



Misrata Military Council Response to Human Rights Watch ^[1]

May 3, 2012

Misrata Military Council

To: Human Rights Watch

We read the letter your organization (Human Rights Watch) sent to both the Misrata Local Council and the Misrata Military Council, explicitly accusing the revolutionaries of Misrata of perpetrating several violations and crimes that may constitute crimes against humanity. The letter warned that officials on the city's local council and military council might be held responsible for these abuses and their failure to stop and prevent them.

We first wish to reiterate our appreciation for the efforts your organization has made and is making inside Libya to monitor the human rights situation, as well as the role it played during the revolution to document all violations committed by al-Qaddafi's brigades against the Libyan people, particularly in Misrata. We also affirm our full willingness to cooperate with you to disseminate a culture of human rights in Libya, which was absent throughout the 43 years of al-Qaddafi's rule.

Yet, we had several observations on your letter, and wished to respond as follows:

1. We have stated and continue to state that no violations have occurred in the prisons under our supervision. We are working to provide the best humanitarian conditions to inmates in accordance with available capacities. In this regard, we contracted with a private company to supply food to the prison, and we have permitted the families of inmates to visit them continuously, while providing means of communication to those whose families are unable to visit. We are prepared to accept your observations in this regard and take action to ameliorate any difficulties and provide the best conditions to these detainees until they are fairly tried. All evidence gathering and investigations are conducted in accordance with the law and by authorized persons with judicial police powers. A set of cases have been referred to the

prosecutor's office for the completion of investigations, and the prosecution has released many [detainees] in cases where there was insufficient evidence for their prosecution.

2. The prisons under our control were and remain open to visits by your organization and other rights organizations and associations, national and international. In this respect, we conduct ourselves with full transparency because we have nothing to hide. We have permitted you and others to speak to inmates and sit alone with them. We affirm that we deal seriously and decisively with any complaint we receive against any person from among our personnel. We have taken and continue to take action to remove any person who violates the rights of inmates. We have removed several investigators who treated the inmates harshly. Numerous organizations that have visited prisons under our supervision have praised our fine treatment of inmates, and we have received no observations from them.

3. We have issued directives and instructions to all those supervising and working in these prisons, stressing to them the need to respect the rights of inmates and treat them well. In this framework, we formed a committee (see appended copy) whose mission is to visit these prisons and submit reports about them and the conditions of inmates starting on October 8, 2011. The committee is still performing its work.

4. We regularly take action to provide healthcare to inmates through internal and external clinics. We have contracted with several private health facilities outside of Misrata to treat sick and injured inmates, while noting that their injuries were sustained before they reached our prisons, either while taking part in battles with al-Qaddafi's brigades or during their apprehension and arrest. They may have been beaten or tortured by the persons who detained them. Indeed, we note that we received several prisoners from various regions in Libya after they had been beaten. This is a result of the absence of a culture of human rights among those persons who arrested the prisoners, among them, unfortunately, revolutionaries, as well as some other persons who affiliated themselves to the revolution and were considered revolutionaries. This was confirmed by some inmates when asked about the traces of torture and injuries on their bodies. In any case, we are fully prepared to cooperate with all organizations, including your organization, to investigate any complaint of torture in any prison under our supervision, and we will take action to refer any person working with us to the Public Prosecution if sufficient evidence exists so that he may be punished for his abuses.

5. Finally, we note that the revolutionaries of Misrata did not forcibly displace the people of Tawergha. Rather, they fled with the brigades after their defeat. When the revolutionaries entered the area, they found only a few people—no more than 80 people—most of them elderly and children. They were treated well and provided with transportation to the areas where their families had moved, based on their own express wishes. The torching and demolition of some

homes in the Tawergha area today are individual actions committed by people who suffered the worst abuses at the hands of the people of Tawergha during their incursion into nearby Misrata. These individual violations have occurred and continue to occur all over, even inside Misrata, and we find it difficult to deal with them because they take place at irregular intervals and on an individual basis. Nevertheless, we are doing our best to prevent them. At the same time, we note that no one prevented the residents of Tawergha from returning to their homes. However, we know that this represents a danger to them and to the people of Misrata due to the tension between the two areas. We heartily believe that a solution to this problem is to be found in government intervention, by activating the role of the judiciary and the prosecution to hold accountable those accused of perpetrating crimes. Thus, we believe that time will deal with these matters, while stressing the need for the government to take the necessary measures to help the residents of Tawergha, who are currently living in poor refugee conditions and face difficult humanitarian conditions.

In conclusion, we are fully prepared to cooperate with you and all other organizations in order to provide the best conditions to prisoners, and we will be happy to hear any observations you have. At the same time, we stress that violations that have and continue to occur are no more than individual violations, which we are working hard to prevent, despite the difficulty of it. We also note that many violations were falsely and fraudulently attributed to Misrata and Misrata revolutionaries and, thus, attention must be paid to this. We have observed that the residents of Tawergha attribute every action against them to the Misrata revolutionaries, even if someone else is responsible, to embarrass the city and pressure it. The events in the Janzur area are an example: the media and rights organizations, including unfortunately a fact-finding team with the Human Rights Council, addressed these events and attributed them to Misrata revolutionaries after listening to the victims of Tawergha.

Finally, we note that some rights and humanitarian organizations visit cities where residents of Tawergha live and state that Misrata displaced these people without even bothering to visit Misrata to investigate the full truth.

Misrata Military Council

Attached regulations

Free Libya

February 17 revolution

Misrata Ad-Hoc Military Committee

Security Directorate of the National Army

To: Director of prisons in the directorate

With reference to the principles for which the February 17 revolution was made, specifically justice, equality, and respect for human rights,

You are directed to issue orders to those in charge of the prison to implement the following directives:

1. Refrain from using violence or degrading treatment against detainees.
2. Provide healthcare to detainees and refer sick persons to hospitals.
3. Devote attention to the cleanliness of detention facilities and provide clothing and cleaning materials to detainees.

Everyone is directed to take note and comply.

Peace and God's mercy and blessings upon you.

Ibrahim Ahmad Bayt al-Mal

Director of the Security Directorate of the National Army

CC: President of the Ad-Hoc Military Committee

President of the Investigative Division in the directorate

Periodic file

Free Libya

February 17 revolution

Misrata Military Council

Re: formation of the committee

Date: Dhu al-Qa`da 10, 1432/October 8, 2011

File no: M`M/102

To: Salim Amuhammad Abu Rawi

A committee shall be formed, presided over by you and composed of:

`Abd al-Qadir Muhammad Abu Sha`ala

Miftah `Ali al-Hamudi

Walid Muhammadayn Ghazzi

`Umar Ibrahim al-Dirnawi

In order to inspect unauthorized branch prisons and deliver [the prisoners] to the main prisons for the purpose of controlling them and turning them over to the competent authorities with official documentation. The committee may cooperate with the Red Cross. The committee must execute its assigned task as of the date of this letter and refer a detailed report to us within three days.

Proceed immediately upon receipt.

Lt. Col. Ramadan `Ali Mansur al-Zarmuh

Misrata Military Council

CC: Security Divisions of the National Army

Police Division of the National Army

Federation of 17 February Revolutionaries

Handling file

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