



# HUMAN RIGHTS COUNCIL - 48<sup>th</sup> SESSION

## Interactive dialogue with the fact-finding mission on Libya

[Mr. Mohamed Auajjar - Chair of the fact-finding mission on Libya:](#)

- *Report of the Independent Fact-Finding Mission on Libya: [A/HRC/48/83](#)*

The Resolution 43/39 mandated the Fact-Finding Mission (FFM) to **document alleged violations and abuses of international human rights and humanitarian by all parties in Libya since 2016**. The events investigated spanned over a period of five years and involved a plurality of perpetrators, including **State and non-State actors**, but also **third States, mercenaries and foreign fighters**.

**Civilians** have suffered from war in **violation of international humanitarian law**. **Enforced disappearances** have left families terrified about the fate of their loved ones. Patterns of **torture of detainees** are prevalent in **prisons**. **Extrajudicial killings** are routinely used. Leading **women figures** have been the object of **targeted attacks** aimed at silencing them. **Children have been recruited** and used to take a direct part in hostilities. **Migrants, asylums seekers** find themselves caught in **violence**.

Throughout its mandate, the Mission closely engaged with civil society. The FFM acknowledges the important **work NGOs carry out**. They bring forward the voices of those who have endured violations and abuses. The Mission noted with concern that **Libyan-based NGOs were reluctant to interact** with us in view of the **Presidential Council's decree of 2019** regulating the work of NGOs in Libya.

Investigations have established that **all parties to the conflicts since 2016, including third States, foreign fighters and mercenaries, have violated international humanitarian law**, in particular the principles of **proportionality and distinction**, and some have also committed **war crimes**. **Airstrikes** have killed dozens of families. The **destruction of health-related facilities** has impacted access to health care and **landmines** left by mercenaries in residential areas have **killed and maimed civilians**.

**Arbitrary detention in secret prisons and unbearable conditions** of detention are widely used by the State and militias against anyone perceived to be a threat to their interests or views. **Violence in Libyan prisons** is committed on such a scale and with such a level of organization that it may also **potentially amount to crimes against humanity**.

**Migrants, asylum-seekers and refugees** are subjected to a **litany of violations and abuses** which are committed on a **widespread scale by State and non-State actors**, with a high level of organization and with the **encouragement of the State**, all of which is suggestive of **crimes against humanity**.

The FFM reached findings regarding the **enforced disappearances** and **extrajudicial killings** of prominent **women figures**, the prevailing nature of **sexual and other forms of violence** against vulnerable groups, including **LGBTQI** persons, and the **recruitment and direct participation of children** in hostilities. As detailed in the report, the existence of **mass graves in Tarhuna** is also documented.

The Mission identified **individuals and groups**—both Libyans and foreign actors—who may bear **responsibility for the violations, abuses and crimes committed in Libya since 2016**. This confidential list will remain so, until the need arises for its publication or sharing with other accountability mechanisms.

Further investigations are required to comprehensively address the situation of human rights in Libya since 2016. **The FFM recommends the Council to extend its mandate for a further year to this end**.

It is also essential that the international community continues to **provide support to the Libyan judicial authorities**. The expertise of some States would greatly assist the completion of investigations.



### Delegation of Libya – Speaking as the country concerned:

In the month of June OHCHR reported human rights violations across the world. It highlighted the fact that the world needs to demonstrate solidarity and create partnerships to advance human rights.

**Libya would like to thank the OHCHR for its support and for the creation of the Fact-Finding Mission.**

**Libya thanks the Mission for its report.** Despite some **reservations on certain points**, this report is of interest. Libya has demonstrated **political will to promote human rights** and **co-sponsored the resolution for the extension of the mandate of the FFM**. Libya cooperated with the FFM despite all the existing challenges. Libya wishes to reiterate its **readiness to cooperate with the Mission**. More efforts should also be focused to **help Libya with technical assistance and capacity building**.

**National reconciliation** is paramount to ensure rule of law and ensure peace and security at national and regional levels. The Libyan government has the **political will to establish peace, security** and ensure return to normalcy in order to move towards greater prosperity and **protect human rights**.

## INTERACTIVE DIALOGUE

### Delegations that took the floor during the Interactive Dialogue (40 statements)

*States:* European Union, Denmark on behalf of Nordic-Baltic States, Cameroon on behalf of the African Group, Egypt on behalf of the Group of Arab States, Qatar, Liechtenstein, Greece, Germany, Egypt, Switzerland, Iraq, Netherlands, Bahrain, Venezuela, Malta, Russian Federation, Morocco, United States, Turkey, Belgium, China, Cyprus, Saudi Arabia, Czech Republic, Italy, Algeria, Yemen, United Kingdom, Spain, Mali, Jordan, Ireland, Mauritania, Tunisia, Sudan, France, Chad, Austria. *UN Agencies:* UNICEF, UN Women.

Delegations taking the floor **commended Libya for its cooperation with the FFM**. A majority of States commended the FFM for its work and **called for the renewal of its mandate** (European Union, Denmark on behalf of Nordic-Baltic States, Liechtenstein, Greece, Germany, Switzerland, Netherlands, United States, Belgium, Czech Republic, Italy, United Kingdom, Spain, Ireland, Austria).

Several States recalled the **importance of the coming Libyan general elections** (presidential and parliamentary). They urged Libya to allow a safe space for **free, fair and transparent election** process.

Some States deplored the **human rights violations occurring in Libya**, including **arbitrary detention, extrajudicial killings, enforced disappearances, sexual violence, torture, human trafficking, recruitment of children** into armed forces, **killings of civilians, targeting and ill-treatment of migrants** and asylum seekers, restrictions on **freedom of expression and assembly, harassment of human rights defenders and journalists**, committed by all parties to the conflict.

Several States **commended the work done by the OHCHR** and reaffirmed the **importance of providing technical assistance and capacity building to Libya** to ensure a peaceful political transition.

### 10 NGOs took the floor during the Interactive Dialogue:

Institut International Droits et Développement, Amnesty international, Elizka Relief Foundation, Cairo Institute for Human Rights Studies, Human Rights Watch, RADDHO, International Commission of Jurists, World Organization Against Torture, Maat for Peace Development Human Rights, International HR Council.

NGOs taking the floor **all supported the renewal of the mandate of the FFM**. They condemned human rights violations committed by all parties in Libya and the **failure of holding those responsible accountable**. Some NGOs stated that some **violations may amount to war crimes and crimes against humanity**, including by the Libyan authorities.

NGOs also underlined the **dire conditions of migrants detained** in Libya, facing **torture and sexual violence**. NGOs shared the **importance of the next general elections** to be held in December.

Watch the full Interactive Dialogue with the Fact-Finding Mission on Libya on [UN WebTV](#)