



To Permanent Representatives of Members and Observers of the United Nations Human Rights Council:

14 October 2014

Urgent request for a United Nations Human Rights Council (HRC) Special Session on accountability for grave and widespread human rights violations in Libya

Excellency,

We, the undersigned organisations, would like to bring to your attention the ongoing grave and widespread abuses and violations of international human rights and violations of humanitarian law taking place in Libya. These include direct and indiscriminate attacks on civilians and civilian objects, unlawful killings, abductions, forced displacement of civilians, torture and other ill-treatment and arbitrary detentions. Since May 2014, violent clashes between rival armed groups have intensified and developed into armed conflicts across Libya. Parties to these conflicts have directly attacked and abducted civilians and civilian objects and looted, burned, and otherwise destroyed property and infrastructure. The adverse consequences for the civilian population and the humanitarian situation are dire. Human rights defenders, activists and journalists have been targeted across Libya, and many have sought protection abroad thus limiting their ability to report on human rights abuses and violations.

Three years of failure by the Libyan authorities to disband militias and hold perpetrators of abuses to account have only perpetuated the conviction of commanders and members of militia that they are above the law. Armed groups continue to operate with total impunity and no fear of accountability. Today many in Libya believe that only a strong message from the international community about accountability under international mechanisms can dissuade militias from perpetrating further abuses and violations.

We therefore call for your urgent action to support a Special Session on Libya, with the view of establishing a Commission of Inquiry or a similar mechanism to investigate individual criminal responsibility for serious abuses and violations of international human rights and violations of humanitarian law by all sides in Libya.

The unfolding human rights crisis in Libya falls directly within the Council's mandate to "address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon" and to "respond promptly to human rights emergencies." Frequent indiscriminate shelling of heavily populated areas has taken place in areas of Tripoli, Benghazi, Warshafana and Zawiya. Rockets are being fired from, and targeting, residential areas causing casualties and damage to medical facilities, civilian homes, business and infrastructure. On 8 August 2014, the Office of the High Commissioner for Human Rights, in reference to the situation in Libya, acknowledged "that under international law indiscriminate shelling over heavily populated areas are war crimes" and "appeal[ed] on all sides to immediately end all violations of international law."

According to the latest and only official figures available, casualty figures released by Libya's Ministry of Health on 31 July 2014, 241 persons were killed as a result of the fighting between the armed groups in the month of July alone. Many more have been killed or injured since. Some of those killed are civilians including women and children. These killings may amount to war crimes and/or crimes against humanity.¹ Murder, when part of a systematic or widespread attack on a civilian population, is a crime against humanity.

The scale of the conflict has led residents to abandon their homes in order to escape the violence. This has placed greater pressure on the already limited emergency services. The numbers of internally displaced persons (IDPs), continue to increase since 2011 with some being displaced a second time. New groups continue to be displaced as a result of the latest fighting. On 18 August 2014 the number of those displaced reached 175,000. The crisis has severely impacted Libya's infrastructure and currently limits some regions from accessing fundamental resources, including water, electricity, fuel and healthcare.

Targeted kidnappings and assassinations committed by armed groups are also a serious cause for concern. Such attacks have been widespread and frequent, with members of the security forces, including police and military, activists, members of the judiciary, and journalists particularly vulnerable. Some of these groups operate with total impunity and no fear of accountability. Most recently, two pro-democracy activists, Tawfik Bensaud and Sami Elkawafi, were gunned down in Benghazi by unidentified assailants.

We welcome the UN Security Council (UNSC) resolution 2174 (2014) on 27 August 2014 calling for an immediate ceasefire and an end to the fighting. However, this should be complemented by concrete and effective measures by the UN Human Rights Council. The efforts of the HRC to

¹ There have also been reports of collective punishment by armed groups performing door to door sweeps in some areas in order to apprehend those perceived to be of different tribal and political affiliation

address the situation in Libya through an annual item 10 resolution concerning technical assistance no longer adequately reflects the gravity or the urgency of the situation on the ground. In order to address the severe deterioration of the human rights situation and current lack of government capacity to protect the population or enforce the rule of law and provide accountability, an international investigative mechanism mandated to gather information on the alleged international crimes taking place is required. Those responsible for committing abuses and violations of human rights and violations of international humanitarian law must be made to understand that they will be accountable for their acts.

Action by the Human Rights Council on the situation in Libya is even more necessary due to the lack of a permanent on the ground presence of UN Special Mission in Libya (UNSMIL) as the security situation has worsened. We welcome the release by UNSMIL of its most recent report on violations of international human rights and humanitarian law on 4 September; but there is an urgent need of increased, more regular and public reporting by the UNSMIL human rights unit on the human rights situation in Libya.

The need for comprehensive documentation and deterrence of ongoing crimes in Libya is vital. The HRC must act with urgency to send an unequivocal message that there will be no impunity for the crimes being committed.

A dedicated independent investigative mechanism is required to establish the facts, collect and conserve information related to abuses and violations, and identify those responsible for serious abuses and violations with a view to ensuring that they are held accountable.

To that end, we call on the Council to hold a Special Session to discuss the situation in Libya with the view to establishing such a Commission of Inquiry or another similar mechanism.

With Assurances of our Highest Consideration,

1. Amnesty International
2. Asian Forum for Human Rights and Development (FORUM-ASIA)
3. Cairo Institute for Human Rights Studies (CIHRS)
4. The Commonwealth Human Rights Initiative (CHRI)
5. East and Horn of African Human Rights Defenders Project (EHAHRDP)
6. International Federation for Human Rights (FIDH)
7. Human Rights Watch (HRW)
8. International Commission of Jurists (ICJ)
9. Lawyers for Justice in Libya (LFJL)