Brief Report:

Execution in prison: Grave violations against prisoners capture during the Tripoli clashes

Euro-Mediterranean Human Rights Monitor
June 2019
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Executive summary

Since the outbreak of the popular uprising in Libya in February 2011 and the overthrow and killing of Muammar Gaddafi, Libya has been in a state of chaos and instability as a result of multi-party struggles, each has its own arms and internal and external support. As the conflicting parties have set aside the citizens’ national and humanitarian interests by continuing their conflict, in order to control strategic and important areas that contain oil wealth in the country, Libya is witnessing a crisis and a clear deterioration of the human rights situation.

The Euro-Mediterranean Human Rights Monitor documents in this report severe human rights violations and atrocities that took place during the attack of the retired General Khalifa Haftar on the Libyan capital, Tripoli, on April 4, 2019, which include extrajudicial executions of soldiers after their capture, the mutilation of their bodies and publishing videos and photos documenting these heinous operations. The testimonies presented in this report confirm that the killings and abuses took place systematically, amid a complete absence of justice.
Introduction

The humanitarian situation in Libya witnessed a significant deterioration following the events of the popular uprising in February 2011 and the entry of the armed parties into ongoing conflicts. This caused the prevalence of the state of chaos in the country, changing the course of the revolution that erupted to demand the rights of citizens into an armed conflict.

During the first month of the revolution where hundreds of demonstrators participated in sit-ins, Gaddafi security forces dealt with them with repression and violence, and human rights organizations documented the killing of more than 20 civilians during the suppression of demonstrations, and the injury of more than 800 people with live bullets. As a result, the Security Council imposed sanctions and arms embargo against Libya, and referred the country to the International Criminal Court (ICC) to investigate possible crimes against humanity.

After the bloody events, the United Nations called on the Libyan parties to engage in a dialogue to reach a peaceful resolution and stop the fighting and violations against civilians. The conflicting parties met in Skhirat, Morocco, in December 2015, where 22 Libyan parliamentarians signed the Skhirat Agreement, with the majority of them committing to it starting from April 2016.

The agreement included nine main chapters and 67 articles, the most important of which is the definition of the principles, work mechanism, and the formation of the Government of National Accord (GAN), which has become an internationally recognized representative of Libya, as well as outlining the powers of the House of Representatives and the High Council of State and security and constitutional arrangements.

The United Nations asserted that the Skhirat Agreement is the only way out of the crisis in Libya, yet one of the most important leaders of the conflicting forces was Khalifa Haftar, who led the so-called Karama operation (Operation Dignity) in 2015 under the guise of «liberating Libya from terrorism and arms chaos.» Haftar clearly stated that the agreement was no longer valid and that he was no longer committed to which.

The scene in Libyan is characterized by chaos as conflicts between Haftar forces and the GNA until April 4, 2019, forces since the outbreak of the ongoing clashes between the parties in April 4, 2019, forces since the publication of this report, the clashes have killed more than thousands, as well as the extensive destruction of the civilian property and installations.
Testimonies

In this report, Euro-Med documents the horrific violations committed by armed forces belonging to Haftar during their attack on the Libyan capital Tripoli, which began on April 4, 2019.

The report reviews testimonies of families or friends of GNA forces fighters which reveal information confirming that Haftar forces carried out extrajudicial executions and mutilation of the dead bodies of the GNA fighters.

Abdel Salam Nouri Abu Dabbous

According to his testimony to the Euro-Med team, Mohammed al-Faqih, a fighter in the GNA forces, said that while he was withdrawing from a military site south of Tripoli after being under heavy fire, he encountered Abdel Salam Nouri Abu Dabbous, a fighter in the GNA counterterrorism force, married with 4 children. After they talked briefly about the reason for the withdrawal and agreed to meet after touring the place, he completely lost connection with Abdel Salam, which made him believe that he was captured.

Al-Faqih said that he received a call from an unknown person the next day to find out that it was a fighter in the Haftar force of the Ijdabiya operations room led by Fawzi al-Mansouri and told him that someone wants to talk to him. He found out that it was Abdel Salam, who asked him to contact some military commanders of the GNA to release him by exchanging prisoners of the Haftar forces captured in Zawiya city at Gate27.
According to al-Faqih, he spoke to Abdel Salam’s capturers, and asked them to keep him safe until the exchange process takes place. The capturers also provided him with information about the whereabouts of Abdel Salam and the name of the commander of the force that holds him, the Ijdabia operations room.

Until the 29th of the same month, the contact with Abdul Salam was lost, and when the 166th Battalion of the G N took control of Al-Sabia hospital south of Tripoli, they found him a dead body in one of the refrigerators of the dead which was deliberately cut off power.

Al-Faqih confirmed that the forensic doctor’s report revealed that the death was on 15 April, 10 days after speaking with him over the phone. He explained that Abdel Salam was tortured with a sharp instrument, by which he was stabbed in his legs and ears, and in many other parts of his body, digging holes in different parts of his body.

Mohammed Abu Dabbous, the victim’s brother, said that his family had contacted with Fawzi al-Mansouri and Muhammad al-Buwaishi, leaders of Haftar forces, to secure his release and exchange him for other prisoners. His family received promises to release him as soon as he finishes the military procedures.

Mohammed adds that he was shocked when he received the body of his brother to complete the burial, as the body showed signs of brutal torture. It also revealed effects of gunshots fired from a close range, cigarette burns around the eye, hits on all joints of the body, in addition to signs of torture with whip and sharp tools, and a shot in his ear which left his head completely damaged as the forensic report confirmed.

Abdel Salam Nouri Abu Dabous
Mohammed Mesbah Jibril

Mohammed Mesbah Jibril, a fighter in the 166th Battalion of the General Staff of the GNA, was one of the victims who was tortured after his capture by the Haftar forces near Ain Zara south of Tripoli, according to his brother’s testimony to the Euro-Med team. His brother said that Mohamed received a military order on April 4, 2019, to join the forces defending Tripoli. Yet, five days later, he received the news of his death during the battles that took place in the area of Al-Zahra bridge south of the capital.

The military vehicle that was carrying Mohammed was hit by a rocket-propelled grenade and remained in the areas where the clashes took place. Before the arrival of GNA forces, Mohammed had disappeared from the car and other two bodies remained, which raised doubts about his death. The victim’s brother said that after several attempts to communicate with Mohammed, one of the Haftar’s fighters picked up the phone and started throwing insults and threats of killing Mohammed at him and continued to repeat the words: «We made him a carrion. He died. Don’t look for him. He died like a dog,» in reference to the brutal way he was killed. A while later, the family received a picture of Mohammed, in which he was dead and was hanged on the back of a tank. His body was brutally mutilated amid laughter and mockery from the Haftar fighters in the picture.

Mohammed’s brother explains the difficult psychological situation that the wife of the victim and his son had to go through after seeing some pictures of him after his death. The family’s efforts had become focused on getting the body and burying it in a respect of his human dignity. According to witnesses, intensive efforts were made to get the body for burial through the Red Crescent and other intermediaries, but they were all refused and threatened with death if the deceased’s relatives returned to claim his body. In this context, the witness adds that a team from the Libyan Red Crescent has completed some procedures for receiving the body but failed after they received threats from the forces at Al-Sibya Hospital: «Either you go or we will kill you and put you in the refrigerator instead of him,» they were told. The victim’s brother said that they didn’t get the body and only after the forces of the GNA seized Al-Sibya Hospital, they managed to get it. When they reached the body, it was getting decomposed as a result of cutting electricity off deliberately from refrigerators.
M.T.

M.T. says that his brother, M.T., is a 25-year-old fighter in the GNA forces, who was captured with two of his comrades when they were caught in their car. All of them were brutally killed by shooting parts of their bodies that on purpose so that they bleed for a long time which allows for torturing them by tying them up to armed vehicles and dragging them on the roads. According to M.T.’s testimony, the Haftar forces contacted the mother of one of the detainees to share moments of torture, the caller asked the mother of the victim to hear the screams of her son while being tortured, before shooting him and trampling him by an armored vehicle on the highway.

The body of M.T after it was mutilated by the Haftar forces.
The execution of 6 alive fighters after capturing them

In another testimony obtained by the Euro-Med, Mohammed Osebeha, a fighter of GNA, said that six of his comrades were killed near the town of Aziziya, south of Tripoli by the Haftar forces. They were executed on the ground in a sequential manner. After being subjected to brutal torture by beating them up with sharp instruments and whips. They also humiliated them and their families by filming them naked under torture and by sexually assaulting them and sending pictures and videos to their families.

A body of a GNA fighter after being burned by the Haftar forces
Legal background

Article III of the 1949 Geneva Conventions, which deals with non-international internal conflicts, states that persons deprived of their liberty for reasons related to the conflict must be treated in a manner that preserves their humanity and dignity. The article prohibits all methods of killing, torture and degrading treatment that undermine human dignity.

Acts of torture and the deliberate killing of prisoners necessitates serious and urgent legal prosecution for the impact that it may left on the persons who are exposed to torture. It is an international crime that requires taking a stance to stop the perpetrators by all means, protecting the right of individuals to life, safety, freedom and honor as well as protecting them from any violation of their human rights or the degradation of their dignity, which has almost permanent effects on persons under torture, both physical and psychological.

The United Nations has criminalized and banned torture by a number of human rights declarations and conventions, and all international laws and norms have condemned the killing of prisoners of conflict.

Article 5 of the Universal Declaration of Human Rights of 1948 states that «No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.» Likewise, the International Covenant on Civil and Political Rights states: « No one shall be subjected to torture or to cruel, inhuman or degrading treatment... »

All international convention on human rights or disputes spoke of the torture issue such as the Rome Statute of the International Criminal Court of 1998 which criminalized it. In addition, the 1975 United Nations Declaration on the Protection of All Persons from Torture asserted in Resolution 3452 the criminalization of torture and described it as « an affront to human dignity ».

Article 8 of the ICC Convention prohibits the violation of the inviolability of the dead during military operations, which constitutes a breach of the applicable conventions. These acts have been blatantly violated as a number of prisoners’ bodies have been abused.

Moreover, the Libyan Penal Code states that insulting dead bodies is a crime that requires accountability and prosecution. Articles 294 and 293 of the Libyan Penal Code criminalize causing bodily harm by imprisonment for at least one year.

The crimes documented in this report are among those amounting to war crimes that are fully complemented by the Statute of the International Criminal Court, pursuant to Article 8/A/3/6 and Article 8, paragraph B/6/10/11/12, E/1/2/4/11.
**Recommendations**

- All Libyan parties must put an end to violations of human rights and abide by the rules of international humanitarian law and national laws in a manner that preserves human dignity and the safety of civilians and does not subject prisoners to anything that harms their lives or dignity.

- The legislative authorities in Libya should amend the Penal Code and intensify the penalty of violating the sanctity of the dead to deter perpetrators of torture and ill-treatment and ensure that they are brought to trial.

- The Prosecutor of the International Criminal Court shall immediately investigate the crimes committed against the Libyan prisoners by the Haftar forces and to bring the perpetrators to justice.

- All parties involved in the Libyan conflict are required to exert pressure on concerned bodies to respect human dignity, preserve the lives of civilians, neutralize them from military actions, methods of intimidation and torture, and to engage in a serious national dialogue to end the state of conflict which has been going on since 2011.