

YEARBOOK OF INTERNATIONAL HUMANITARIAN LAW - VOLUME 14, 2011
CORRESPONDENTS' REPORTS

LIBYA¹

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- Human Rights Watch, *Libya: Gaddafi Forces Suspected Of Executing Detainees: Evidence of War Crimes Before Tripoli Fell* (28 August 2011)
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In August 2011, Amnesty International urged both sides to the conflict in Libya to ensure that detainees in their custody were not tortured or otherwise ill-treated. The call followed reports from Amnesty International's delegation in Libya, which gathered powerful testimonies from survivors of abuse at the hands of both pro-Gaddafi soldiers and rebel forces, in and around the town of Az-Zawiya. Amnesty International's delegation also uncovered evidence of rape against inmates of Tripoli's notorious Abu Salim Prison. Former detainees said they witnessed young men being taken from their cells at night and only returning several hours later in a visibly distressed state. Two boys told cellmates that they had been raped by a guard. According to one former detainee, '[o]ne of the boys was in particularly bad shape after being brought back to his cell. His clothes were torn and he was almost naked. He told us that he had been raped. This happened to these two boys several times.'

Thousands of men, including unarmed civilians, 'disappeared' during the conflict, allegedly taken by pro-Gaddafi forces. Their relatives lived through months of uncertainty about their fate. Those who were eventually freed reported stories of torture and other ill-treatment in Gaddafi detention facilities in Sirte and Tripoli. They said that they were beaten with metal wires, sticks and batons and were electrocuted. One man taken near the eastern frontline close to Ajdabiya on 21 March 2011 told the Amnesty International delegation that his captors had inserted the barrel of a rifle into his anus, while he was blindfolded.

Human Rights Watch reported that there was evidence indicating that forces loyal to Muammar Gaddafi killed at least 17 detainees in a makeshift prison as rebel forces began advancing on the neighborhood of Gargur in Tripoli around 21 August 2011. According to one witness who survived the killing, Libyan security forces shot the detainees at the Al-Amal al-Akhdar building belonging to the Libyan Internal Security service. Human Rights Watch has also documented evidence of suspected arbitrary executions of dozens of other civilians by Gaddafi loyalists including medical professionals. The evidence suggested that Gaddafi government forces went on a spate of arbitrary killing as Tripoli was falling.

Separately, on 26 August, Human Rights Watch found 18 bodies rotting in small groups near the Internal Security building in a dry riverbed between Gargur and Bab al-Aziziya, Gaddafi's

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former compound. Witnesses reported that Gaddafi forces had killed them at different times in the week prior to 25 August 2011, when Libyan rebels seized control of the area. It is unclear if any of those killed were armed at the time of their death, but Human Rights Watch observed two among the 18 bodies had their hands tied behind their backs and two were wearing the green scrubs of Libyan doctors and nurses. Witnesses told Human Rights Watch that several others were unarmed.

Human Rights Watch also documented 29 other bodies found in and around a makeshift field clinic outside Bab al-Aziziya where there were signs that Gaddafi loyalists had been present. Four bodies were found lying on beds in the clinic itself, and several more were lying on cushions in and around what looked like military tents. Volunteers took the bodies into trucks. Human Rights Watch inspected one corpse with a gunshot wound to the head, and one body with his hands tied behind his back. Khalid Kofran, 35, who volunteered on the team that was removing the bodies, said he had seen at least three or four corpses with their hands and legs tied. It was not clear as to who may be responsible for the deaths, and there is no forensic analysis yet.

These incidents, which may represent only a fraction of the total, raise grave questions about the conduct of Gaddafi forces, and whether it was systematic or planned. If these incidents are proven to constitute extra judicial killings then they constitute serious war crimes and those responsible should be brought to justice.

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