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Libya urged to investigate whether al-Gaddafi death was a war crime

Amnesty International today urged the new Libyan authorities to ensure a full, independent and impartial investigation into how Colonel Mu'ammār al-Gaddafi died, saying if he was deliberately killed in captivity it would constitute a war crime.

Video footage which emerged yesterday appears to show that Colonel al-Gaddafi was alive when he was captured by anti-Gaddafi troops in Sirte yesterday.

"If Colonel al-Gaddafi was killed after his capture, it would constitute a war crime and those responsible should be brought to justice," said Claudio Cordone, Senior Director at Amnesty International.

"Investigating whether or not his death was a war crime might be unpopular. However, the NTC must apply the same standards to all, affording justice even to those who categorically denied it to others."

"Bringing al-Gaddafi to trial would have finally given his numerous victims answers as to why they were targeted and an opportunity for justice and reparations."

An investigation would help to clarify many of the conflicting reports which have circulated about Colonel al-Gaddafi's fate after his hometown of Sirte fell under the control of the National Transitional Council (NTC).

If the NTC is unable to guarantee an independent and impartial investigation, the investigation should be conducted by international bodies such as the International Criminal Court (ICC) or UN rights mechanisms. The UN Office for the High Commissioner of Human Rights also called today for an inquiry into the former leader's death.

Libyan Prime Minister Mahmoud Jibril claimed that al-Gaddafi had been fatally wounded in the head amid cross-fire. But other NTC officials told the media that the former leader bled to death en route to the hospital, or that he was killed by fighters after capture.

Videos also emerged showing the Colonel's son Mu'tassim al-Gaddafi, also captured yesterday, lying on a bed in what appears to be a private residence. Wearing a bloodied T-shirt, he bore a neck injury but seemed to be conscious and aware of his surroundings. Later footage showed his lifeless body on a hospital bed. His death should also be independently investigated.

A Libyan doctor who studied the bodies told the media that both Colonel al-Gaddafi and his son were killed by bullet wounds.

For months, Amnesty International has called on all sides to Libya's armed conflict to respect international humanitarian law, including calling on the NTC to protect captured pro-Gaddafi forces from revenge attacks and other reprisals.

The organization repeatedly called on the NTC to surrender Colonel Mu'ammār al-Gaddafi, his son Saif al-Islam al-Gaddafi and Abdullah al-Senussi safely to the ICC to face trial without delay if they

were captured. In June, the ICC issued arrest warrants for all three on two counts of crimes against humanity.

There are conflicting reports on whether Saif al-Islam and Abdullah al-Senussi remain at large or have also been captured or killed.

If captured, the NTC must ensure that they – and all those suspected of war crimes, crimes against humanity and other crimes under international law – are treated humanely and given fair trials.

Past abuses

Extra-judicial executions of opponents at home and in exile were hallmarks of al-Gaddafi's rule in Libya. The practice was known as the "liquidation of stray dogs" – as critics of the al-Fatah Revolution of 1969 were known – and was sanctioned at the highest levels of the state. The authorities refused to investigate allegations.

For decades, Libyans endured gross human rights violations in the name of preserving the al-Fateh Revolution. The onus is now on the NTC to truly break with the legacy of abuse and repression under Colonel al-Gaddafi, Amnesty International said.

"The new Libya must be built on respect for human rights and justice, not retribution for the wrongs of the past," said Claudio Cordone.

"Libyan authorities must now break down the barriers to justice that typified al-Gaddafi's brutal 42-year rule, and ensure that all those reasonably suspected of committing present and past abuses are prosecuted according to international fair trial standards."

"Reforming the justice system to ensure its independence and ability to provide a remedy for victims must be among the NTC's key priorities. Failure to do so will cast a shadow on their commitment and ability to uphold the rule of law and human rights."

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566, email: press@amnesty.org or Twitter: @amnestypress

International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK