http://www.hrw.org/news/2011/07/13/libya-opposition-forces-should-protect-civilians-and-hospitals.

[11] "Libya: Stop Arbitrary Arrests of Black Africans: Vulnerable Migrant Workers in Tripoli Need Protection," Human Rights Watch news release, September 4, 2011, http://www.hrw.org/news/2011/09/04/libya-stop-arbitrary-arrests-black-africans.

[12] "Libya: Cluster Munitions Strike Misrata: Human Rights Watch Witnesses Attack Into Residential Areas," Human Rights Watch news release, April 15, 2011, http://www.hrw.org/news/2011/04/15/libya-cluster-munitions-strike-misrata; "Libya: Indiscriminate Attacks Kill Civilians: Grad Rockets Fired Into Residential Area," Human Rights Watch news release, April17, 2011, http://www.hrw.org/news/2011/04/17/libya-indiscriminate-attacks-kill-civilians.

subjected to arbitrary arrest and torture in detention, in some cases leading to death.[13] Human Rights Watch wrote to the Misrata Local and Military Councils on April 8, 2012, raising concern about the level of abuses committed by Misrata-based militias and emphasizing that the political and military leadership of the city could be held accountable for failing to prevent or punish such crimes.[14]

The abusive behavior of some Misrata-based militias has caused a strong reaction from Benghazi-based militias that are under the more direct control of the NTC (which first established itself in Benghazi), who saw the abuses committed by some Misrata-based militias as undermining the legitimacy of their revolution and of the NTC. Following the attacks by Misrata militias against displaced Tawerghans, Benghazi militias intervened and brought thousands of displaced Tawerghans to a camp nearby Benghazi, where they could be more easily protected.[15]

The tensions between Misrata and Benghazi (or, more broadly, "eastern") fighters were also evident during the final battle for Sirte, the subject of this report. During the Sirte fighting, Misrata and Benghazi militias maintained separate frontlines (the western front for Misrata, the eastern for Benghazi) and each militia did not allow the other's fighters easy access to their frontlines. On the morning of the confrontation with Gaddafi's fleeing convoy, Human Rights Watch researchers elsewhere in Sirte, witnessed Benghazi fighters refusing access to their frontlines to a group of Misrata militiamen, whom they ordered to turn around and leave.

The final battle documented in this report took place in the area controlled by Misrata-based militias. Muammar Gaddafi fled directly into the midst of fighters from that city, which his forces had victimized during the war. The events that followed, often captured on video by the Misrata militiamen themselves, make it clear that the fighters from Misrata extracted a bloody revenge.

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[13] "Libya: Militias Terrorizing Residents of 'Loyalist' Town: Beatings, Shootings, Deaths in Detention of Tawerghans," Human Rights Watch news release, October 30, 2011, http://www.hrw.org/news/2011/10/30/libya-militias-terrorizing-residents-loyalist-town; "Libya: Bolster Security at Tawergha Camps: Survivors Describe Fatal Attack," Human Rights Watch news release, March 5, 2012, http://www.hrw.org/news/2012/03/05/libya-bolster-security-tawergha-camps.

[14] Letter from Human Rights Watch to Misrata Councils, "Libya: Letter to Misrata Councils," April 8, 2012, http://www.hrw.org/news/2012/04/08/libya-letter-misrata-councils.

[15] "Libya: Bolster Security at Tawergha Camps: Survivors Describe Fatal Attack," Human Rights Watch news release, March 5, 2012, http://www.hrw.org/news/2012/03/05/libya-bolster-security-tawergha-camps.

II. The Flight from Tripoli and Final Days in Sirte

Reconstructing Muammar Gaddafi's final days is difficult, as he was surrounded by a small circle of trusted confidants and bodyguards, most of whom were killed in the attempted escape from Sirte, as documented in this report. However, one close confidant of Gaddafi who spent those days in his company did survive the escape attempt, and was captured alive by one of the Misrata militias: Mansour Dhao, a loyal senior security official and the head of the People's Guard. Human Rights Watch and the *New York Times* located him in a detention facility in Misrata two days after the fighting that left Muammar Gaddafi dead, and were allowed to interview him at length in a private setting. Dhao offered a detailed account of Muammar Gaddafi's desperate final days, which is set out below. While Human Rights Watch cannot independently confirm the details of events offered by Dhao, they are consistent with the accounts of other survivors who lived through the same experience in District Two, but were not in direct contact with Muammar Gaddafi.

Muammar Gaddafi and his closest associates remained in the capital Tripoli until the fall of the city to the armed opposition on August 28, 2011, when they fled from Tripoli in different convoys and to various different destinations.[16] Khamis Gaddafi, a son of Muammar who commanded the elite 32nd "Khamis" Brigade of the Libyan military, was killed on August 29 as he fled Tripoli, in what is believed to have been a NATO airstrike on his convoy.[17] Another son, Saif al-Islam, reportedly fled to the loyalist town of Bani Walid. He told Human Rights Watch that he was lightly wounded in an October 17 NATO airstrike on his convoy in Wadi Zamzam, as he tried to flee towards Sirte. He was captured on November 19 near Libya's southern border by militia members from the western city of Zintan.[18] A third son, Mutassim, who served as Gaddafi's national security advisor and commanded the troops responsible for the eastern front in Libya's civil war, was already based in Sirte at the time of the fall of Tripoli and he remained there.

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[16] Human Rights Watch interview with Mansour Dhao, Misrata detention facility, October 22, 2011. Human Rights Watch was allowed to interview detainees in private at the detention facility.

[17] Rob Crilly and Ruth Sherlock, "Libya: Rebels Certain Khamis Gaddafi is Finally Dead," *The Telegraph*, September 4, 2011, http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8740688/Libya-rebels-certain-Khamis-Gaddafi-is-finally-dead.html; Richard Pendlebury, "The Car Was Armored Like a Tank. But That Wasn't Enough to Save Gaddafi's Son Khamis When the Oppositions Took Their Vengeance," *Daily Mail*, September 2, 2011, http://www.dailymail.co.uk/news/article-2032801/Khamis-Gaddafi-killed-Rebels-took-vengeance-despite-car-armoured-like-tank.html.

[18] Human Rights Watch interview with Saif al-Islam Gaddafi, Zintan detention facility, December 18, 2011.

Muammar Gaddafi fled to Sirte, where he was joined by Mansour Dhao. Others with him, according to Dhao, included Ezzedin al-Hanshiri, the head of Gaddafi's personal guard, Hamad Massoud, Gaddafi's personal driver, and a number of bodyguards.[19] Abdullah Sanussi, Gaddafi's intelligence chief, briefly joined Gaddafi and his closest associates in Sirte immediately after the fall of Tripoli, but then traveled to Sebha, 500 kilometers to the south, to inform his wife that their son had been killed. He did not return to Sirte.[20] Mutassim Gaddafi, who remained in charge of the military defense of Sirte, did not stay with his father and other senior officials, but came to see them regularly.

Muammar Gaddafi and his senior associates originally stayed in the center of Sirte, but as the fighting and shelling of the city intensified, they were forced to constantly move houses. Dhao described the increasingly desperate circumstances the group found itself in as the militia fighters closed in on them:

> We first stayed in the city center, in apartment buildings, but then the mortars started to reach there and we were forced to leave the apartment blocks and enter smaller neighborhoods in different parts of the city. Finally, we moved to district number two [a Sirte neighborhood on the western outskirts of the city, see map]. We didn't have a reliable food supply anymore; unfortunately our food supply was weak. There was no medicine. We had difficulty getting water. The water tanks were targeted, or maybe they were just hit in random shelling. Living was very hard. We just ate pasta and rice, we didn't even have bread. As you would know, just about every Libyan house has some food stocks, so we used what we found in the houses we were staying in.
>
> [Muammar Gaddafi] spent most of his time reading the Koran and praying. His communications with the world was cut off. There was no communication, no television, nothing. No news. Maybe we could use the Thuraya [satellite phone] and get some news, from al-Rai, Russia Today, BBC, or France 24—I mean, call people who watched those channels. We had no duties, we were just between sleeping and being awake. Nothing to

[19] Human Rights Watch interview with Mansour Dhao, Misrata detention facility, October 22, 2011.

[20] Ibid. Sanussi was captured in Mauritania on March 17, 2012.

> do. The supervision of the battle was done by Mutassim, we were just companions to [Muammar Gaddafi].[21]

Towards the end, the once all-powerful leader was sleeping in abandoned homes, scrounging for food, and simmering with anger over the steady deterioration of his situation, according to Dhao.

> We moved places every four or five days, depending on the circumstances. We would stay in the empty houses, but sometimes there would be some families around us. When people would leave the city, we would go stay in those emptied areas. Houses were just left open. We moved around in normal cars, a car or two, which would drop some of us off and then go for the others. We were often hit by the revolutionaries in the houses we were staying in, by mortars and Grad missiles, direct impacts on the houses we were staying in. Three of the guards were wounded, but there was no doctor.
>
> [As time went on] Muammar Gaddafi changed into becoming more and more angry. Mostly he was angry about the lack of electricity, communications, and television, his inability to communicate to the outside world. We would go see him and sit with him for an hour or so to speak with him, and he would ask, "Why is there no electricity? Why is there no water?"[22]

Muammar Gaddafi, his inner circle, and the remaining fighters around Mutassim Gaddafi were not the only people remaining in District Two, the final residential area under loyalist control as militia forces closed in. Wounded loyalists and other patients had also been moved from the main Ibn Sina hospital to an ad hoc field clinic inside District Two as the hospital came under the control of the militias, and some civilians had also chosen not to leave their homes despite the fierce fighting, although most were young, fighting-age men, with very few women or children remaining during the final days of the battle.[23]

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[21] Ibid.

[22] Ibid.

[23] Human Rights Watch interview with volunteer nurse, Sirte, October 24, 2011; Human Rights Watch interview with Osama Bel Ghasim, Sirte, October 22, 2011; Human Rights Watch interview with Yusef Mohammed Yusef, Sirte, October 22, 2011.

Attempted Escape from District Two, Morning of October 20

During the night from October 19 to October 20, a Human Rights Watch team observed intensive and continuous bombardment of District Two by Grad missiles and artillery, lasting until the early morning, when militia commanders informed the Human Rights Watch team that a convoy of loyalist vehicles was trying to break out of District Two and escape the city.

According to Human Rights Watch interviews with surviving members of the convoy, Mutassim Gaddafi had decided that their situation had become unsustainable, and organized for the remaining loyalists in District Two to gather at the ad hoc clinic and attempt to flee the besieged district during the early morning hours of October 20, accompanied by the wounded from the clinic as well as the civilians who had remained.[24] Mutassim's original plan was apparently to attempt to break out around 3:30 or 4:00 a.m., but the loading of the wounded and organizing of the remaining civilians took longer than expected, delaying the departure until 8 a.m., when many militia fighters had returned to their fighting positions, and denying the approximately 50-vehicle convoy the element of surprise.[25] The convoy consisted of approximately 250 persons, based on the later tally of the dead, wounded, and captured members of the convoy. Most of the vehicles in the convoy were 4-by-4 pickups, heavily loaded with munitions and weaponry, and often with mounted machine or anti-aircraft guns.

Human Rights Watch found no indication that the Gaddafi combatants used the wounded or remaining civilians as human shields to prevent themselves from being attacked during their flight from District Two. The non-combatants who fled District Two with the convoy interviewed by Human Rights Watch all said they did so voluntarily and without coercion, although not all of them appeared to have been aware at the time that Muammar Gaddafi and his inner circle would be traveling in the convoy.[26] However, there is no doubt that placing wounded persons (who were *hors de combat*) and non-combatants within a heavy armed convoy protecting Muammar Gaddafi and his inner circle placed those non-

[24] Human Rights Watch interview with volunteer nurse, Sirte, October 24, 2011. Other survivors interviewed by Human Rights Watch confirmed this account.

[25] Ibid.

[26] Human Rights Watch interview with volunteer nurse, Sirte, October 24, 2011; Human Rights Watch interview with Osama Bel Ghasim, Sirte, October 22, 2011; Human Rights Watch interview with Yusef Mohammed Yusef, Sirte, October 22, 2011.

combatants and wounded in mortal danger, and many of them were killed during the attempted break-out.

The cumbersome convoy of Gaddafi loyalists, wounded, and civilians first attempted to sneak their way westward along the coast, traveling inside abandoned residential neighborhoods, but soon ran into militia forces who tried to stop the convoy.[27] The heavily armed convoy managed to fight its way through some initial skirmishes and make it to a main road heading south out of the city, but as it reached the open road it was struck by an air-fired missile that exploded next to the car carrying Muammar Gaddafi and other leadership figures, according to Mansour Dhao:

> [As we escaped], the air coverage was against us and targeted us immediately, twice. We were nearly hit by a missile—they didn't hit our car directly, but the missile hit right next to us and created such a powerful blast that the air bags in the car inflated and I was hit by shrapnel.[28]

Unable to continue down the main road, the convoy again tried turning off into neighboring dirt roads west of the main road to escape the overflying warplanes and drones, and the militia fighters attempting to stop them. There was no escape: the convoy ran right into the base of another Misrata militia, and found itself trapped, with war planes flying overhead.[29] The fighters on the convoy refused to stop fighting, and attacked the militia base blocking the road ahead of them, hoping to overpower it and break open an escape path, according to Khalid Ahmed Raid, a commander at the base:

> The convoy came towards our brigade building and shot at our gate with RPGs [Rocket-Propelled Grenades], and then opened fire on us. So we began to fight back. They tried to go around our base, and some of them went under the main road using the tunnels to try and approach our base. We opened fire on them with our [anti-aircraft] guns.[30]

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[27] Human Rights Watch interview with volunteer nurse, Sirte, October 24, 2011.

[28] Human Rights Watch interview with Mansour Dhao, Misrata detention facility, October 22, 2011.

[29] Human Rights Watch interview with Mansour Dhao, Misrata detention facility, October 22, 2011; Human Rights Watch interview with volunteer nurse, Sirte, October 24, 2011.

[30] Human Rights Watch interview with Khalid Ahmed Raid, commander of the Eastern Coast militia, Sirte, October 21, 2011.

As the convoy got pinned down and fought with militia fighters, NATO fighter jets, operating under NATO, bombed it with two low-altitude airburst GBU-12 500-pound bombs,[31] spraying the vehicles and their occupants with shrapnel. The bombs and the secondary explosions caused by the explosion of munitions that had been loaded on the vehicles killed many of the occupants of the vehicles, incinerating those who were inside the vehicles near the center of the blast.[32] On October 21, the day after the incident, Human Rights Watch counted 53 bodies and 14 destroyed vehicles at the site of the airstrike, including 28 bodies that were burned beyond recognition, and 25 bodies of persons, the majority of whom appear to have died from shrapnel wounds caused by the airburst bombs and the secondary explosions of the munitions in the vehicles.

[31] Confidential email communication with NATO official who requested anonymity, on file with Human Rights Watch, February 24, 2012; Human Rights Watch interview with Khalid Ahmed Raid, commander of the Eastern Coast militia, Sirte, October 21, 2011. During a Human Rights Watch inspection of the site of the battle on October 21, 2011, Human Rights Watch researchers did not find any craters from air-dropped bombs where the convoy had been attacked, suggesting that the bombs used were airburst above the convoy.

[32] Human Rights Watch inspection of the site of the battle, October 21, 2011.

III. The Capture of Muammar Gaddafi and His Inner Circle

Following the NATO bombing strike on the convoy, the survivors scattered. Muammar Gaddafi and his inner circle, all of whom survived, took shelter in a nearby abandoned villa compound, but came under heavy fire from the militia fighters nearby, who fired on the villa with anti-aircraft guns and mortars. Younis Abu Bakr Younis, one of the sons of Abu Bakr Younis, Gaddafi's defense minister, who was himself at the scene of Muammar Gaddafi's capture, described what happened to Human Rights Watch when interviewed in private in January 2012 at a Misrata detention facility:

> [After the NATO strike], people tried to take shelter in two neighboring buildings [compounds]. We saw Mutassim injured there, he had been at the front of the convoy when it was hit. At the entry of the villa compound, there was a guard-house, and we found Muammar there, wearing a helmet and a bullet-proof vest. He had a handgun in his pocket and was carrying an automatic weapon. Mansour Dhao came and took my father and Muammar into the other house. We stayed there for just a couple minutes. Mansour left and came back, saying all the cars had been destroyed. Then the villa started being shelled so we ran out of there. There were a lot of cement construction blocks outside and we hid among those, with the families and the guards.[33]

Younis Abu Bakr Younis went on to say that during their brief stay at the villa, Mutassim Gaddafi made the decision to try and open the road with a group of 8 to 12 fighters, and left, telling his father, "I will try and find you a way out of here."[34] This account was confirmed by a second witness interviewed by Human Rights Watch.[35] As Muammar Gaddafi and the remaining members of the inner circle were pinned down at the cement construction blocks outside the villas, Mansour Dhao suggested that they run towards a drainage pipe under the main road about 100 meters away, and attempt to reach another series of farms across the road.[36]

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[33] Human Rights Watch interview with Younis Abu Bakr Younis, detention facility in Misrata, January 30, 2012.
[34] Ibid.
[35] Human Rights Watch interview with volunteer nurse, Sirte, October 24, 2011.
[36] Human Rights Watch interview with Younis Abu Bakr Younis, detention facility in Misrata, January 30, 2012.

Muammar Gaddafi, accompanied by Mansour Dhao, Abu Bakr Younis, the two sons of Abu Bakr Younis, and about six or seven bodyguards ran across an open field, and crawled through the drainage pipe towards the opposite (western) side of the north-south road. When they emerged at the opposite side, they were spotted almost immediately by the militia fighters.[37]

As Muammar Gaddafi and his inner circle sheltered at the end of the drainage pipes, his bodyguards battled the militiamen above them on the road. As the militia fighters reached the part of the road above the drainage pipe, one of the bodyguards threw several grenades at the militiamen located right above them.[38] According to Younis Abu Bakr Younis, who was present at the scene, one of those grenades injured Gaddafi and members of his entourage:

> The guards threw grenades up towards the road, but the third grenade hit the concrete wall and bounced back to fall between Muammar Gaddafi and Abu Bakr Younis. The guard tried to get the grenade and throw it again, but it exploded and he lost part of his arm. The shrapnel hit my father and he fell down to the ground. Muammar Gaddafi was also injured by the grenade, on the left side of his head. I ran towards my father, but he didn't answer when I asked him if he was okay. I saw Muammar bleeding, and Mansour was also lying on the ground—the guard was dead.[39]

Abu Bakr Younis, who was wearing a flak jacket and helmet, died at the scene from shrapnel injuries, according to his two sons and video evidence reviewed by Human Rights Watch.[40]

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[37] Ibid.

[38] Ibid.

[39] Human Rights Watch interview with Younis Abu Bakr Younis, detention facility in Misrata, January 30, 2012.

[40] Ibid.

IV. The Capture and Death of Muammar Gaddafi

Following the grenade explosion, groups of militia fighters immediately descended from the main road and captured the badly bleeding Muammar Gaddafi. The presence of Muammar Gaddafi in the fleeing convoy surprised the militia fighters, who, like most people in Sirte at the time, including a Human Rights Watch team, had no inkling that he had been present in Sirte until the moment of his capture.

Raw, unedited cell phone footage obtained by Human Rights Watch documents the three minutes and 38 seconds following Muammar Gaddafi's capture. As soon as the militia fighters had custody of Gaddafi, they began abusing him. Blood was already gushing from the shrapnel wound in his head. As he was being led onto the main road, a militiaman stabbed him in his anus with what appears to have been a bayonet, causing another rapidly bleeding wound.[41]Misrata militia fighters surrounded Gaddafi, punching and beating him, and yelling "Allahu Akbar!" and "Misrata!" over and over again. In an interview with Human Rights Watch, Khalid Ahmed Raid, the commander of the Eastern Coast militia brigade of Misrata, which was based near the scene of the battle and capture, acknowledged that the situation with Muammar Gaddafi was out of control:

> One of the groups of rebels was sweeping the area when they found Gaddafi, who was accompanied by about 15 fighters. One person from their group came out and asked for help, saying they had some wounded persons. Abu Bakr Younis Mansour Dhao, and Abd al-Nabi Dhao were with Gaddafi. Abu Bakr Younis was dying. Mansour Dhao survived, he was brought to our base alive, he walked on his own when he was brought here…
>
> When we captured Gaddafi, the situation was a mess. There were very many fighters around. He was alive when I saw him, so he must have been shot later, not when we saw him here. But it was a violent scene, he was put on the front of a pickup truck that tried to drive him away, and he fell off. It was very confusing. People were pulling on his hair and hitting him. We

[41] Some of the media accounts described this attack as an attempt to sodomize Muammar Gaddafi with the bayonet, but it is unclear whether the stabbing was an intentional sexual assault.

> understood there needed to be a trial, but we couldn't control everyone, some acted beyond our control.[42]

The militiamen ultimately put Muammar Gaddafi into an ambulance, and drove him away from the scene to Misrata in a massive convoy. Phone video footage obtained by Human Rights Watch taken at the scene of his capture appears to show Muammar Gaddafi's nearly naked and apparently lifeless body being loaded into an ambulance, suggesting that he may have been dead by the time he left the area of his capture.[43] By the time Muammar Gaddafi arrived in Misrata, a trip of at least two hours, he was almost certainly dead, and images of his body began circulating. There, his body was displayed to the public. The exact circumstances of his death remain unclear: some militia fighters from Benghazi claim to have shot Gaddafi dead during a dispute with Misrata fighters about where to take him, but their claims remain unconfirmed.[44] The bodies of Muammar Gaddafi, Mutassim Gaddafi, and Abu Bakr Younis were ultimately buried in a secret, unmarked desert location, to prevent their burial place from becoming a rallying point for his former loyalists.

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[42] Human Rights Watch interview with Commander Khalid Ahmed Raid, Sirte, October 22, 2012.

[43] Video available on YouTube: http://www.youtube.com/watch?feature=player_embedded&v=yuRzoFa5-h8 (accessed July 3, 2012).

[44] Video available on YouTube: http://www.youtube.com/watch?v=CJ8wBkokBcU&feature=related (accessed April 1, 2012); Video available on YouTube: http://www.youtube.com/watch?v=z9kKa9uiGZY&feature=related (accessed July 3, 2012).

V. Summary Executions at the Site of Muammar Gaddafi's Capture

The battle, including NATO's aerial bombing, that led to Muammar Gaddafi's capture left at least 103 members of the convoy dead in the immediate vicinity. A Human Rights Watch team which visited the scene of the battle the day after the capture and death of Muammar Gaddafi counted and photographed the bodies. The bodies were left at the scene of the battle until October 25, when they were collected by volunteers from the city of Sirte and buried in plastic body bags in a common grave. As far as Human Rights Watch is aware, no Libyan investigators visited the scenes of the incidents described in this report at the time, or since then, to analyze the information at the scene, and determine if any summary executions or other crimes were committed.

The bodies were scattered over a large area comprising an electrical power relay station, several walled villas, an open field, the two sides of the drainage pipes where Gaddafi and his inner circle were captured, and a water treatment plant several hundred meters away. While the majority of the bodies appear to have been killed in the fierce fighting and NATO bombing that preceded the capture of Gaddafi, as evidenced from the severe shrapnel and blast injuries they suffered, at least some of the men appear to have been summarily executed after the fighting.

Video clips filmed by mobile phone cameras at the time of Gaddafi's capture and posted on social media sites offer visual evidence for at least one such execution. In one video clip showing Gaddafi in the custody of militia fighters at the drainage pipes just moment after his capture, a dazed but alive young man with his right leg in a cast can be seen sitting down on the ground behind Muammar Gaddafi and his captors, appearing virtually unharmed, with his hands raised in a gesture of surrender. As the phone camera pans away from the young man and focuses on Gaddafi and his captors, several short bursts of machine gun fire can be heard in the background. In a second video clip apparently filmed just moments later, a group of men captured from the convoy are filmed on the main road above the culvert with the drainage pipes being brutally beaten by militiamen, and the phone camera then pans down to show the same young man with the cast on his leg lying lifelessly among the bodies of several dead Gaddafi loyalists, with blood still flowing from

his wounds. While the actual moment of his killing was not caught on camera, the two video clips taken together strongly suggest that he was shot dead by militia fighters in the moments immediately after his capture, as there do not appear to be any exchanges of gunfire taking place at the time the videos were recorded. A Human Rights Watch inspection of his body the day after the killing found that he had been shot in the chest and the upper right leg.

It is impossible to determine how many of the 103 persons whose bodies were found at the scene of Gaddafi's final battle had been summarily executed. The NATO airstrike on the convoy appeared to have killed at least half of them. But determining the cause of death of the remaining 50 bodies at the scene is now very difficult given the passage of time and certainly impossible without a full forensic investigation. However, in addition to the apparent execution of the young man with the cast on his left leg described above, Human Rights Watch found several additional clusters of bodies of persons who appear to have been executed rather than killed in combat.

At the two walled villa compounds where Gaddafi and his inner circle briefly sought refuge, Human Rights Watch researchers found the bodies of six men, five of them apparently killed with gunshots, in circumstances that point to executions. Human Rights Watch cannot exclude the possibility that these men were killed in crossfire, committed suicide, or were killed by Gaddafi loyalists, but the circumstances are suspicious enough to require further investigation. Two of the bodies were found outside the compound, both with gunshot wounds to the head. A few meters away, just inside the walls of one of the villa's compound, two bodies of men with serious wounds that had been bandaged prior to the convoy's escape attempt clinic who appear to have been carried there in blankets lay on the ground, their bodies riddled with bullets. The previously treated and bandaged extensive wounds on one of the bodies indicated it was unlikely he was mobile at the time of his killing, and it appeared that both men had been fired upon and killed as they lay on the ground in the blankets they have been carried on. Inside the villa, the body of a fifth person was found, an older man with a single gunshot wound to the forehead. At the second villa, which had been briefly used by Gaddafi and his inner circle, the body of a sixth man was found with a large gunshot wound to his head, but the circumstances of his death were less clear.

VI. The Capture and Execution of Mutassim Gaddafi

Mutassim Gaddafi, Muammar's fifth son who commanded the loyalist forces in Sirte, left his father at the walled villa compound where they were sheltering, saying he would try to find a way out of the siege with a group of loyalist guards.[45] He never returned, and was captured as he tried to break through the encirclement. Like his father, Mutassim was captured alive, but was dead just a few hours later, under circumstances that strongly suggest that he was executed by Misrata militiamen.

Several phone video recordings posted on YouTube and reviewed by Human Rights Watch, apparently made by militia fighters who were present at the scene, show Mutassim Gaddafi alive after his capture, apparently without the fatal wounds that caused his death.

In a first video clip, which appears to have been recorded shortly after his capture in Sirte,[46] a dazed and wounded Mutassim Gaddafi is shown reclining on the back of a pick-up truck, clutching a bleeding wound in his upper chest and surrounded by a large group of militia fighters. Dozens of additional militia vehicles are visible in the background, parked along a road and a long wall. Mutassim is then made to stand up, and is seen walking unsteadily away when the video ends.

In a second video, Mutassim can be seen on the back seat of a white pick-up truck, still bleeding and with his eyes closed, as members of the Lions of the Wadi militia from Misrata claim credit for his capture, saying they worked together with the Tiger (*al-Nimer*) and Lion (*al-Asad*) brigades of Misrata, two militias who may be implicated in the executions at the Mahari Hotel (see below).[47] In the video, the main person speaking gives his name, and says he is a member of the Lions of the Wadi militia from Misrata, and names six individuals he says are responsible for the capture of Mutassim Gaddafi. The video also clearly shows the faces of at least three other militia members.

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[45] Human Rights Watch interview with Abdul Hamid, survivor of convoy, Sirte, January 28, 2012.

[46] Video available on *The Telegraph* website: http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/libya-video/8840174/Amateur-video-shows-Gaddafi-son-Mutassim-alive-after-Sirte-capture.html (accessed July 3, 2012).

[47] Video available on YouTube: http://www.youtube.com/watch?v=93Eho7BK_tI&feature=results_main&playnext=1&list=PLF62438074D0DFD38 (accessed July 3, 2012).

In a third video, apparently filmed by a comrade of the Lions of the Valley [Ussoud al-Wadi] militiaman who filmed the second video, Mutassim is shown resting on a bed, and is offered water and cigarettes. His captors state that they plan to distribute the video of him in detention over the Internet. When his captors reassure him that they will treat his wounds, Mutassim replies that "these [wounds] are my medals." Mutassim proceeds to criticize his captors for filming him, telling them to stop acting like adolescents. In return, his captors threaten him, saying: "You think this is child's play? You'll see when we are finished with you! You will see, you dog!" His captors then say, "He wants to look like a hero in the video, he wants people to say he was stubborn until the end." Mutassim then asks the man filming him, whom he identifies by name, if he can speak to him alone for a minute. The man agrees, and asks the others to leave, and the video clip ends.[48]

Human Rights Watch knows the identities of the individual who filmed these sequences showing Mutassim Gaddafi, as well as one of other members of the Lions of the Valley militia who was also present in the room at the time. Both are members of the Misrata Lions of the Valley militia. Members of the militia initially confirmed that they had captured and filmed Mutassim, but then stopped cooperating with Human Rights Watch once they realized that we were investigating the circumstances of Mutassim's death.

Mutassim Gaddafi was dead by the afternoon of October 20, just hours after his capture. Libyan television broadcast footage of his dead body on a hospital stretcher in the afternoon of October 20 (the footage was filmed during daylight hours).[49] Human Rights Watch viewed the body of Mutassim Gaddafi on October 21, the following day, at a meat locker in Sirte, and found that the body had a large wound on his throat which did not exist in the video images of the captured Mutassim reviewed by Human Rights Watch. Another large gash is visible on his lower stomach. The throat wound thus must have been inflicted after the videos of a captured Mutassim were recorded, strongly indicating that he was killed in the custody of his captors just hours after he was detained. Because Human Rights Watch was not allowed to turn over the body, we could not determine whether the wound was a bullet exit wound, or inflicted by other means.

[48] Video available on YouTube: http://www.youtube.com/watch?v=Qrr4hIswuCY (accessed July 3, 2012).

[49] Video available on YouTube: http://www.youtube.com/watch?v=f1nZyByot3A (accessed July 3, 2012).

VII. Executions of Detained Convoy Survivors at the Mahari Hotel

Following the end of the battle that led to the capture and death of Muammar Gaddafi, the militias captured an estimated 140 Gaddafi loyalists alive around the scene of the battle. Human Rights Watch researchers observed a group of about 70 of these captives loaded on the back of a large military truck outside the Sirte field hospital operated by the militias on the western outskirts of Sirte, shortly before these captives were moved to Misrata around mid-day on October 20. Some higher-value detainees, such as Mansour Dhao and the two sons of Abu Bakr Younis who also surrendered at the scene of the battle, were transported separately to Misrata immediately after their capture.

Not all of those detained at the scene of the battle were transferred to Misrata. On the morning following the final battle, the bodies of at least 66 apparent execution victims were found at the nearby Mahari Hotel, located just a few hundred meters north of the site where militiamen had captured Muammar Gaddafi.[50]The evidence at the scene, together with the video evidence showing some of the men alive in custody at the scene of their capture (see below), indicates that the victims were brought to the hotel after being captured and then executed, on the same day as the capture of Muammar Gaddafi.[51]

Human Rights Watch researchers visited the Mahari Hotel on October 23, 2011, and found the decomposing bodies of 53 apparent execution victims, all male, still at the scene (roughly twelve of the victims who had been identified by family members or friends had been removed prior to Human Rights Watch's visit, according to the volunteer workers on the scene).[52] The bodies were clustered together, apparently where they had been killed, on the grass of the sea-view garden of the Mahari Hotel. The grass beneath and around

[50] Human Rights Watch interview with Sirte volunteer worker at the Mahari Hotel, Sirte, October 23, 2011.

[51] The stage of decomposition of the bodies at the Mahari was similar to that of those found at the scene of the final battle with Gaddafi's convoy, and journalists first observed the bodies at the Mahari Hotel on October 21, the day after the battle with the Gaddafi convoy. Human Rights Watch initially estimated that the victims were killed between October 14 and 19 ("Libya: Apparent Execution of 53 Gaddafi Supporters: Bodies Found at Sirte Hotel Used By Anti-Gaddafi Fighters," Human Rights Watch news release, October 24, 2011, http://www.hrw.org/news/2011/10/24/libya-apparent-execution-53-gaddafi-supporters), but a comparison of the similar state of decomposition of the bodies at the Mahari Hotel and at the scene of the fighting with the Gaddafi convoy, as well as the evidence collected by Human Rights Watch since then, suggests the victims at the Mahari Hotel were killed on October 20, the day they were detained.

[52] Human Rights Watch interview with Sirte volunteer worker at Mahari Hotel, October 23, 2011.

many of the bodies was stained in blood. Some of the men had their hands tied behind their backs with rope or plastic ties.[53] Spent casings from AK-47 and FAL rifles lay scattered around the site.

It is unlikely that the men had been killed at the scene of the final battle and then transported to the hotel. The scene of the battle was in fact littered with the bodies of more than 100 persons, whom the rebels had left behind.

Human Rights Watch found no evidence of any gun battle at the scene where the bodies were found, or any damage from a gun battle visible on the walls of the hotel facing the scene where the bodies were found.

The bodies were first discovered by Sirte locals on October 21, the day after the battle with the Gaddafi convoy, and visited by international journalists on the same day.[54] Like the bodies found at the site of the battle with the Gaddafi convoy, some of the bodies at the Mahari Hotel had bandages covering serious wounds, suggesting that they may have been treated for wounds prior to the day of the convoy, either at Ibn Sina Hospital or at the field clinic inside District Two from where Gaddafi's convoy had departed.

Human Rights Watch has obtained a copy of a seven minute-long video recording made on a mobile phone, appearing to show militiamen from Misrata beating, cursing, abusing, and threatening a group of 29 members of the Gaddafi convoy after the end of the fighting with the Gaddafi convoy. In the video, the captured persons are shown seated against the outer wall of the compound used by the Eastern Coast militia group of Misrata, located just opposite the road from where the final battle with the Gaddafi convoy had taken place.[55] Many of the men had their hands tied behind their backs. The men are asked about their town or origin and tribal affiliation, and many are beaten, cursed, and spat upon in the video. Captured detainees identified as being from the town of Tawergha are singled out for harsher abuse, as are members of the Gaddadfa tribe to which the Gaddafi family belonged, as well as residents from Sirte.

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[53] Some of the plastic ties had been cut from the hands of some of the bodies at the time of Human Rights Watch's visit on October 23, but the rigor mortis that had set in showed the bodies had their hands tied behind their backs, and the cut plastic ties were still in situ, next to the bodies.

[54] Human Rights Watch interview with Sirte volunteer worker at Mahari Hotel, October 23, 2011.

[55] Human Rights Watch researchers visited the site and matched certain characteristics of the wall with the wall in the video.

At least 12 of the 29 captured men shown in the video appear to match those later found executed at the Mahari Hotel. Volunteers photographed and numbered the bodies at the hotel prior to their burial in Sirte on October 25, 2011. A review of some of the post-mortem photos made available to Human Rights Watch found six persons visible in the video who appear to match those photographed post-mortem at the Mahari Hotel. Members of the staff at Ibn Sina hospital in Sirte confirmed another 6 of the 29 people in the video were among the dead found at the Mahari, meaning that at least 12 of the 29 people in the video appear to have been executed. Human Rights Watch has not been able to obtain a complete set of the post-mortem photographs from the Ibn Sina hospital, so it is possible that more of those visible in the video were among the dead bodies found at the Mahari Hotel. Human Rights Watch has also established that at least some of those in the video are alive and out of custody, while others remain detained in Misrata.

Among those identified in the video as alive by Human Rights Watch and later found dead at the Mahari Hotel are:

- Abd'el Aziz Ajaj Ahmayd, a nephew of Muammar Gaddafi from Gaddafi's birth village of Jeraf, aged around 45. In the video, he is shown being questioned, slapped, and spat upon, while being asked: "Who is this shafshufa [a derogatory term for Muammar Gaddafi, describing his unkempt hairstyle]? Shame, shame, why is your hair like this? Where are you from, you animal? Your hair is like Gaddafi's!" His body was found at the Mahari Hotel, and buried as unidentified body number 97. (Ahmayd's brother, Muftah Ajaj Ahmayd, also seen in the video, remains unaccounted for but is presumed dead.)
- Gaddafi Al-Dam Mohammed Behri, 35,is seen in the video being questioned, slapped, and spat upon, while the following exchange takes place: "Q: Where are you from? A: I am a Gaddadfa. Q: (slaps) Which part of the Gaddadfa [tribe]? A: Umili. Q: You are the lowest class of Gaddadfas! [spits]." His body was found at the Mahari hotel, and buried as unidentified body number 85.
- Ahmed Ali Yusuf al-Ghariyani, 29, was a Navy soldier originally from Tawergha. In the video, he is beaten, kicked and has shoes thrown at him while the following is said: "Q: Tawergha? Is this faggot from Tawergha? Tawergha? Where are you from? A: Tawergha. Q: You were eating the goods from Misrata! You were eating the goods

from Misrata!" His body was found at the Mahari hotel, and marked and buried as unidentified body number 86.

- Haj Faraj al-Hissouni, age unknown. He is seen briefly in the video, having a short exchange with his captors: "Q: Where are you from, you black snake (an insulting term for dark-skinned Libyans)? A: I'm Hissouni. Q: Syrian? A: No, Hissouni, Hissouni. Q: (while walking away) Where are the Gaddadfa [members of the Gaddafi tribe]? Bring them out!" Al-Hissouni's body was found at the Mahari Hotel, and marked and buried as unidentified body number 113.
- Abdullah Muftah al-Husnawi, a young man from Sirte. In the video, the following exchange takes place: "Q: From where are you? A: Sirte. Q: From where? A: Sirte. Q: So we are the people you call rats, and you killed them, our brothers? Son of a Bitch! (spits) Who are the rats now, who turned out to be the rats? They are all dead now." His body was found at the Mahari hotel, and buried as unidentified body number 81.
- An unidentified dark-skinned man in a dark blue shirt, from the eastern town of Ajdabiya. He is slapped and spat upon while the following exchange takes place: "Q: where are you from? A: From Ajdabiya. Q: Huh? A: Ajdabiya, Ajdabiya. Q: You are a liar, you are Sudanese! A: I swear, I swear, I'm from Ajdabiya. Q: (slaps and spits on him) You are Sudanese, the men from Ajdabiya are real men!" His body was found at the Mahari hotel and marked as unidentified body number 80. According to a hospital worker, the brother of the dead man recovered his body and returned it to Ajdabiya. Human Rights Watch was not able to establish his name.

In addition to the six persons who were identified in the photos obtained by Human Rights Watch of the bodies at the Mahari Hotel, hospital officials at the Ibn Sina hospital identified an additional six persons visible in the video who they confirmed were among the dead found at the Mahari hotel. They include a bleeding, bearded man in a blue outfit and grey jacket, identified as Hussein al-Agmati; a father and son from the Hissouni tribe whose names are unknown;[56] a young bearded man from Sirte identified as Hussein Dhao

[56] The father and son are questioned in the video: Q: Where are you from? Are you Gaddadfa? A: (Son) I'm Hissouni, Hissouni. (Father) We are both Hissouni. Q: Show us your documents (father takes out documents) Q: In God's name, Hadj, how did you get the bald spot? Is it from [praying to] Gaddafi? A: (Father) God prevails. Q: God prevails, huh? A: (Father) Thanks God that I am still walking on my feet. Q (to son): And where are you from? A: (Son) This is my father. Q: There is no God but God. (turns to next person).

al-Agmati;[57] a young man from Bin Jawad with a red Kaffiyeh tied around his head;[58] a thin, dark-skinned man who is believed to be from Tawergha, wearing a blue and white checkered shirt, with a bandaged stomach wound.[59]

In addition to the 12 persons identified by hospital records among the dead from the video, at least five additional bodies at the Mahari Hotel were identified by family members and friends as Sirte residents, according to the volunteers working to remove the bodies from the hotel: Ezz al-Din al-Hinsheri, a former high-ranking Gaddafi official, Muftah Dabroun, a military officer, Hussein Muftah Gossi (age 23), Muftah al-Deley, and Mahmoud Saleh.[60] Al-Hinsheri remained with Gaddafi's inner circle during the final fighting, so most likely was detained and transported to the Mahari Hotel prior to his execution.

Visiting the Mahari Hotel on October 23 and 24, Human Rights Watch researchers found the walls of the hotel covered with graffiti indicating the names of Misrata-based militias that had been based at the hotel. At the entrance of the hotel, as well as on its interior and exterior walls, were the words "Tiger Brigade" (*al-Nimer*), one of Misrata's largest militias. This brigade reportedly lost two of its commanders in the battle for Sirte.[61] The names of four smaller Misrata militias, all of whom were closely affiliated and perhaps under the command of the Tiger Brigade, also appeared on many of the walls and may have been present at the time of the executions: the "Support Brigade" (a*l-Isnad)*, the "Jaguar Brigade" (*al-Fahad*), the "Lion Brigade" (*al-Asad*), and the "Citadel Brigade" (*al-Qasba*).

On the evening of October 24, Human Rights Watch researchers met with two men who described themselves as the two main commanders of the Tiger Brigade at their base in Misrata, Omran al-Oweib and Abdal-Salaam (last name unknown). The commanders

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[57] Hussein Dow al-Agmati is questioned in the video: Q: Where are you from? A: Sirte. Q: (repeatedly slaps and spits on him) Did you sell your country? What did you get from Gaddafi? Sirte, why did you fight for Gaddafi, what did you get? Shame on you, you are a son of the country! 42 years! Look at his face, it looks like a dog's!

[58] He is questioned in the video: Q: Are you Egyptian? A: No I am Syrian. Q: No you are a Satcheen (derogatory term for persons of mixed Egyptian-Libyan heritage). Satcheen, satcheen, you son of a dog!

[59] He is threatened on the video:
Q: I will kill all of you with a 23mm [anti-aircraft] gun! Are you from Tawergha, motherfucking Tawergha? (spits) From Tawergha, you shit? Where you with them on the secret march?

[60] "Libya: Apparent Execution of 53 Gaddafi Supporters: Bodies Found at Sirte Hotel Used by Anti-Gaddafi Fighters," Human Rights Watch news release, October 24, 2011, http://www.hrw.org/news/2011/10/24/libya-apparent-execution-53-gaddafi-supporters.

[61] Gert Van Langendonck, "In Gaddafi's Hometown, Signs of Trouble for Libya," *Christian Science Monitor*, October 25, 2011, http://www.csmonitor.com/World/Middle-East/2011/1025/In-Qaddafi-s-hometown-signs-of-trouble-for-Libya.

acknowledged that the Tiger Brigade and its associated militias had been in control of the Mahari Hotel for at least several weeks prior to the final battle with the Gaddafi convoy, and had used the hotel as a lookout and firing point because of its prominent position overlooking District Two.[62] The Tiger Brigade and associated militias located their main base at a factory next to the hotel; the hotel itself was too exposed to return fire to serve that function. The commanders acknowledged being present at the Mahari Hotel on the morning of October 21 when the Gaddafi convoy attempted to break out of the adjacent District Two, but claim they were forced to "pull back" from the hotel because of the heavy firing from the convoy, whereupon they joined the battle down the road that led to the capture of Muammar Gaddafi—and also to the capture of at least some of the persons later found dead at the hotel, as apparent from the video.

The commanders of the Tiger Brigade acknowledged that a large number of Gaddafi loyalists whose hands were bound had been executed at the hotel, but denied any knowledge of the event. According to Omran al-Oweib, their fighters left the Mahari Hotel in the morning to join the fight with the Gaddafi convoy, and returned about midday to find the bodies already at the hotel:

> When we returned to the hotel, we found so many dead bodies there. We felt sad because when these people were executed, they could no longer share information. They were killed in a random way, it was done quickly. We didn't count the bodies. It was not our priority because our target was Gaddafi. After 12:30 p.m. we pulled back [to Misrata] and we didn't return [to Sirte].... We couldn't do anything with the bodies because they didn't have ID cards on them and were unidentified.... We just informed the [Misrata] Command Center over the radio.[63]

The version of events presented by the commanders of the Tiger Brigade is difficult to reconcile with the chronology of events documented by Human Rights Watch. The Tiger Brigade and its associated militias were present at the scene where Muammar Gaddafi was

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[62] Human Rights Watch interview with Commander Omran al-Oweib and Abdul Salaam (last name unknown) of the Tiger Brigade, Misrata, October 24, 2011. Human Rights Watch learned the identity of the commanders from the commander of another Misrata militia, and the leadership role of these two commanders in the Tiger Brigade was also confirmed to Human Rights Watch by an international journalist who had met them on the frontlines.

[63] Ibid.

captured, and where at least some of the men later found dead at the Mahari Hotel were initially questioned and beaten, as shown on the mobile phone footage reviewed by Human Rights Watch. Since Muammar Gaddafi was captured at about 11 a.m., and the commanders of the Tiger Brigade claim to have left Sirte from the Mahari Hotel at 12:30, it is difficult to see how the captives could have been transported from the scene of their capture to the hotel, where they were then apparently executed, all within this 90-minute period, without any knowledge or participation from the Misrata militias that occupied the hotel.

Establishing responsibility for the apparent execution of at least 53 and perhaps as many as 66 persons at the Mahari Hotel will require further investigation. However, given the fact that dozens of persons are seen on the video footage interrogating and abusing the captives, and the logistics involved in transporting and killing so many persons within a relatively short time-frame, it is likely that a large number of Misrata-based militiamen were involved in, and have knowledge of, the apparent executions at the Mahari Hotel. The evidence collected by Human Rights Watch strongly suggests that these killings were not the actions of a few lower ranking rogue militiamen.

VIII. Legal Standards and The Failure of Libya's Interim Authorities to Investigate

The 2011 fighting in Libya between the armed forces loyal to Gaddafi and armed opposition groups amounted to a non-international (internal) armed conflict, regulated by Common Article 3 to the Geneva Conventions and the Second Additional Protocol of 1977 to the Geneva Conventions (Protocol II), as well as customary laws of war. The fighting between the armed forces acting under Security Council (SC) Resolution 1973 (the NATO forces) and the Libyan armed forces loyal to Gaddafi amounted to an international armed conflict, and was governed by the Four Geneva Conventions of 1949 and customary laws of war.[64]

The laws of war—whether in international or internal armed conflict—seek to minimize unnecessary pain and suffering during wartime, particularly by protecting civilians and other noncombatants from the hazards of armed conflict. International humanitarian law provides a number of fundamental protections for noncombatants (which includes civilians as well as captured combatants, those who have clearly indicated an intention to surrender, and former combatants unable to fight because of wounds or illness). It prohibits violence against such persons, particularly murder, cruel treatment and torture, as well as outrages against their personal dignity and degrading and humiliating treatment.

The prohibition against the extrajudicial killing of captured combatants, or combatants placed *hors de combat* because of their injuries or other reasons, is considered a fundamental principle of customary international law.[65] Common Article 3 of the Geneva Conventions prohibits "violence to life and person, particularly murder of all kinds" of civilians as well as persons placed *hors de combat*. Murder is also specified as a war crime under the Rome Statute of the International Criminal Court with respect to both international and internal armed conflict.[66]

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[64] An international armed conflict is any use of armed force by one state against another. A non-international armed conflict occurs when and as long as violence within a country reaches a level of sustained intensity, and involves parties to the conflict that have a sufficient level of organization to sustain military operations and to implement international humanitarian law. It was widely accepted that both types of armed conflict were occurring in Sirte at the time covered by this report.

[65] International Committee of the Red Cross ([ICRC], Jean-Marie Henckaerts and Louise Doswald-Beck), *Customary International Humanitarian Law Volume I: The Rules* (Cambridge, UK: Cambridge University Press, 2009), Rule 89.

[66] ICC Statute, Article 8(2)(a)(i) and (c)(1).

Common Article 3 also prohibits "cruel treatment and torture" and "outrages upon personal liberty, in particular humiliating and degrading treatment" of civilians as well as persons placed *hors de combat*.[67] In addition, "torture or inhuman treatment" and "willfully causing great suffering or serious injury to body or health" are war crimes under the Rome Statute.[68]

The relevant civilian and military authorities of a state must investigate war crimes and other violations of international humanitarian law allegedly committed by their forces or nationals of their country, or on their territory, and must prosecute the suspects where appropriate.[69] Civilian and military authorities also have an obligation to prevent crimes from being committed by forces under their control. Amnesties for war crimes are prohibited.[70]

Libya is not a state party to the ICC. However on February 26, 2011, the UN Security Council adopted Resolution 1970, which referred the situation in Libya to the ICC, giving the court ongoing jurisdiction over war crimes and crimes against humanity committed there since February 15, 2011. The ICC could prosecute these crimes, including the alleged executions documented in this report, taking into account, among other factors, whether the Libyan authorities are willing and able to prosecute the perpetrators of these crimes. Resolution 1970 requires the authorities in Libya to cooperate with the ICC.

In addition to prosecuting those who committed, ordered, or were otherwise complicit in such crimes, the ICC could also prosecute senior civilian officials, military commanders, or persons acting effectively acting as military commanders for serious crimes committed by forces or subordinates under their effective command and control. This can happen if the

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[67] Common Article 3.

[68] ICC Statute, arts. 8(2)(a)(ii), (iii), and (c)(i).

[69] ICRC, *Customary International Humanitarian Law Volume I: Rules,* Rule 158 ("States must investigate war crimes allegedly committed by their nationals or armed forces, or on their territory, and, if appropriate, prosecute the suspects. They must also investigate other war crimes over which they have jurisdiction and, if appropriate, prosecute the suspects.")

[70] As a matter of both treaty and customary international law, there is a duty to prosecute serious international crimes or to extradite to a jurisdiction that will prosecute. International treaties, such as the Geneva Conventions of 1949 and its Additional Protocols, obligate parties to ensure alleged perpetrators of serious crimes are prosecuted, including those who give orders for these crimes. See Geneva Convention Relative to the Protection of Civilian Persons in Times of War, adopted August 12, 1949, 75 U.N.T.S. 287, entered into force October 21, 1950, art. 146.Ibid, Rule 159 ("At the end of hostilities, the authorities in power must endeavour to grant the broadest possible amnesty to people who have participated in a non-international armed conflict, or those deprived of their liberty for reasons related to the armed conflict, with the exception of persons suspected of, accused of or sentenced for war crimes.")

official or commander "knew or should have known" that his forces or subordinates were committing or were about to commit such crimes and failed to take all necessary and reasonable measures to prevent the crime, or failed after their commission to submit the matter to the competent authorities for criminal investigation and prosecution.

Following its investigation into the events surrounding the Gaddafi convoy, Human Rights Watch immediately informed the relevant authorities in the Libyan General Prosecutor's office and the Ministry of Justice, and met with officials from both offices on October 25 to brief them in detail about our initial findings, including the evidence of executions of detained persons and evidence implicating specific militias in the killings.

On or close to October 22 and 23, Libya's chief forensic pathologist, Dr. Othman al-Zintani, carried out autopsies on the bodies of Muammar Gaddafi, Mutassim Gaddafi, and Abu Bakr Younis. The results of those autopsies have not been made public; nor were they shared with the UN's Commission of Inquiry for Libya, despite repeated requests by the commission. Dr. al-Zintani initially told the press that his autopsy concluded that Muammar Gaddafi had been killed by a gunshot wound to the head, but has not elaborated since his initial press comments.[71] In a meeting with Human Rights Watch on March 27, 2012, Dr. al-Zintani stated that he had faced personal security threats since conducting the autopsies.[72] Dr. al-Zintani claimed that he was still waiting for permission from the Misrata prosecutor to send tissue samples abroad for toxicology analysis, and would not finalize his autopsy report until those toxicology tests had been completed, as he wanted to present as complete an autopsy report as possible because of the international scrutiny of the case.[73]

Absent a complete autopsy report, it is not possible to establish the cause of death for Muammar and Mutassim Gaddafi with certitude, as both had sustained serious wounds from the final battle, and the forensic evidence that they were executed later is inconclusive. Human Rights Watch researchers briefly inspected the bodies of Muammar and Mutassim Gaddafi in Misrata on October 21, but were not allowed to turn the bodies

[71] Ingrid Formanek, "Gaddafi Autopsy Reveals He Was Shot in The Head," CNN.com, October 23, 2011, http://articles.cnn.com/2011-10-23/africa/world_africa_libya-gadhafi-autopsy_1_misrata-moammar-gadhafi-national-transitional-council?_s=PM:AFRICA.

[72] Human Rights Watch interview with Dr. Othman al-Zintani, Misrata, March 27, 2012.

[73] Ibid.

over to examine their backs. However, no exit gunshot wound was visible on the exposed parts of the head of Muammar Gaddafi, a fact difficult to reconcile with claims he was shot at close range, and the presumed entry gunshot wound on his head coincides with the location of a shrapnel wound, apparently from a grenade thrown by one of his own guards. As explained above, Mutassim Gaddafi had a major wound on his throat that did not exist when he was filmed in the custody of Misrata fighters, strongly suggesting that the fatal wound was inflicted on him while he was in the custody of the fighters.

No autopsies or investigations were carried out by any Libyan authority into the deaths of at least 66 persons at the Mahari Hotel in Sirte, nor into the deaths of at least 103 persons whose bodies were left behind at the scene of the final battle with the Gaddafi convoy. The bodies were left out in the open until October 25, five days after the battle, when volunteer workers from the city of Sirte came to collect them, already in a state of decomposition, photograph their faces, and bury them in individually numbered plastic body bags in a mass grave in Sirte.

The NTC launched a formal investigation into the death of Muammar Gaddafi on October 24. Mustafa Abdel Jalil, the NTC Chairman, announced that "in response to international calls, we have started to put in place a commission tasked with investigating the circumstances of Muammar Gaddafi's death in the clash with his [inner] circle when he was captured."[74] The announcement by Abdel Jalil focused solely on the death of Muammar Gaddafi. No similar investigation into the deaths at the Mahari Hotel has been announced. The transitional authorities have placed the investigation into Muammar Gaddafi's death in the hands of the chief prosecutor of Misrata.

On March 27, 2012, the chief prosecutor of Misrata, Abdelatif al-Hamali, told Human Rights Watch that his investigation into the death of Muammar Gaddafi was "nearly finished" and that he had received cooperation from the Misrata militias implicated.[75] The investigation into the death of Mutassim Gaddafi was proving to be much more difficult, the prosecutor

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[74] "Libya's NTC Orders Probe Into Gaddafi Killing: Chairman Orders Investigation Into Killing of Former Libyan Leader and Says NTC Will Form Government 'Within Two Weeks'," Al Jazeera, October 24, 2012, http://www.aljazeera.com/news/africa/2011/10/20111024133588508 09.html.

[75] Human Rights Watch interview with Chief Prosecutor of Misrata Abdelatif al-Hamali, Misrata, March 27, 2012.

said, although a team of three prosecutors had asked his captors for information about what had happened.[76]

At the same meeting, the Misrata chief prosecutor told Human Rights Watch that the investigation into the killings at the Mahari Hotel had stalled because no families had brought a complaint to his attention, and no primary evidence had been collected suggesting a crime had been committed.[77] The prosecutor was not aware of any existing pictures of the crime scene and, as the police were not operating in Sirte at the time, no official investigative file for the Mahari killings had been prepared.[78] The prosecutor denied any responsibility for the failure to investigate the Mahari killings, saying it was the responsibility of the police to carry out investigations before his office could act. The prosecutor said he was unaware that video footage existed showing some of the victims found at the Mahari alive in custody before their death, that journalists had taken many photographs and video clips of the bodies at the hotel, and that the Ibn Sina hospital in Sirte was functioning at the time and had photographed the bodies. He added that it would be "dangerous" to carry out an investigation in Sirte at the time.

The failure of the office of the Misrata chief prosecutor to investigate and prosecute what happened at the Mahari Hotel means that what may be the largest mass killing carried out by anti-Gaddafi forces during the entire conflict remains uninvestigated, and will likely never be prosecuted unless the national authorities take over the investigation or direct the Misrata prosecutor's office to investigate what happened and prosecute the perpetrators. Due to the often hostile relationship between the populations of Misrata and Sirte, and the difficulties this may create for any investigation, the general prosecutor of Libya should refer the case to another court from an area that is not involved in the alleged crimes.

Under the Geneva Conventions, the Libyan authorities have a duty to investigate and prosecute possible war crimes. Their failure to do so could mean that the ICC, taking into account a number of factors, including whether the Libyan authorities are willing and able to prosecute the perpetrators of these crimes, could open an investigation.

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[76] Ibid.
[77] Ibid.
[78] Ibid.

IX. Response of the Transitional Libyan Authorities

Human Rights Watch wrote to the transitional Libyan authorities on June 20, 2012,[79] summarizing the findings of its research contained in this report, and asking for a response from the authorities. The Human Rights Watch letter, reproduced in appendix A of this report, specifically requested an update from the transitional Libyan authorities on steps taken to investigate the alleged crimes documented by Human Rights Watch, on which the authorities had been briefed by Human Rights Watch on several previous occasions in Libya, including in the immediate aftermath of the events.

The Libyan Embassy in Washington, DC, provided a response to the Human Rights Watch letter on July 9, 2012, from the Ministry of Foreign Affairs and International Cooperation's Directorate for International Organizations. The 5-page response, reproduced in Appendix B, dwells extensively on the crimes committed by the Gaddafi government during its 42-year dictatorship and during the 2011 civil conflict, and details the steps taken by the transitional authorities to promote human rights in the post-Gaddafi Libya.
Libya's letter devotes only a few paragraphs to the events in Sirte that are documented in this Human Rights Watch report, and provides no new details regarding those events or an update on the status of the investigation into the crimes that were allegedly committed. According to the letter, translated from Arabic by Human Rights Watch, the deaths in question occurred during clashes between Gaddafi loyalists and opposition forces:

> The peaceful demonstrators (who became revolutionaries in self-defence) took special care to arrest Muammar Gaddafi alive, in order to try him in a fair trial for the crimes he committed against his own people. In the city of Sirte on October 20, 2011, there was a heavy exchange of gunfire between Gaddafi's brigades, who were soldiers (some of them from the top of the military hierarchy and heavily armed with the most modern weapons) and the demonstrators, who were not soldiers, were ignorant of the laws of war and the art of combat, and were carrying light weapons to defend

[79] The Human Rights Watch letter was addressed to Dr. Abdel Rahim al-Kayb, Head of the Council of Ministers; Ashour Bin Khayal, foreign minister; Ali Ahmida Ashour, justice minister; Fawzi Abdel Al, interior minister; Osama Jouila, minister of defense; and Abdel Aziz al-Hasadi, Attorney-General.

> themselves. This resulted in the death of many people on both sides, amongst them Muammar Gaddafi and his son Mutassim, as well as some men loyal to him.
>
> In order to document the facts and other evidence-gathering procedures surrounding the killing of Muammar Gaddafi, government agencies operating under the supervision of the National Transitional Council undertook forensic medical examinations to ascertain the cause of his death, while applying internationally recognized standards for such situations. The National Transitional Council also declared that it would form a committee to investigate this death.

The letter provides no further details about the status of the investigation into the events. The claim in the letter that Muammar Gaddafi, Mutassim Gaddafi, and the other persons were killed in battle rather than after being taken into custody contradicts the evidence collected by Human Rights Watch and presented in this report.

The assertion by the Libyan authorities that the deaths were all battle-related is inconsistent with the evidence collected and presented by Human Rights Watch and other sources. As documented in this report, Muammar Gaddafi was filmed wounded but alive and in the custody of opposition fighters. His son Mutassim Gaddafi was filmed wounded and alive at the scene of his capture, and again being questioned by his captors after being transported alive to Misrata, but was filmed dead that same evening. Many of the individuals whose bodies were found among the estimated 66 executed persons at the Mahari Hotel were filmed alive in the custody of opposition fighters before their execution, and some of those bodies were found with their hands still bound behind their backs.

Just as disturbing, the response from the Libyan authorities suggests that no serious steps have been taken to investigate whether opposition fighters committed any crimes during the final battle in Sirte, despite authorities' stated commitment to investigate the events and their repeated commitment to a new era in Libya in which human rights will be respected. The apparent failure to investigate what appears to have been among the most clearcut instances of extrajudicial executions carried out by opposition fighters during the 2011 internal conflict shows that the new Libyan authorities have a long way to go to make

their professed commitment to the rule of law and ending impunity for human rights abuses a reality. The failure to investigate and prosecute the apparent crimes documented in this report is no anomaly: Human Rights Watch and other organizations have documented similar failures to investigate and prosecute a significant number of deaths in custody of Gaddafi loyalists since the fall of the Gaddafi regime.

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HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300

Appendix A. Human Rights Watch Letter to the Transitional Libyan Authorities, June 20, 2012

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Marina Pinto Kaufman
Robert Malley
Ahmed Mansoor
Stephen P. Marks
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Habib Nassar
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Charles Shamas
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Ferras Zalt

HUMAN RIGHTS WATCH

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James Ross, *Legal and Policy Director*
Joe Saunders, *Deputy Program Director*
Frances Sinha, *Human Resources Director*

June 20, 2012

Dear Sir/Madam,

Human Rights Watch is writing to share the preliminary conclusions of its investigation into the deaths of Muammar Gaddafi, his son Mutassim Gaddafi, and other members of the convoy that attempted to escape from District Two of Sirte on October 20, 2011. Our investigation has concluded that the circumstances of those deaths indicate that serious crimes were committed, including executions of detained persons that require a full investigation by the Libyan authorities and, where appropriate, prosecution by the Libyan authorities.

Human Rights Watch is preparing a report on its investigation, and wishes to reflect the views of the Libyan authorities in this report. We would therefore appreciate it if we could have a response to this letter no later than July 10, 2012.

Human Rights Watch has been documenting human rights violations in Libya for years, pressing the former Gaddafi government to halt an array of abuses, including torture, forced disappearances, and political killings. During the 2011 uprising, Human Rights Watch had an almost continuous presence in Libya, documenting violations by actors on all sides of the conflict.

Human Rights Watch appreciates the responsiveness of the interim Libyan authorities to the human rights concerns we have raised, and we understand the challenges the new Libya faces in overcoming the legacy of the past, and stabilizing the security and human rights situation in Libya. We believe that justice for serious crimes committed by all parties is vital for victims, the rule of law, and stability in Libya. Human rights violations should be investigated and prosecuted, to break with the impunity for violations that prevailed during the Gaddafi era.

Human Rights Watch researchers were present in the city of Sirte on October 20 when Muammar Gaddafi's convoy attempted to break out of the city, and visited many of the sites of the fighting that took place that day after the NATO air strike on the convoy. Our team interviewed survivors from the convoy, eyewitnesses to the events, militia commanders who were present at the scene, and medical and humanitarian workers who responded to the aftermath of the fighting. Our researchers also viewed the bodies of many of those killed in the battle, including the bodies of Muammar and Mutassim Gaddafi, Abu Bakr Younis, and more than 100 persons killed at the convoy battle scene, and at least 53 bodies found at the Mahari Hotel in Sirte. We also reviewed a significant number of video recordings of the battle's aftermath, as well as photographs of the dead recorded by medical volunteers who assisted with the burial of the bodies.

Our investigation points to the following preliminary conclusions:

1) Muammar Gaddafi was captured alive by Misrata-based militias, but was immediately attacked, stabbed, and beaten at the scene of his capture. It appears that by the time Muammar Gaddafi was loaded into an ambulance and driven away to Misrata, he was already dead or dying. In the absence of the release of his autopsy report, Human Rights Watch cannot establish whether Muammar Gaddafi died from a gunshot wound inflicted after his capture, or from injuries from the abuse he suffered. However, the abuse apparently inflicted on him after his capture, whether it was fatal or not, requires investigation, and his death should be investigated as a possible extra-judicial killing.

2) Mutassim Gaddafi was captured alive with significant shrapnel wounds in Sirte, and was then transported alive to Misrata, where he was repeatedly filmed alive by members of the Lions of the Valley militia of Misrata. He was dead by the same evening, with new wounds that are not present in the video clips recorded by his captors, strongly indicating that he was killed in custody.

3) At least 103 persons were found dead at the scene of Muammar Gaddafi's capture and the final battle with his convoy, the majority of them killed in the NATO airstrike and fighting that followed. However, some of the bodies found at the scene of the final battle show signs of possible execution.

4) The bodies of 66 persons, some with their hands tied behind their backs, were found on the grounds of the Mahari Hotel on the morning of October 21, the day after the convoy battle. At least 12 of those killed at the Mahari Hotel can be seen alive in a video recording of captured convoy survivors recorded by Misrata fighters at the scene of the convoy battle, and an additional five bodies have been identified by relatives and friends as having been on the convoy. The evidence collected by Human Rights Watch strongly suggests that the bodies found at the Mahari Hotel are

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those of detained survivors of the convoy who were transported to the Mahari Hotel and executed there. The Mahari Hotel was occupied and used by Misrata-based militias, in particular the Tiger Brigade and four subsidiary brigades under its control.

Human Rights Watch has repeatedly briefed the Libyan authorities on these findings. We provided a detailed briefing to officials from the Prosecutor's office and the Ministry of Justice in October 2011, and met again with the Misrata Prosecutor and other officials in March 2012 to update them on our investigations. Despite early assurances by Chairman Mustafa Abdul-Jalil and the Chief Prosecutor that these apparent crimes would be fully investigated, Human Rights Watch has not seen significant progress, particularly on the investigation into the killings at the Mahari Hotel, which may represent the largest such episode of apparent summary executions of persons in custody attributed to anti-Gaddafi forces during the entire conflict in Libya.

Human Rights Watch would appreciate any information you can provide to us on the status of the investigation into the fatal incidents described above, the actions taken by the Libyan authorities to establish how these deaths occurred and who was responsible for them, the evidence collected and reviewed by the Libyan authorities, and the status of the autopsies conducted on Muammar and Mutassim Gaddafi and Abu Bakr Younis, which have still not been publicly released. Human Rights Watch would also appreciate an update on the steps taken by the Libyan authorities to identify the remains of those killed at the Mahari Hotel and the more than 100 persons found dead at the scene of the final battle, so their families can be informed.

Thank you for your consideration. As noted above, we will be able to reflect any pertinent information that we receive from you by July 10, 2012.

Sincerely yours,



Sarah Leah Whitson
Executive Director
Middle East and North Africa Division
Human Rights Watch

Appendix B. Letter from the Transitional Libyan Authorities, July 9, 2012

Embassy of Libya
Washington, DC

سفـارة لـيبيـا
واشنطن

التاريخ : 2012/7/9

الرقم الاشاري : ش س 15/1/ 618

السيدة/ ســـــارة ليـــا ويـــتس

المديرة التنفيذية

قسم الشرق الأوسط وشمال افريقيا " هيومن رايتس ووتش .

بعد التحية .

بالإشارة إلى تقرير منظمة هيومن رايتس ووتش المؤرخ في 2012/6/20 حول بعض الحوادث التي وقعت إبان الثورة الليبية التي قامت ضد النظام الدكتاتوري الموجه إلى بعض المسئولين في الحكومة الليبية وهم السادة :-

- الدكتور عبد الرحيم الكيب " رئيس مجلس الوزراء
- السيد عاشور بن خيال " وزير الخارجية
- السيد علي احميدة عاشور " وزير العدل "
- السيد فوزي عبدالعال " وزير الداخلية "
- السيد اسامة جويلى " وزير الدفاع "
- السيد عبد العزيز الحصادي " النائب العام "

تتشرف السفارة الليبية في واشنطن بان ترفق إليكم رد السلطات الليبية المختصة على ماجاء بالتقرير المشار إليه ، وتأمل السفارة أن يضم هذا الرد عند كتابة اية تقارير عن الحوادث التي وردت في تقريركم .

السفير
علي سليمان الأوجلي

2600 Virginia Ave., N.W, Suit # 705, Washington, DC 20037. Tel: (202)944-9601-05 Fax : (202)944-9606

وزارة الخارجية والتعاون الدولي
ادارة المنظمات الدولية
حقوق الانسان في ليبيا

مقدمة :

عاني الشعب الليبي من حكم ديكتاتوري مستبد انفرد فيه معمر القذافي بمقاليد السلطة في امور الدولة كما يشاء وبدون رقيب وطيلة فترة حكمه التي استمرت 42 سنة ، تحولت فيها ليبيا الى دولة فوضوية تحكمها شريعة الغاب ، ويعم فيها الفساد ، وتنعدم في اطرها القانونية والسياسية حرية الرأي والمؤسسات والأحزاب وتنتهك فيها حقوق الانسان والحريات الاساسية. ورغم ان ليبيا تعتبر من الدول الغنية بمواردها النفطية فقد اهدرت ثروات البلاد لتصرف على النزوات الشخصية للطاغية معمر القذافي ، وتحقيق احلامه التوسعية في حكم القارة الافريقية الامر الذي ساهم في تردي الاوضاع الاقتصادية والاجتماعية وتدهور البنية التحتية للبلاد ، وارتفاع معدل البطالة والفقر بين مجموعة كبيرة من السكان .

- **<u>انتفاضة الشعب الليبي في فبراير 2011:</u>**

ابتداءً من 15 فبراير وحتى تحرير ليبيا من نظام معمر القذافي في 2011/10/20 ، قام الشعب الليبي بمظاهرات سلمية احتجاجاً على نظام القذافي الذي انكر حقه في اقامة نظام ديمقراطي يحكمه القانون والمؤسسات الدستورية واحترام حقوق الانسان وتحقيق العدالة لجميع المواطنين بعد عقود طويلة من الظلم والقتل والإعدام التعسفي والاعتقالات الجماعية بدون محاكمة وطمس حرية الرأي والتعبير وتكوين التجمعات السلمية ، ولعل مذبحة ابي سليم بطرابلس في شهر يونيو 1996 ، والتي راح ضحيتها 1200 سجين بسبب احتجاجهم على ظروف الاعتقال ، اكبر دليل على تهور واستبداد هذا النظام بشعبه.

وقد واجهت كتائب القذافي هذه المظاهرات السلمية التي خرجت في كل المدن والقرى بشتى انواع الاسلحة الثقيلة ، وارتكبت في حق الشعب الليبي جرائم حرب ابادة ، وجرائم ضد الانسانية ، استشهد على اثرها ثلاثين الف شهيد ، وتسببت في جرح ما يزيد عن خمسين الف شخص ، بالإضافة الى اختفاء الالاف من الاشخاص ، وتدمير الممتلكات ، والاغتصاب الممنهج للنساء وقتل الابرياء من الاطفال والشيوخ وزرع عشرات الالاف من الالغام المضادة للإفراد في مدن اجدابيا والبريقة ومصراته وجبل نفوسة .

لم يكن هناك خيار امام المتظاهرين سليماً سوى مجابهة الاستخدام المفرط للقوة من طرف كتائب القذافي المدججة بأحدث انواع الاسلحة بالأسلحة الخفيفة التي اغتنموها منهم دفاعاً عن النفس والأرض والعرض.

لقد قامت لجنة التحقيق الدولية في انتهاكات حقوق الانسان بليبيا التابعة لمجلس حقوق الانسان ، والمنظمات الدولية ذات الصلة بحقوق الانسان مثل منظمة العفو الدولية ومنظمة رصد حقوق الانسان (HUMAN RIGHT WATCH) التي كان لها خبراء في ليبيا لتغطية احداث انتفاضة 17 فبراير بتوثيق معلومات تؤكد ان الاحتجاجات السلمية قوبلت باستخدام الاسلحة الثقيلة وصواريخ غراد او الغام وأسلحة مضادة للدبابات.

وقد حرص المتظاهرون سلمياً (الذين تحولوا الى ثوار دفاعاً عن النفس) بإلقاء القبض على معمر القذافي حياً ، لمحاكمته محاكمة عادلة على جرائمه التي اقترافها في حق شعبه ، وتم تبادل كثيف لإطلاق النار من كتائب القذافي الذين كانوا عسكريون ((وبعضهم في اعلى قمة الهرم العسكري ، ومدججين بأحدث الاسلحة))، وبين المتظاهرين الذين لم يكونوا عسكريين ، ويجهلون قواعد الحرب وفنون القتال ويحملون اسلحة خفيفة للدفاع عن النفس ، في مدينة سرت يوم 2011/10/20 تسببت في وفاة العديد من الاشخاص من الجانبين ، ومن بينهم معمر القذافي ، وابنه المعتصم وبعض ازلامه.

وتوثيقاً للوقائع وغيرها من اجراءات جمع الادلة حول مقتل معمر القذافي قامت اجهزة الحكومة التي كانت تعمل تحت اشراف المجلس الوطني الانتقالي بإجراء فحص طبي شرعي لمعرفة اسباب وفاته في اطار تطبيق المعايير المتعارف عليها دولياً في مثل هذه الظروف وأعلن المجلس الوطني الانتقالي بأنه سوف تشكل لجنة للتحقيق في هذه الوفاة.

- **<u>الخطوات التي اتخذتها السلطات الليبية الجديدة في مجال تعزيز احترام حقوق الانسان :</u>**

بعد نجاح ثورة الشعب الليبي في القضاء على نظام القذافي في 2011/10/20، اهتمت ليبيا الجديدة بوضع الاسس الكفيلة بإقامة دولة المؤسسات والقانون واحترام حقوق الانسان ، والانتقال من مرحلة الثورة الى مرحلة بناء الدولة .

وحيث ان مؤسسات الدولة ومرافق القضاء والشرطة والجيش كانت شبه معطلة عن العمل اثناء الاحداث التي صاحبت قيام ثورة 17 فبراير ، الامر الذي ساهم في تدهور الامن في البلاد.

ونظراً للترابط الوثيق بين العدالة والأمن وحقوق الانسان فقد تركز اهتمام المجلس الوطني الانتقالي والحكومة الانتقالية على تحقيق العدالة واستتباب الامن والسلام.

وتتلخص الخطوات التي اتخذتها السلطات الليبية الجديدة لتعزيز وحماية حقوق الانسان فيما يلي :-

- اعطاء الاولوية لإصلاح الجهاز القضائي وتفعيله حيث مضى الاعلان الدستوري الصادر في 2011/8/3 عن المجلس الوطني الانتقالي على استقلال القضاء ، وإلغاء المحاكم الخاصة والمحاكم الاستثنائية ، وكذلك تم فصل السلطة القضائية عن السلطة التنفيذية ، وأصبح الجهاز القضائي مستقلاً وغير تابع لوزير العدل كما كان معمول به سابقاً.
- شرع مكتب النائب العام في ليبيا التحقيق في الجرائم الخطيرة التي ارتكبها ازلام النظام السابق مثل سيف الاسلام القذافي والمسئول عن جهاز الامن الخارجي ((ابوزيد دوردة)) ، بعد ان تم تفعيل جهاز القضاء على اسس جديدة ، وأصبح جاهزاً لإجراء محاكمات عادلة ونزيهة.
- تركز الاهتمام على تطوير جهاز الامن من خلال اعادة تأهيل مرافق هذا الجهاز وجهاز الشرطة القضائية وشرطة حرس السجون ، وتم تنظيم دورت تدريبية بالداخل والخارج لتأهيل وتدريب المشرفين على نفاذ القوانين ، بالإضافة الى تدريب الثوار الذين ابدوا رغبتهم في العمل بجهازي الشرطة والجيش.
- تم تسليم معظم مراكز الاحتجاز والسجون التي كانت خارج سلطة الحكومة الى وزارة العدل ، وتدار حالياً من طرف الشرطة القضائية التابعة لهذه الوزارة ، وهناك خطة لتسليم كافة المراكز الى الحكومة نهاية العام الحالي.
- تم ادماج الثوار في وزارتي الدفاع والداخلية ، حيث تم دمج عشرة آلاف ثائر في وزارة الداخلية ، وستة آلاف ثائر في وزارة الدفاع وسيتم دمج اكثر من اثنى عشر الف منهم في وزارة الدفاع ، وعشرة آلاف منهم في وزارة الداخلية بعد تأهيلهم في دورات تدريبية بالدول الشقيقة والصديقة .
- تم تشكيل المجلس الوطني للحريات العامة وحقوق الانسان الذي يرصد انتهاكات حقوق الانسان من كافة الافراد والجماعات والجهات العامة والخاصة ، ويقدم تقريراً بشأنها الى المجلس الوطني الانتقالي والحكومة الانتقالية .
- كما صدر قرار وزاري بتشكيل لجنة دائمة برئاسة وزير العدل للتحقيق في انتهاكات حقوق الانسان من جميع الافراد والهيئات العامة والخاصة.
- في اطار الاستعدادات لانتخابات المؤتمر الوطني العام يوم 2012/7/7 ، تم الشروع في تسجيل الناخبين والمرشحين ، واعتماد قانون لهذه الانتخابات ، وتشكيل المفوضية العليا للانتخابات لضمان اجراءا انتخابات حرة ونزيهة.

- وقد جرت هذه الانتخابات في موعدها المحدد في اجواء ديمقراطية وحرة ونزيه، وهي تعتبر اول انتخابات تشهدها البلاد منذ اكثر من اربعة عقود ، وتشكل منعطفاً حاسماً نحو ارساء الديمقراطية والانتقال من الثورة الى الدولة .
- بموجب الاعلان الدستوري الصادر في 2011/8/3 تم الغاء جميع القوانين التي تتعارض مع حقوق الانسان مثل قانون تجريم الحزبية ، والقوانين الخاصة بتقييد حرية الرأي والتعبير.
- وسيتم النظر في دراسة كافة الاتفاقيات الدولية لحقوق الانسان التي لم يتم الانضمام اليها في السابق، وذلك بعد قيام المؤسسات الدستورية التي ستنظر في التصديق على هذه الاتفاقيات ، وفقاً لنص الاعلان الدستوري الصادر في 2011/8/3 ، الذي اكد على التزام ليبيا الجديدة بتعزيز واحترام حقوق الانسان ، والسعي نحو الانضمام لجميع المواثيق والاتفاقيات الدولية التي تحمي هذه الحقوق.
- في اطار التعاون مع المفوض السامي لحقوق الانسان التابع للأمم المتحدة في مجال المساعدة التقنية وبناء القدرات لحماية وتعزيز حقوق الانسان ، تم توجيه دعوة الى المفوض والمقررين المكلفين بولايات خاصة لزيارة ليبيا خلال هذا العام.
- تم الشروع في برنامج لحصر الشهداء والمفقودين وإيفاد حوالي 28,000 شخص من الجرحى اثناء احداث الثورة لتلقي العلاج في الخارج بتكلفة وصلت الى ثمانمائة مليون دولار.
- صدرت مجموعة من القوانين لمعالجة ما حدث من انتهاكات لحقوق الانسان وحرياته الاساسية خلال فترة النظام السابق بليبيا ، وخلال الفترة الانتقالية منها :- قانون ارساء قواعد المصالحة الوطنية والعدالة الانتقالية ، وقانون العفو العام ، وقانون تنظيم الاحزاب السياسية.
- لعبت المرأة دوراً رئيسياً في ثورة 17 فبراير ، وفي اطار تفعيل دور المرأة في الحياة السياسية والمدنية والاقتصادية والاجتماعية ، نص قانون الانتخابات لأعضاء المؤتمر الوطني العام على تخصيص نسبة معينة لتمثيل المرأة في هذا المؤتمر ، وتشغل المرأة الليبية حالياً مقاعد في المجلس الوطني الانتقالي والحكومة الانتقالية ، ومناصب رفيعة في الهرم الوظيفي.
- كما تهتم ليبيا الجديدة بالشباب باعتبارهم اول من اطلق العنان لثورة 17 فبراير حيث خرجوا في مظاهرات سلمية مطالبين بحقوقهم في الحرية والكرامة وتم تمكين العديد منهم ان يكونوا على قمة الهرم السياسي والاقتصادي والاجتماعي في نظام ليبيا الجديدة.

- شرعة الحكومة الانتقالية في احصاء ورعاية النازحين بمختلف المناطق نتيجة العلميات العسكرية التي قامت بها كتائب القذافي ضد الشعب الليبي ، حيث وفرت لهم متطلباتهم المعيشية من غذاء وسكن ، وقد شكلت لجان للمصالحة من الحكماء ومنظمات المجتمع المدني وشيوخ القبائل وأئمة المساجد ، حيث قامت هذه اللجان بجهود كبيرة لحل وتسوية هذه الخلافات ، وإعادة بعض النازحين لمناطقهم الاصلية في اطار المصالحة الوطنية وتحقيق العدالة الانتقالية .
- كما تم تشكيل لجان للمصالحة من الحكماء لتسوية الخلافات التي حدثت بين سكان القبائل بعد تحرير ليبيا في مناطق (الكفرة وسبها ، وزوارة ، والجميل ورقدالين) وقد اسفرت هذه المساعي عن وقف القتال بين الاشقاء وتسوية هذه الخلافات بالوسائل السلمية.

ملاحظات ختامية :

تمر ليبيا بمرحلة انتقالية حرجة ، ومن الطبيعي حدوث بعض الانتهاكات لحقوق الانسان في بلد عان من حكم ديكتاتوري فترة 42 سنة ، حيث لا يزال ازلام النظام الديكتاتوري السابق يدبرون المكائد والدسائس للنيل من اهداف هذه الانتفاضة المباركة للشعب الليبي.

ويؤكد المسئولون في ليبيا الجديدة في هذا الصدد ان ما حدث من انتهاكات لحقوق الانسان لا يمثل سياسة حكومية ممنهجة، وإنما تصرفات فردية ناجمة عن بعض القصور غير المتعمد للقدرة الفعلية للحكومة الانتقالية على نزع السلاح من بعض الكتائب الثورية وتحييدها ودمجها في قطاعي الشرطة والجيش الوطني خلال هذه الفترة الانتقالية ، ولا تزال الجهود تبذل في هذا الاطار.

وتدعو ليبيا الجديدة مجددا الدول التي يتواجد بها من سفكوا دماء الشعب الليبي ونهبوا ثرواته ، ويعملون عل زعزعة امنه واستقراره الى التعاون وتسليم هؤلاء للعدالة تنفيذاً لقرارات المحكمة الجنائية الدولية والانتربول التي اصدرت مذكرات اعتقال ضد هؤلاء الاشخاص.

9 يوليو 2012



DEATH OF A DICTATOR

Bloody Vengeance in Sirte

Death of a Dictator investigates the circumstances surrounding the deaths of Libyan dictator Muammar Gaddafi, his son Mutassim Gaddafi, and members of the convoy that fled Sirte with them. It presents evidence that Misrata-based militias, after capturing and disarming members of the Gaddafi convoy and bringing them under their total control, brutally beat them before executing dozens.

These killings comprise the largest documented execution of detainees committed by anti-Gaddafi forces during the eight-month conflict in Libya. The execution of persons in custody during a conflict is a war crime. One year later, Libyan authorities have neither investigated nor held accountable those who committed these crimes, a failure that undermines efforts by Libya's authorities to ensure the rule of law.

(above) Bodies of apparent execution victims found at the Mahari Hotel in Sirte on October 22, 2011, the day after the final battle with the Gaddafi convoy. An estimated 66 captured members of the Gaddafi convoy were apparently executed at the site by opposition fighters. Human Rights Watch researchers visited the site on October 23, 2011, and found the decomposing bodies of 53 apparent execution victims, all male, still at the scene.

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(front cover) A still image taken from amateur video posted on a social media website and obtained by Reuters on October 21, 2011, shows former Libyan leader Muammar Gaddafi, held on the ground by opposition fighters in Sirte, with a gun pointed at his head.

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