

## HUMAN RIGHTS COUNCIL – 52nd SESSION

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

03 April 2023

In his opening remarks, **Mr. Mohamed Auajjar, Chair of the Independent Fact-Finding Mission on Libya** reiterated his firm support for the people of Libya and welcomed Libya's efforts to preserve the unity of the Libyan judiciary. The Mission regretted that the Libyan Arab Armed Forces did not grant access to visit Southern Libya. The Mission further emphasized the human rights situation in Libya has deteriorated and urged the Human Rights Council to establish an independent, international investigation mechanism. The Mission highlighted its main findings, including cases of arbitrary detention, murder, torture, rape, enslavement, sexual slavery, and enforced disappearance. The Mission was concerned with the absorption of armed groups and their leadership into State-affiliated structures and institutions.

The Mission find that crimes against humanity were committed against migrants in places of detention under the control of Libya's Directorate for Combating Illegal Migration, the Libyan Coast Guard, and the Stability Support Apparatus. The Mission was also deeply concerned about laws and decisions that restrict civil society and public freedoms, gender-based violence, and acts that undermined the independence of the Libyan judiciary. Finally, the Mission recommended strengthening judicial independence and accountability for violations through the judiciary; investigating and prosecuting individuals allegedly responsible for violations and abuses; undertaking effective disarmament of illegal arms; ceasing all military trials of civilians; organizing the irregular entry and stay of migrants in Libya and immediately releasing arbitrarily detained migrants; dismantling secret prisons and immediately releasing all persons arbitrarily detained; cooperating fully with the United Nations human rights system and the International Criminal Court.

**Libya (Country concerned):** The Libyan government has formed a high-level committee to establish a general framework for implementing the Mission's recommendations, including promoting accountability for human rights violations. The country was concerned about the Mission's report ignoring the context of many of the violations committed and rejects some recommendations which do not respect the sovereignty of the Libyan state, in particular, the establishment of an international investigation mechanism. The country continues its efforts in combatting impunity, prosecuting perpetrators of violations, providing justice to the victims, working to restore security, achieving stability and strengthening the rule of law and the judiciary. The country categorically rejected the report's statements granting full responsibility to Libya for abuses against migrants since this issue is linked to a policy of gangs and international groups to humiliate and exploit migrants, refugees and displaced people in all countries of the world and therefore, requires transnational efforts. The country wished to renew the mandate since international efforts are needed to support the Libyan national authorities, especially the judicial authorities, to enhance their capabilities in combating impunity, prosecuting violators, and redressing victims.

#### Interactive dialogue

38 country delegations took the floor during the interactive dialogue. All countries expressed their support to renew the mandate of the FFM. Countries as the **EU, Finland, Switzerland, the UK, the United States of America, Costa Rica, and Ireland** were concerned about the widespread violations

of human rights in Libya, including sexual and gender-based violence, extrajudicial killings, enforced disappearances, arbitrary detentions and torture. They were also concerned about the restrictions in civic space, the acts of intimidation against civil society actors, and Libya's management of migration. They also called upon the Libyan authorities to cooperate fully with the United Nations human rights system and the International Criminal Court and to facilitate their unhindered and safe access to all parts of Libya, including places of detention. They urged Libya to guarantee accountability and redress to the victims. Some countries also supported the Mission's recommendation of establishing an international investigative mechanism. The **EU** will continue constructive engagement with Libya in the context of migration management.

**Niger and Senegal** urged Libya to redouble its efforts in protecting the human rights of migrants. **Qatar and Côte D'Ivoire** rejected the Mission's recommendation to establish an ad-hoc investigative mechanism without the consent of the State and commend the efforts of Libya in guaranteeing human rights in the country. **Iraq, Mauritania, Sierra Leone, South Sudan, Sudan, Tunisia, Venezuela, Yemen, Bahrain, Egypt, Jordan, Algeria, and Congo** commended the positive and constructive cooperation shown by the Libyan authorities with the FFM. These countries called upon the OHCHR to continue providing technical assistance and capacity-building to the Libyan authorities in accordance with national priorities. **Morocco** expressed the country will continue facilitating peace negotiation spaces to find a Libyan solution to the Libyan crisis. **Türkiye** considered it of utmost importance to hold elections in the country to restore peace and stability. **Saudi Arabia** urged all foreign forces and mercenaries to leave Libya. **China** called upon the international community to support a Libyan-guided political process while strengthening support for counterterrorism.

**UN Women** was concerned about the current situation of human rights which is affecting defenders, displaced people, and women and girls. It regreted the deterioration of the status of women due to the increased militarization of Libya and the weakening of the State's institutions. **UNICEF** was particularly concerned about children in Libya continuing to be affected by multiple child rights violations, including violence, abuse and exploitation.

**Most NGOs** were concerned about abuses and violations committed by security forces and armed groups in Libya, including arbitrary detention, murder, rape, enslavement, sexual enslavement, extrajudicial killing and enforced disappearance in detentions, and increasingly, repressive measures against civic groups. Other NGOs were deeply concerned about migrant and refugee smuggling and human trafficking throughout Libya, as well as the situation faced by migrants and refugees, including children, in the country. Other NGOs considered the judiciary has proven unable or unwilling to pursue accountability and a prevailing state of impunity in the country. One NGO highlighted that Libyan civil society still faces arbitrary security and legal restrictions that prevent it from carrying out its work freely. Another NGO called upon the Council to establish an independent international investigation mechanism.

**Delegations that took the floor during the Interactive dialogue (38 country delegations):**

*Finland (on behalf of a group of countries), Qatar (on behalf of a group of Arab States), European Union, Côte D'Ivoire (on behalf of a group of African States), Qatar, Sierra Leone, Germany, United States of America, China, France, Tunisia, Luxembourg, Costa Rica, Switzerland, Bahrain, Iraq, Morocco, Venezuela (Bolivarian Republic of), Egypt, Netherlands, United Kingdom of Great Britain and Northern Ireland, Spain, Sudan, South Sudan, Greece, Türkiye, Jordan, Italy, Malta, Senegal, Algeria, Mauritania, Yemen, Botswana, Ireland, Saudi Arabia, Congo, Niger.*

NHRIs and NGOs that took the floor during the Interactive dialogue (11):

*UN Women, UNICEF, Human Rights Watch, Human Rights Solidarity Organization, Aman against Discrimination, Amnesty International, Cairo Institute for Human Rights Studies, International Commission of Jurists, International Service for Human Rights, Rencontre Africaine pour la defense des droits de l'homme, Interfaith International, Alliance internationale pour la défense des droits et des libertés.*

To watch the full meeting refer to [UN Web TV](#).