Thank you, Chairman Kerry, Senator Lugar,

members of the committee. Thanks for asking me to come and

speak to you about this subject today.

I want to start by saying that my organization, Human Rights

Watch, has been following events in Libya for a number of years.

We’ve conducted numerous missions in the country. I’ve met, on

trips to Libya, members of Qadhafi’s government, including some

of the officials who’ve gone over, now, to the opposition. And we

have been in close contact, for a number of years, with some of

these incredibly brave human rights activists, in Benghazi and

other parts of the country, who have now formed the core of the

opposition movement. We’ve also had staff on the ground in eastern

Libya, since the uprising began, observing these events as they’ve unfolded.

There’s been a lot of discussion about how we don’t know who the

opposition is. And I don’t think that’s quite fair. I think we do

know a great deal about them. Certainly, my organization has

known them for some time. And one thing I can attest to you today

is that this is not just a localized uprising, centered on Benghazi

or eastern Libya. It’s not, in my view, a classic civil war between

east and west fighting over control of the center. What we saw in

Libya, starting in February, was really a nationwide popular uprising

against the Qadhafi government. The difference is that in the

west, except for Misrata, which is still holding out, the opposition

movement was brutally put down. In the east, they overcame the

security forces and found themselves, to their enormous surprise,

in charge of a large amount of territory.

Now, about 3 weeks ago, we found Qadhafi’s forces marching on

that territory in the east, where the opposition was still in control.

Qadhafi said that he would show no mercy to the ‘‘rats,’’ as he

called them, who had risen up against him in that part of Libya.

And a humanitarian catastrophe, I think, was clearly imminent.

The Obama administration and its international allies did act

just in time to stop that from happening. In my view, this was

probably the most rapid multinational military response to an impending

human rights crisis in history, with broader international

support than any of the humanitarian interventions we’ve conducted

in the past, including Bosnia and Kosovo and others in the 1990s.

Now, precisely because the international community did act in

time, before Qadhafi retook Benghazi, we never saw what might

have happened, had he retaken that city. And so, it’s not as evident

to us—we don’t feel what was accomplished, because we didn’t see

those events unfold. This is the classic dilemma of preventive action.

And so, just a few days into the military operation, we’ve moved

on to a new set of questions—very difficult, very legitimate questions

that others have raised and I’m sure we’ll discuss today. But

before the debate moves on to those questions, we ought to at least

acknowledge what would likely be happening in eastern Libya

today, had Qadhafi’s forces continued their march.

First, there would have been a brutal siege of the city of

Benghazi. Just look at the dozens of burnt-out tanks and rocket

launchers and missiles that were stopped on the road to the city.

It gives us some idea of what might have been unleashed on the

people of Benghazi. Look at what’s happening in Misrata today, a

smaller city that’s holding out against a similar assault.

Second, we would have seen, I think, a merciless campaign of repression

against Libyans in that city and all the others in eastern

Libya who dared to stand up against Qadhafi. Qadhafi’s long track

record of torturing and arresting and disappearing and killing his

political opponents, which we’ve documented over the years, attests

to that. And I think this would have haunted us for quite some time.

Third, the Libyans who rose up against Qadhafi in the east

would have felt defeated, humiliated, betrayed by the west. We’d

have seen many thousands of young men from that region living

in refugee camps, wandering around the Middle East, feeling

defeated. I would say that would be an al-Qaeda recruiter’s dream

and something that we had a national interest in avoiding.

Finally, I do agree with President Obama, that there would have

been an impact on events in other countries in the Middle East.

Perhaps not decisive or determinative, but I think one thing we

have seen in this whole drama over the last few months is that

events in one country in the Middle East affect events in all of the

others. That’s been the whole story of the Arab Spring, with something

that began in Tunisia inspiring people in Egypt, which then

inspired people in Libya and other countries. And I think there’s

no question that authoritarian leaders would have concluded, had

Qadhafi won, that Hosni Mubarak, in Egypt, made a very big

mistake by not killing everybody in Tahrir Square, and that Qadhafi’s

survival strategy is the one to emulate.

And I think, if all of these things had happened, Mr. Chairman,

we probably would still be talking about Libya today. You might

be holding the same hearing, but it would be a very, very different

kind of conversation, a much darker conversation than the one that we’re going to have.

Now, all of that said, even if Benghazi may now be safe from

Qadhafi’s tanks, obviously his thugs still have free rein to shoot

demonstrators in Tripoli and other cities in the west. In Misrata,

the civilian population is still besieged. And, unless a secure humanitarian

corridor is established to that city, it’s hard to see how

the half-million residents of Misrata can endure a protracted conflict.

And, for the moment, a protracted standoff does look possible.

Libya is, for the moment, divided in two.

But, I think we need to remember the choice that President

Obama and other leaders faced a few weeks ago. They could either

allow Libya to be reunified, but under Qadhafi, or help at least a

large part of the country escape that fate. And by trying to reunify

it under better circumstances, I think President Obama chose the

better of those two difficult options.

And I don’t think we should underestimate the strength of the

nonmilitary measures that are now in place to pressure the regime.

The men around Qadhafi, the men who are ultimately going to decide

his fate, now know something, after all, that they didn’t know

just a few weeks ago. They know that their leader will never again

be able to sell a drop of Libyan oil, and they know that he will

never be able to retake the large parts of Libya that he has lost.

And now we have time, which we did not have a few weeks ago.

How should we use that time? Well, in part I think we should

use it to help the opposition strengthen its capacity to govern in

the east so that they are better prepared to play their part in governing

the country in the future. They face an enormously steep

learning curve. As I said, they had no idea they would be doing

this, just 2 months ago. But, they have been very responsive to our

concerns. We’ve been in their offices every day for the last month,

raising all kinds of issues, and they have been very responsive.

They need help in setting up a justice system, courts, police, all of

the elements of a functioning state. We ought to be working with

them on planning a future transition to a constitutional rule of law

state, talking to them about how to manage oil revenues in an

accountable and transparent way, working with them to secure

stocks of weapons, including shoulder-fired missiles that some of

our researchers stumbled upon unsecured in a warehouse recently

in eastern Libya, as well as land mines and unexploded ordnance.

I know there’s been a lot of talk about whether to arm the rebels.

I think there should be much more focus on sending civilian teams

to start addressing these and other challenges of governance. This

is the moment, after all, when the character of the future Government

of Libya is being determined. It’s also the moment where we

have the maximum amount of leverage on the people who may

form that government in the future.

Now, in time, I think the opposition forces will be stronger and

better prepared. Meanwhile, as these extremely stringent sanctions

take their toll, I think the regime, what’s left of it, will grow

weaker. Defections will obviously contribute to that, as well. I

think there’s a very strong argument here for patience and for following

the kind of approach that the United States followed, for

example, in the case of Kosovo, after a military action to protect

the civilian population in one part of Serbia, followed by political

strategy that ultimately succeeded in changing the character of the larger part of Serbia.

It’s not going to be easy. We don’t know exactly what’s going to

happen tomorrow. We never do. But, we do know what’s been

averted, and I think that’s very important. And I think it’s fair to

say that had we not done what was done, had we stood aside, we

would not have escaped the problems of Libya. The United States

would still be embroiled in the country, enforcing sanctions long

term, evacuating opposition supporters, assisting refugees, dealing

with an unpredictable and angry Qadhafi. But, we would have been

embroiled in a tragedy, rather than in a situation that now at least has a chance to end well.

So, I’d prefer the uncertainties that we face now, all of the uncertainties

that you mentioned, Mr. Lugar, which I agree are profoundly

important—I still prefer those uncertainties to the certainties

we would have faced, had this not happened. Thank you.

Well, I agree with that. The one thing that we

didn’t have a few weeks ago was time. We were literally hours from

seeing Qadhafi, essentially, win, retake Benghazi. And then, I

think, it would have been game over, in terms of building the kind

of future in Libya that we would have wanted to see.

Now there is time. And I don’t think time is Qadhafi’s friend.

Because with time, again, as you said, his resource base will dry

up. He has what he has. But, everybody around him knows that

once that’s gone, there will be nothing left. They know that he’s not

going to be able to retake eastern Libya. So if you believe in Libya

being a unified country again, you know that the only way that can

happen is if there is a different kind of government in Tripoli.

So, I think with patience that the objective will likely be

achieved. And we shouldn’t lose our nerve. We ought to believe in

ourselves and believe that the influence that the United States and

this remarkable international coalition can bring to bear will not be insignificant in the end.

Well, maybe this is a semantic question, but it’s not a insignificant semantic question.

I’m not entirely comfortable with the use of the term ‘‘civil war’’

in this case. To me, a civil war is a struggle between two political

factions or ethnic factions, maybe representing different parts of a

country, for political control of the center. And I think, superficially,

it does look that way, because of the phenomenon I described,

that the protest movement in the west was beaten through

brute force, and brute force didn’t work in the east; and so, you

ended up with the opposition in control of territory.

And so, it sort of looks like east versus west. But, this was a

nationwide rising against Qadhafi—in Tripoli; in Zawiyah, as we

saw, the city that held out for quite some time, where people were

brutally put down; in Misrata, which is a western city, where people

are still holding out. So, to me, it doesn’t really feel like ‘‘civil

war’’ is the right terminology.

Bosnia was much more of a civil war. And, as you recall, Senator

Lugar, those who opposed any humanitarian intervention in Bosnia

stressed that aspect of it. You know, they argued, ‘‘This is a complicated

civil war between people who have been at each other’s

throats for hundreds and hundreds of years. And we’ll never be

able to resolve it.’’ And, in the end, I think a lot of us felt—I believe

you felt—that it was important, in that case, for both humanitarian

and strategic reasons, despite all of those complexities, to intervene

on behalf of a besieged civilian population. And it was successful.

When do you do it? I think Mr. Haass laid out a number of very

good conditions. And I think I essentially agree with his conditions.

We disagree on whether those conditions were met in the Libya

case, or not. I also agree with him that perfect consistency is impossible

to achieve. At the end of the day, where I come down is,

you can’t do this in every case, even in every case where our moral

values and our strategic interests are implicated. But, just because

we can’t help everybody, everywhere, doesn’t mean that, for the

sake of consistency, we should help nobody, nowhere. This was a

case where it was possible to do something. And I think the situation

we’d be talking about right now would be far, far worse, far

darker, had we not done what we did.

Well, when we say ‘‘we know’’ or ‘‘we don’t

know,’’ I always want to know who the ‘‘we’’ is.

We—— There is this phenomenon in Washington, that

many of us who’ve worked in government have seen, which I’ve

always found a bit amusing, that we don’t acknowledge that something

is known until it’s come to us in a folder marked ‘‘classified’’

from the agency with three letters in it. And, obviously, our intelligence

agencies weren’t hanging out with human rights activists

in Benghazi for the last few years. And that’s no fault of theirs. It’s

not their job to know who those people are. Our military obviously

had no contacts with those people. And those people who follow foreign

policy for a living weren’t thinking very hard about the local

politics of cities in eastern Libya for the last few years. So, it’s sort

of understandable that most of those folks are going to say, ‘‘We

don’t know who they are.’’ Right? But, that doesn’t mean it’s not

knowable and that there aren’t people who do know.

There are 31 members of the Council. We, Human Rights Watch,

don’t know each and every single one of them. We did know, before

this all started, virtually all of the leading members of the Council.

We had worked with some of them when they were, as I mentioned,

human rights activists—actually, very good people in

Benghazi. If we could pick the future leaders of Libya, those are

the kinds of people we would likely pick.

We have met, several times, with the Qadhafi government officials

who went over to the opposition, and had pretty strong impressions

of those individuals, as well. And, since then, we have

been in Benghazi, on the ground, speaking every day to members

of the Council about their day-to-day work, about some of the mistakes

that they have made—and they have made considerable mistakes—

about their vision for the future of the country. And so, we

have gotten to know a substantial number of the members of the Council.

On the al-Qaeda issue, absolutely, there has been al-Qaeda recruitment

in eastern Libya over the years. There is also a domestic

group, called the Libyan Islamic Fighting Group, which was set up

to fight Qadhafi. And there’s controversy about whether it had ties

to al-Qaeda, whether they were broken or not, which is complicated.

But, just because some of those people existed in eastern Libya,

and now there is an opposition in eastern Libya, doesn’t mean that

the two are one and the same. Certainly, in our experience, the

members of the Council are generally people committed to a secular

democratic vision. They’re mostly lawyers, professionals,

human rights activists, former government officials.

The rank-and-file fighters—that’s everyone—everyone in eastern

Libya. It’s democrats, Islamists, Monarchists, men, women, bakers,

butchers. It’s everyone. And yes, of the small number of people who

may have gone to Iraq and fight, those people are in the mix, as well.

But, imagine if the only thing we cared about here was the fight

against terrorism and al-Qaeda; imagine what would have happened,

had there been a bloodbath and a humanitarian catastrophe

in the east, and all of these people felt, ‘‘We just got betrayed by

the Americans and the Europeans and the U.N. They didn’t stand

up for us.’’ They’re living in refugee camps, they’re wandering

around the Middle East. That’s the nightmare scenario. And now

we’ve got people who are developing a new political identity, which

is absolutely not fully formed yet. And, yes, just because they say

they’re for democracy doesn’t mean they will be in 10 years. But,

at least that’s the political identify that they are trying to form

themselves around. And I think that’s a much better outcome.

No. I agree with that.

I don’t even know what to say.

I don’t think it would be anything of the scale

or of the nature of what we’re experiencing in Iraq and Afghanistan;

very different kinds of conflicts.

You know, first of all, this is not a communal conflict in which

people of one ethnic group are at the throats of people of another

ethnic group, which, you know, would require, as in the former

Yugoslavia, large numbers of peacekeeping troops on the ground

just to keep people from killing each other. In Ivory Coast, you

have that kind of conflict right now, something we’re all very concerned

about, where there is going to need to be a U.N. presence

on the ground to keep communities apart for some time. That’s not

the case in Libya. Nor is it an impoverished government, as we’ve

discussed; there are tens of billions of dollars available for infrastructure

development that already belong to the Government of Libya.

I think it’s more along the lines of what we helped to do in some

of the eastern European countries after the fall of the Berlin Wall,

which involved training and advice, provision of expertise in how

to develop a constitutional system, how to deal with some of the

questions Mr. Vandewalle raised about how to manage oil revenues

in a way that’s transparent, accountable, that benefits different

regions of the country in an equitable way.

That’s not the kind of massive resource-draining commitment

that we find ourselves in, in Iraq and Afghanistan. It would be still

a commitment, I think, worth making.

I feel strongly that he should not get immunity,

and no one should get immunity, for potential prosecution for

those kinds of crimes. And I don’t think it’s necessary to stimulate

their defection. In this case, actually, it was clear he was not going

to get immunity, and he did defect. So, there you have it.

On arming the rebels. Yes.

I think largely, yes. There may be some exceptions

to that rule. Largely, yes.

On the question of whether it’s the right thing to do or not, I

want to stay neutral on that. I can share some of our observations from——

From the field.

One of them is, is that the rebels have plenty of arms. On the

opening days of the conflict, one of our folks stumbled upon a massive

complex of warehouses stuffed to the brim with all kinds of

weapons, including antiaircraft and antitank weapons that, in principle,

would have been quite useful to the rebels. They weren’t

using them, because they didn’t know how to use them.

So, were that decision to be made, I would say

that simply depositing more boxes of guns and ammo wouldn’t add

very much to the equation, unless the country providing the arms

and ammo were also willing to engage in training, which is a——

Which is a more difficult and—— Yes.

So, that would be one caution. And I think the

more immediate need, and I mean, like, yesterday—is helping the

rebels secure the weapons stocks that they have. There are whole

bunch of MANPADS, for example, the shoulder-fired missiles, that

actually we discovered in this warehouse. Most of them are not

there anymore. In the back and forth of the fighting around

Ajdabiyah, somebody took them. The rebels have told us that they

would welcome assistance in securing these weapons stocks.

I know the State Department is interested in doing that. There

have been constraints about being able to send people to Benghazi

to actually begin to work on that. That’s, I think, the most urgent

thing. And I think it would be helpful for you all to reinforce that,

for all kinds of reasons.

There is still a trickle of refugees coming out,

both on the Tunisian side—more on the Tunisian side now than on

the Egyptian side. We averted what would have been, I think, a

major outflow on the Egyptian side.

The Tunisian Government, as far as I’ve seen, has really risen

to the occasion in a very inspiring way. There’s a lot of assistance

being provided to folks on that side of the border. I know the State

Department has been very engaged in that; UNHCR is present. So,

I’m not an expert on this, but my sense is that the numbers are

not overwhelming right now and there is a pretty good humanitarian

response that’s been mobilized.