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ANNEX 8.47

HUMAN RIGHTS WATCH

Libya: At Least 370 Missing From Country's East

Fate of Libyans in Government Custody Unknown

March 30, 2011

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(Benghazi) - At least 370 Libyans have been reported missing in the eastern part of the country since mid-February 2011, some of them known or suspected to be in Libyan government custody, Human Rights Watch said today.

Human Rights Watch documented 72 cases in the east of people who are missing or were apparently disappeared by government forces. The Libyan Red Crescent Society in Benghazi has recorded 370 missing person cases from Benghazi and Baida.

Most of those reported missing to Human Rights Watch are men who apparently fought with rebels against the government, Human Rights Watch said. Others are clearly civilians, including at least four doctors, three journalists, and people caught in areas where fighting took place.

The disappearances in the east come atop scores of arrests and disappearances in Tripoli during the last week of February and the first two weeks of March reported by Human Rights Watch on March 13. The location and fate of those arrested in the capital remain unknown.

"At least 370 Libyans from the east - civilians and suspected fighters - have gone missing, some of them last seen in government hands," said Peter Bouckaert, emergencies director at Human Rights Watch, currently working in eastern Libya. "Given the lack of information and Gaddafi's record with torture and killings, the families of these people fear the worst."

The Libyan government has released no information about the number or location of people it has arrested across the country since anti-government protests began on February 15 in eastern Libya and then devolved into heavy fighting between the government and armed opposition groups.

The Libyan authorities have the right to arrest suspected criminals and prosecute them for criminal offenses, Human Rights Watch said. But all detainees must be treated humanely and promptly charged or released. The families of arrested people have a right to know about their relative's location and status.

The 72 possible disappearance cases documented by Human Rights Watch are based on interviews with family members or witnesses to the arrest of missing persons. All of the cases involve missing males, ages 14 and up. Most of them went missing near the front lines south and west of Benghazi, or in Benghazi itself, during fighting between rebels and government forces.

A boy looks at pictures of the missing and killed Libyans in a street in Benghazi on March 4, 2011.

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At least 370 Libyans from the east - civilians and suspected fighters - have gone missing, some of them last seen in government hands. Given the lack of information and Gaddafi's record with torture and killings, the families of these people fear the worst.

Peter Bouckaert, emergencies director at Human Rights Watch

In a dozen of the cases, government forces answered the mobile phone of the missing person when the family tried to call, saying or suggesting that the person was in official custody. In two cases, the family of an arrested person said they later saw their relative on Libyan state television, claiming to be a terrorist who was drugged.

The majority of people whose situations were documented by Human Rights Watch were last seen in March, but some are missing since February. This includes at least three journalists apparently arrested during the first protests in mid-February, workers in Tripoli trying to return home to eastern Libya, and protesters at the military barracks in Benghazi on February 19 and 20.

The retreat of government forces from Ajdabiya, Brega, and Ras Lanuf that started on March 25 temporarily opened new areas to families searching for missing relatives. But so far Human Rights Watch has documented only two cases of a missing person who reappeared. One of these people, a 23-year-old man from Baida who did not wish to give his name, said government forces had held him for 11 days in Sirte, before releasing him on March 21 with about 50 other men from Misrata and parts of eastern Libya. Soldiers had beaten him during his detention, he said, and he showed Human Rights Watch scars on his back, forehead, and face.

The failure to find most of the missing persons after the government's retreat suggests that government forces may have taken those in their custody with them to government strongholds in Sirte and perhaps further west to Tripoli, Human Rights Watch said. Some may have been killed and their families have yet to discover the body, and others may be in hiding or unable to communicate with their families.

"The retreating government forces may have taken their captives with them, both fighters and civilians," Bouckaert said. "All these people must be treated humanely, and that starts with announcing who has been arrested and where they are being held."

Medical Crews Missing

In one case involving civilians documented by Human Rights Watch, at least 14 people, including a doctor and ambulance driver, have been missing since March 19, when witnesses saw them in government custody. A nurse with the group was killed.

Dr. Hossam al-Majri of the Benghazi Medical Committee told Human Rights Watch that the missing doctor, Ali al-Barg, 45, a father of four and director of the emergency ward at Hawari hospital in Benghazi, had left Benghazi in a clearly marked ambulance on the evening of March 18 to look for wounded and dead along the Benghazi-Ajdabiya road.

He was traveling with a driver, Sami al-Muzawi, 32, and a nurse, Ali Huni, whose age is unknown.

Two staff members from the medical clinic in Giminis, 30 kilometers south of Benghazi, told Human Rights Watch that they saw al-Barg and the driver Sami al-Muzawi tied up next to a military truck and a shot-up ambulance outside Giminis, together with 12 other detainees. Some of the detainees had minor gunshot wounds, the witnesses said. Al-Barg, still in his medical scrubs, was bound and lying on the ground with bruises on his face. Nuri Massoud, 40, an ambulance driver from the Geminis medical center who observed the scene, told Human Rights Watch:

> We found a military truck parked by the side of the road, next to an ambulance, and a Mercedes truck destroyed across the road, hit by bullets and with flat tires. We parked there because we thought we would find dead and wounded, but when we parked, we saw that the doctor was lying on his side with his arms and his legs tied, still wearing his surgical gown. He was tied up with about 12 others, all tied up by their arms and legs... There were three soldiers there in military uniform and machine guns guarding them. We tried to talk to them, asking them why they were detaining a doctor, but they ordered us not to talk to them and made us sit down with them for about an hour before telling us to leave.

There was one who died in the ambulance, the nurse of Ali al-Barg. There was blood in the ambulance when we took his body out. He was dead from the night before, his body was stiff [from rigor mortis]. The ambulance had bullet holes, it was shot there because its tires had been shot up and were flat, from the side... Dr. Ali had bruises on his face but we were not able to speak to him, only to the soldiers. If we spoke to any of the detainees, they would threaten to kill us all.

One of the detainees asked for some water and while the soldiers went to get it, he told us that his name was al-Bira, and that he worked at the Wahada Bank in Benghazi. He was in his 30s, he had a small beard and a keffiya scarf, like those worn by the revolutionaries.

At least three other doctors are missing from eastern Libya, Human Rights Watch said. Dr. Idriss Busheri, a cardiologist from the Benghazi Medical Center, and Dr. Reda al-Mizaygri, a Libyan-American neurosurgeon, were last seen leaving Ajdabiya on March 16, heading toward Benghazi in a private car. Dr. Suhail Atrash, an anesthetist from Al-Nahar hospital, was last seen on March 10 on the road between Ras Lanuf and Bin Jawad while looking for injured people.

In another case involving medical workers, on the morning of March 18 Naji al-Araby, 39, drove an ambulance toward the eastern gate of Ajdabiya to search for dead bodies from the previous night of heavy fighting. Three passengers traveled with him: Abdulhamid Bousidra, 21, a volunteer paramedic, and two electricians who were repairing electrical lines, Muhammad al-Ashlam, 39, and Ahmed Abdullah Ibrahim, 25. None of the men carried weapons, said al-Ashlam's brother, Faraj, who said he saw the four men before they set out. The ambulance and the men never returned.

"We have searched but there is no trace of the ambulance, no trace of the bodies, no word," Faraj al-Ashlam told Human Rights Watch.

Different Voice on the Phone

In a dozen cases documented by Human Rights Watch, relatives tried to call a missing person's mobile phone and ended up speaking with someone who they believed to be from the government's security forces. Mahmoud al-Ashaibi, for example, tried on March 18 to call his brother, Ibrahim al-Ashaibi, who was traveling with two friends from Benghazi, Wahid al-Arafi and Mutaz al-Fituri, perhaps to join the fighting. A man with a western Libyan accent answered, Mahmoud al-Ashaibi told Human Rights Watch, and said his brother had been detained.

"We captured him and found videos and pictures of the revolutionaries on his mobile phone, so we are taking him to Tripoli," Mahmoud al-Ashaibi recalled the man on the phone saying. "He will appear on state television and he will say that he has been brainwashed and that he is taking hallucinogenic pills."

The next day Mahmoud al-Ashaibi went looking for his brother and two friends. He said he found Ibrahim al-Ashaibi's abandoned car in the vicinity of Geminis with the bodies of Walid and Mutaz, apparently killed by gunfire. Ibrahim al-Ashaibi remains missing.

On March 19 Ahmad Emherb Saad disappeared after he left Geminis to bring supplies to his family in Benghazi. When his brother Jamal Emherb Saad called Ahmad's phone later that day, Ahmad answered and said he was with government forces but would be fine. Thirty minutes later, Jamal told his son to call Ahmad again. This time, a man with a western Libyan accent answered the phone and said, "You will find Ahmad in a hell made by Muammar," Jamal Emherb Saad recalled. The family has since received no information about Ahmad's whereabouts.

Also on March 19, the day that government forces entered Benghazi, Nabil Salah Musa al-Salinah and his neighbor disappeared near the city's Aguarsha Gate as they drove, armed, to join the fight. A friend of al-Salinah, Yunus al-Awamy, said that he called al-Salinah early in the morning. Al-Salinah answered and said he would call al-Awamy right back, but he never did. When al-Awamy called again two hours later, someone with a western Libyan accent answered, claimed to be a volunteer in "Gaddafi's brigade" on the outskirts of Benghazi, and said the brigade was holding al-Salinah alive. Al-Salinah has not been heard from since.

Maher al-Gerief and two friends, Walid al-Thaib and Khalid al-Mansuri, all engineers, went missing on March 12 while driving without weapons to the front line in Brega. Walid's brother, Nabil al-Thaib, told Human Rights Watch that a man with a western Libyan accent called Maher al-Gerief's mother on March 14 and told her that her son had been taking hallucinogenic pills and that he would get new pills to quiet his nerves. The caller said that Maher would call his mother, but the family has had no further contact.

The brothers Osama bin Harez and Abd al-Salam bin Harez went with weapons to join the fight in Bin Jawad on March 11 and have not been heard from since, according to their uncle, Marei Omar al-Garogori. A third brother, Jaber bin Harez, set out from Benghazi for Ajdabiya on March 12 to find Osama and Abd al-Salam. The last call the family got from Jaber came in the middle of that night.

When the family called Abd al-Salam's mobile phone on March 13, someone with a western Libyan accent answered and said he was an officer from the al-Nasr army barracks in Tripoli. According to al-Garogori, the man told the family that the person who owned the phone was dead and that the family should collect his body in Tripoli. He said the family declined because the trip posed too great a risk.

Al-Garogori said that on the morning of March 14 an unknown person answered Jaber's phone and said that Jaber was in the custody of government forces on suspicion of being a rebel fighter. Jaber has not been heard from since.

Seen on TV

In two cases documented by Human Rights Watch, detained Libyans were subsequently seen by their family members on state television, controlled by the government. Fathi al-Murgrabi, 40, disappeared on February 24 while driving to Sirte in search of his brother, Faraj al-Murgrabi, 23, who had disappeared on February 20 outside the military barracks in Benghazi during a clash between protesters and government forces. The brother of Fathi and Faraj, Muftah al-Murgrabi, told Human Rights Watch that the family later saw Fathi on state television, confessing that he was a member of al Qaeda and had taken hallucinogenic pills.

Faraj Khamis Ibrahim told Human Rights Watch that his brother, Omar Khamis Ibrahim, 30, disappeared in Ras Lanuf on March 8 and subsequently appeared on state television. Faraj called Omar's telephone on March 8 and a man answered, saying that Omar had been hit with a bullet in the leg. "If you want him, you can come take him," the man allegedly said. Faraj said that on about March 15 he saw Omar on state television with marks on his face, as if he had been punched. A person off-camera asked Omar if he had been taking pills, Faraj said. Omar answered, "Yes." Two days later, Faraj said, he saw Omar on state television again, cheering Muammar Gaddafi in Tripoli.

Some Spoke Out, Now Missing

At least three missing persons appear to have been arrested on account of their political activities. The writer and journalist Atif el-Atrash, 33, went missing on February 18, after giving interviews the previous days to the television channels Al Jazeera and France 24. His brother, Wadea el-Atrash, said the brothers went to pray together in Benghazi on February 18. Afterward, Wadea lost Atif in the crowd, and he has not been seen since. Prisoners in the Benghazi military barracks who escaped when protesters overran the barracks on February 20 told Wadea that they had seen Atif with them in the barracks and that he had been transferred to Tripoli on February 19.

On the early morning of February 16, the writer and former political prisoner Idris al-Mismari was giving a live interview to Al Jazeera

about protests in Benghazi when the line went dead. Witnesses told Human Rights Watch that security forces arrested al-Mismari then, and he has not been heard from since.

At around 7 a.m. on February 16, internal security forces arrested Mohamed al-Sahim at his Benghazi home. Al-Sahim, who regularly writes for independent Libyan websites such as Al Manara, had attended a demonstration the night before and posted video footage on Facebook.

The arrests and disappearances are not limited to eastern Libya. Human Rights Watch previously documented scores of arrests by government security forces in Tripoli after anti-government protests began there in late February. Those arrested include anti-government protesters, suspected government critics, and people alleged to have provided information to international media and human rights organizations.

The number of people arrested in Tripoli and other parts of western Libya under government control remains unknown, Human Rights Watch said. To date, the government has provided no information about people in its custody.

International Law

Enforced disappearances are defined by the Rome Statute of the International Criminal Court as "the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a state or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time." Enforced disappearances that are widespread or systematic, and part of an "attack" on a civilian population (i.e. state policy) may be a crime against humanity.

The International Criminal Court has jurisdiction to investigate and prosecute anyone responsible for crimes against humanity in Libya since February 15, following UN Security Council Resolution 1970.

"Libyan government forces have an obligation to treat all detainees in accordance with international standards," Bouckaert said. "The Libyan authorities should provide immediate answers about the fate of those in custody, and allow international organizations to monitor their treatment."

Correction: A previous version of this media release stated that Maher al-Gerief and two friends, Walid al-Thaib and Khalid al-Mansuri, all engineers, went missing on March 12 while driving "with weapons" to the front line in Brega. They were travelling *without* weapons.

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