



Reports on the 45th session of the UN Human Rights Council

Interactive Dialogue with the Fact-Finding Mission on Libya – 05 October 2020

Mr. Mohamed Auajjar, Chair of the Fact-Finding Mission on Libya (Introduction):

The Fact-Finding Mission (FFM) on Libya have been established on 22 June 2020 by the resolution [A/HRC/RES/43/39](#). The resolution calls to **establish facts and circumstances of the situation of human rights in Libya** and to collect relevant information to document alleged violations and abuses by all parties to the conflict in Libya **since 2016**.

It is important to note the **full support given by the government of Libya to this mandate**. The government is willing to cooperate and engage with the FFM in achieving **justice** and **accountability**. The mission has received reassurances that the government of Libya stands ready for full cooperation to receive the FFM in Tripoli and other areas under its control. The FFM also counts on the cooperation of other stakeholders, in particular the Libyan Arab Armed Forces to access the full territory of Libya.

The range of violations of international human rights and humanitarian law include **extrajudicial killings, torture, sexual and gender-based violence**, conditions of **detention, situation of migrants**.

The FFM hope that its efforts will lead to **accountability** as well as tangible **human rights improvements** in Libya and ultimately to a **peaceful future** for the people of Libya, with the support of this Council.

Ms. Stephanie Turco Williams, Acting Special representative of the Secretary-General:

There have been some **positive developments** in Libya since June 2020, including in the **peace process** and the de-escalation of the conflict. The 15 months bombardment of Tripoli ended in June and UN human rights monitoring shows a **decrease in civilian casualties** between June and September 2020. The only way to protect civilians is for the fighting to stop and for all parties to commit to peace.

One of the worst reminders of the horrors of the Libyan conflict have been the **discovery of mass-graves following the government's re-capture of Tarhuna**. More than 11 mass graves have been identified. The UN has called for a transparent investigation and for the perpetrators to be brought to justice.

UN Support Mission In Libya (UNSMIL) provided technical and logistical support to the **International Criminal Court (ICC)** during its visit of Tripoli in July 2020. The ministry of justice established a committee on mass-graves to carry out investigations and ensure **accountability of the perpetrators**.

When impunity, injustice and lack of accountability take roots, all kind of human rights violations are perpetrated: **summary executions, arbitrary detention, torture, sexual and gender-based violence**. Only through accountability, justice and human rights can we establish peace. The FFM is a critical step in this regard. UNSMIL is fully committed to **support the work of the FFM**.

The **Covid-19 pandemic** has had a profound effect on Libya. The situation is out of control after 9 years of conflict. The scale of the pandemic is likely to be much higher in Libya than in the rest of the world.

Thousands of detainees, including **migrants and refugees** remain held in **detention facilities**. These high-risks locations are breeding grounds for the Covid-19. UNSMIL its call for the authorities to release more detainees, in particular women and children and for unconditional access to all detention facilities.

The situation of migrants and refugees in Libya is abhorrent. UNSMIL calls on the ministry of interior to **close the detention centres** as well as illegal detention facilities under the control of armed group, often leading to trafficking of human beings. Migrants and asylum seekers should be protected.

In a country considered as oil rich. Thousands are being denied basic services with water and electricity politicized by the parties to the conflict. This level of human suffering is simply unacceptable. Accountability must be placed at the core of the **political process that would restore democracy and human rights**. UNSMIL if fully committed to this process and the **FFM will be a key actor** in achieving it.

Delegation of Libya (state concerned):

The situation on the ground is still very complicated with **the Covid-19** having disastrous consequences in a country already weakened by a terrible armed conflict. **Libya welcomes the mandate of the FFM**, and the work undertaken by the UNSMIL. It will help to implement sustainable peace in the country.

It is time to listen to the aspirations of the Libyan people. Libyans want **peace, stability and prosperity**. They embraced **democracy** and see it as the only way forward. Libyans made it clear that they don't want another **authoritarian regime**. They want to see human rights implemented.

The international community have a **shared responsibility** regarding the situation in Libya. It must regain the trust of the Libyan people. More collaboration and political will is needed now, to address the situation of human rights violations. **Libya needs technical assistance**, accountability and help to manage its borders. We hope to see tangible outcomes for Libya in the coming months.

INTERACTIVE DIALOGUE WITH DELEGATIONS

Delegations were concerned about the human rights violations committed in Libya, including **targeting civilians, gender-based and sexual violence, enrolment of children in armed forces, human trafficking, targeting of journalists, human rights defenders and protesters, enforced disappearances, extra judicial killings, hate speech**. Among the victims of the conflict, **women and girls are disproportionately affected** by the humanitarian situation resulting from the armed conflict in Libya.

The **situation of migrants and asylum seekers in Libya** was mentioned several times by delegations. The detention conditions of migrants and asylum seekers as well as the risk of **human trafficking** and sexual violence is a pressing issue that should be addressed.

Among the atrocities perpetrated in Libya, several delegations mentioned the **discovery of mass-graves in Tarhuna in 2020**. These mass graves could be considered as **crimes against humanity**. Accountability of the perpetrators is of utmost important.

Delegations emphasized the **importance of a political process to end the conflict**. The peace process must be **inter-Libyan** and must allow **women to play a central role** in the political solution. Several delegations welcomed the **cease-fire agreement accepted in August 2020**.

Several delegations expressed their **support** over the mandates of the **Fact-Finding Mission** and the UN Support Mission in Libya (UNSMIL). These two mechanisms are key to monitor human rights violations, combat impunity and implement a sustainable **peace in Libya**. **Accountability** is a central pillar to strengthen peace in Libya. Other delegations also emphasized the important role played by the **International Criminal Court (ICC)** in Libya.

A majority of delegations welcomed the role played by the OHCHR and stressed the **need to continue providing technical assistance and capacity building** to the government of Libya.

Some states denounced **external interference of foreign countries** as a factor undermining peace. External actors involved in the conflict must stop their activities in Libya.

INTERACTIVE DIALOGUE WITH CIVIL SOCIETY ORGANIZATIONS

Intervention from civil society included several different issues. One NGO denounced **the presence of mercenaries from abroad in Libya** (including members of Al-Qaida), and transiting in the Sahel region. Other NGOs denounced **attacks against freedom of expression, killings of protesters, journalists and human rights defenders in Libya**.

The situation of human rights Libya was mentioned by several speakers, including the discovery of the **mass graves** and the dire situation of **Migrants** in Libya. NGOs called on the mandate of the FFM to apply to **crimes committed before 2016** and mentioned **violations of the UN arms embargo** by external actors.

[Delegations that took the floor during the Interactive Dialogue \(36 delegations\):](#)

Human Rights Council members: Libya, Burkina Faso (on behalf of the group of African States), Qatar, Germany, Japan, Senegal, Australia, Netherlands, Venezuela, Spain, Sudan, Italy, Eritrea, Mauritania.

Observer states: Finland (on behalf of Nordic and Baltic countries), Kuwait (on behalf of the group of Arab States), European Union, Jordan, UN Women, UNICEF, Belgium, France, Iraq, Greece, Morocco, China, Iran, Switzerland, Malta, Russian Federation, Ireland, United Kingdom, Egypt, Turkey, Mali, Chad, Tunisia.

[Civil Society Organizations and NHRIs that took the floor during the Interactive Dialogue \(8 speakers\):](#)

Aman Against Discrimination, the international Organization for LDCs, Cairo Institute for Human Rights Studies, Amnesty International, RADDHO, International Institute for Rights and Development, Global Institute for Water, and Health, Association Ma'onah for HR and Immigration, International Lawyers.org.

[CLICK HERE](#) to access the full webcast of the interactive dialogue.

