



HUMAN
RIGHTS
WATCH

DEATH OF A DICTATOR

Bloody Vengeance in Sirte

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.



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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.

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.



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 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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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

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)

the international community to insist on accountability for these crimes, and to offer technical assistance in conducting the investigation.



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.



Mahari Hotel: location of 66 suspected execution victims

Misrata Tiger Brigade Base

Gaddafi leadership sought shelter within compound

Water Treatment Plant

Site of Muammar Gaddafi's capture

1st NATO airstrike

2nd NATO airstrike

Locations of at least 103 bodies

Eastern Seacoast Brigade Base

Electrical relay station

MEDITERRANEAN SEA

District Two

S I R T E

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.



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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