Chairman Kerry, members of the Committee, thank you for this opportunity to testify today.

Human Rights Watch has been following events in Libya closely since 2005. We were able to send several investigative missions there in recent years and were the first international organization to release on Libyan soil a report on the human rights situation in the country. We met on numerous occasions with senior officials in the Libyan government, including the Justice and Interior Ministers, who have now joined the opposition. We were also in regular contact with amazingly brave human rights activists throughout the country who tried, despite constant harassment and risk of arrest, to challenge the Qaddafi government's repression. Among them was a group of lawyers in Benghazi who represented families of political prisoners killed or disappeared by the government, and who were waging what seemed like a hopeless struggle to get justice for victims of Qaddafi's misrule. Now, those same lawyers and activists are playing a key role in the opposition movement.

Many of the activists who have since risen to prominence in the opposition came from the city of Benghazi, but certainly not all of them. Indeed, it is important to note that what we have seen unfold in Libya is not, as some have suggested, a classic civil war in which factions from the eastern and western parts of the country vie for control of the center. What began on February 15th of this year became a nationwide uprising against the Qaddafi government. It was joined by the people of many cities and towns in western Libya, including Tripoli, Zawiyah, Zwara and Sabratha, where protests were brutally suppressed, as well as Misrata, Libya's third largest city, where opposition forces remain besieged. In eastern Libya, unlike in the west, the people overcame security forces, some of whom abandoned the government side; but this difference does not make the conflict in Libya a war between east and west. It remains fundamentally a struggle between a government and its people.

Since the Libyan opposition took control of eastern Libya, we have had staff on the ground there, documenting abuses perpetrated by the government before the rebels took control, monitoring the fighting and its impact on civilians, and engaging with the opposition authorities to ensure that they abide by the human rights principles that they say they embrace, and that they repeatedly say they were denied for 41 years.

We have also tried our best to monitor what is happening in the parts of Libya that the Qaddafi government still controls, though we have no direct access to those areas. We documented a campaign of arbitrary arrests in Tripoli and other places in the west against Libyans who were suspected of supporting the opposition, or of communicating with the media or people outside Libya about conditions in the country.

When Qaddafi's forces launched their counter-offensive against the rebels in the east in early March, we feared that much larger scale atrocities might unfold if they reached the city of Benghazi and other opposition-held towns further east. But the Obama administration and its international allies acted soon enough to prevent this from happening. Indeed, though this intervention felt painfully slow to the people of Benghazi as Qaddafi's army bore down upon them, it was, by any objective standard, the most rapid multinational military response to an

impending human rights crisis in history, with broader international support than any of the humanitarian interventions of the 1990s, such as Bosnia and Kosovo.

Precisely because the international community acted in time—before Qaddafi retook Benghazi—we never saw what might have happened had it not acted. Today in eastern Libya, there are no columns of refugees marching home to reclaim their lives; no mass graves testifying to the gravity of the crisis; no moment that symbolizes a passing from horror to hope. The attack on Benghazi was the proverbial dog that didn't bark. And so, just days into the military operation, everyone has moved on to a new set of questions. What is the ultimate objective of the mission – to protect civilians or to remove Qaddafi? How long will the operation last? How much will it cost? What happens if Qaddafi holds on, and what follows him if he goes? These are all important questions.

But before the debate moves on, as it must, we should acknowledge what could be happening in eastern Libya right now had Qaddafi's forces continued their march. The dozens of burned out tanks, rocket launchers, and missiles bombed at the eleventh hour on the road to Benghazi would have devastated the rebel stronghold if Qaddafi's forces had unleashed them indiscriminately, as they have in other, smaller rebel-held towns. The continuing siege of Misrata, where Qaddafi's troops have apparently lobbed mortar and artillery shells into populated areas, opened fire on civilians, and cut off the supply of water and electricity to a population of 500,000, gives us some indication of what might have happened, on a larger scale, if they had been able to assault Benghazi.

Qaddafi's long track-record of arresting, torturing, disappearing, and killing his political opponents to maintain control (including the murder of 1,200 people in a single day in the Abu Salim prison in 1996) suggests that had he recaptured Benghazi and other cities in the east, like Baida and Tobruk, a similar fate would have awaited those who supported the opposition there. Qaddafi's threat that he would show "no mercy" to the "rats" who rose up to challenge his rule had to be taken seriously. The people of eastern Libya certainly believed him: tens of thousands of them had already fled to Egypt fearing Qaddafi's assault. Hundreds of thousands more could have followed if the east had fallen.

Of course, we will never know for sure what would have happened had Qaddafi's forces continued their march. But if the international community had waited until we knew the answer to that question, any intervention would have come too late for the victims of the Libyan government's assault on the east. This is the classic dilemma of preventive action. It is also why nations and presidents tend to get more credit for riding to the rescue after atrocities begin, when images of suffering and death have already been broadcast throughout the world,

than before they get out of hand. But it is better to act sooner when there is good reason to believe that extremely grave and widespread human rights abuses are likely to unfold. That was the case in Libya.

Another dilemma we face in these situations is that there are always many places in the world where people suffer terrible human rights abuses. Libya is far from the only country where security forces fire on peaceful demonstrators, or lay siege to civilian populations, or imprison or shoot government critics. The United States can and should be more consistent in how it responds in such cases, especially when the government committing the abuses is an ally.   But a military response is rarely appropriate or possible. Nor does the international community's failure to confront human rights abuses in some cases mean that, for the sake of consistency, it should fail to confront them in all cases.

In Libya, there were several factors that made a military intervention to protect the civilian population more feasible than it might have been elsewhere: there were strong calls from the Libyan opposition for such assistance; there was broad international support, including from the Arab League and a U.N. Security Council resolution authorizing the use of "all necessary means" to protect Libyan civilians; and the military task itself – stopping tanks and artillery on an open road before they reached the civilian population of Benghazi – could be accomplished while minimizing risks both to allied forces and to civilians.

There were also other potential consequences had Qaddafi forces ran rampant in the east. Since the self-immolation of a vegetable vendor set off a democratic uprising in Tunisia, which inspired a revolution in Egypt, which in turn sparked challenges to dictatorships from Libya and Bahrain to Yemen and Syria, we have seen how events in one country in the Middle East can affect the region as a whole. Would a bloody end to the Libyan uprising have doomed democratic movements elsewhere in the Middle East? By itself, no. But there is no question that it would have demoralized champions of peaceful change, who had such a sense of possibility and hope after watching the peaceful protesters in Tunisia and Egypt win. Had Qaddafi crushed the Libyan uprising by force, there is also little doubt what lesson other authoritarian rulers in the region and beyond would have drawn: That Egyptian President Hosni Mubarak was wrong not to have killed the protestors in Tahrir Square, and that Qaddafi's survival strategy was the one to emulate.

Meanwhile, the Libyans who rose up against Qaddafi in the east would have felt defeated and humiliated, and also betrayed by the West. Some of them might have continued their resistance inside Libya; others might have fled, ending up in refugee camps or wandering about the Middle East. I would note that some legitimate concerns have been expressed about recruitment by militant groups, including al Qaeda, in eastern Libya in the past. In our experience, the vast majority of people in this part of Libya want nothing to do with terrorism.

But it's easy to imagine how groups like al Qaeda might have exploited the anger and despair that would have followed massive atrocities by Qaddafi's forces while the West stood aside.

Now, instead, the people of eastern Libya appear to be cobbling together a new political identity based on their participation in a movement that professes support for democratic principles, and grateful to the international community for the assistance they have received.

Of course, even if the tragic events I've described have been avoided, even if Benghazi is safe for now from Qaddafi's tanks, his thugs still have free rein to shoot demonstrators in Tripoli and other cities he controls. Civilians in towns close to the front line, like Ajdabiya, have either fled or remain insecure. In Misrata, the civilian population is still besieged. Qaddafi's tanks and snipers are in the city, where it is hard for coalition aircraft to stop them. Some aid is just now beginning to come in by sea, but Qaddafi forces continue to shell the port, and the people of the city are in desperate straits. Unless a secure humanitarian corridor is established, it is hard to see how they can endure a protracted conflict. And for the moment, a protracted standoff does look likely; Libya is indeed divided in two.

But not long ago, it looked as if Libya would be reunified under a vengeful despot with a long record of violent abuse. Now at least a large part of the country has escaped that fate. As for the rest, we should not underestimate the non-military measures that the United States, the European Union, and the United Nations have implemented. After all, the men around Qaddafi, who may well decide his fate, now know something that they didn't just a few weeks ago: that their leader will never again be able to sell a drop of Libya's oil, or to retake the large parts of Libya he has lost. The defection of Qaddafi's long time intelligence chief and foreign minister, Musa Kusa, suggests that these facts are beginning to be understood within the Libyan leader's inner circle.

When Qaddafi's forces were massing outside of Benghazi, there was no time left to protect the Libyan people or to help them build a future in which their human rights would be respected. Now, at the very least, there is time.

There is time, for example, for the international community to help the Libyan opposition strengthen its capacity to govern the parts of Libya it controls, and to prepare to play its part in governing the country in the future. As I mentioned, we have weighed in with many members of the opposition council in Benghazi. They have made their share of mistakes, and not just on the battlefield (including mistreatment of detainees). They face a steep learning curve – none of them, after all, had any idea two months ago that they would be running much of the country today. But when we have raised concerns about their conduct or offered ideas, we have found them to be responsive. They are eager for assistance, advice, and training, which the U.S., the European Union and the United Nations can and should provide.

They could use assistance in establishing a police force that respects human rights, a functioning, independent judiciary, and a system for dealing humanely with captured fighters and other prisoners. They would benefit from advice in planning for a transition from Qaddafi's totalitarian state to a democratic state under the rule of law. And they need to hear, clearly and consistently, that the international community will hold them to their professed principles (they should be reminded, for example, that the International Criminal Court will be examining their conduct as well as that of Qaddafi's government).

The U.S. and other countries should also be talking to them now about how to manage Libya's oil wealth in an accountable and transparent manner, to avoid the resource curse that has undermined democracy in so many other oil rich states. Those countries that have frozen the Qaddafi government's assets should consider finding ways of making funds available to the opposition, but on the condition that all transactions are properly audited and that opposition discloses what it earns and spends. The opposition should also be encouraged to make commitments now about the future governance of Libya's sovereign wealth fund. When a new government is established, frozen assets should be released to it once a framework is put into place for managing the fund consistent with the U.N. Security Council's affirmation (in Resolution 1973) that such assets should be made available "to and for the benefit of the people" of Libya.

The opposition authorities also urgently need help in dealing with landmines laid by Qaddafi's forces and other unexploded ordinance, as well as in securing dangerous weapons that could leak to terrorist groups (including shoulder fired missiles capable of bringing down civilian aircraft).

There has been a lot of talk about whether to arm the rebels and about CIA teams running around Libya. There should be much more focus on sending civilian teams to start addressing these and other challenges of governance. The State Department's decision to send an envoy to Benghazi to engage with the opposition is a good start. The most important question Libya faces, after all, is not whether Qaddafi leaves but what will follow. This is the moment when the character of the future government of Libya is being determined. This is also the moment when the international community has the greatest leverage.

In time, with appropriate assistance, the opposition forces will be better prepared to move Libya toward a more democratic future. Meanwhile, as sanctions take their toll, and defections continue, what's left of the Qaddafi government will likely grow weaker. There may be opportunities for mediation as this process unfolds. There is certainly a strong argument here for patience.

None of this will be easy. And of course we do not know with any certainty what will happen tomorrow much less a few months or years down the road. We never do. But we do have some sense of what has been averted in Libya.

I think it's fair to say that had the international community stood aside and Qaddafi retaken Benghazi, the United States would still have been embroiled in Libya—enforcing sanctions, evacuating opposition supporters, assisting refugees, dealing with an unpredictable and angry Qaddafi. But it would have been embroiled in a tragedy rather than a situation that now has a chance to end well. I prefer the uncertainties we face today to the certainties we would have faced had that tragedy happened.

Thank you very much.