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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Institut International pour les Droits et le Développement, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.



UN role in stopping Human Rights violations in Libya

Focus

This statement focuses on human rights violations in Libya both against Libyans and migrants, in light of the UN Resolution 1973, which called for a no-fly zone over Libya. The statement highlights how some countries directly intervene in the internal affairs of Libya, prolonging the conflict and contradicting the UN Mandate in Libya by supplying weapons to the warring parties.

Background

As the Libyan crisis began in 2011, the United Nations Security Council (UNSC) passed Resolution 1973, calling for imposing a no-flying zone over Libya. The Resolution was the first example of the Responsibility to Protect (R2P) in recent years, which gave the international community the authority and the green light to intervene in Libya to protect civilians when the Libyan state became unable or unwilling to do so by itself. The text of the Resolution gives the international community the right to use “all means necessary” to ensure protecting the people of Libya. Using R2P legitimises a foreign intervention in a state and undermines the principle of state sovereignty.¹

The 1973 UNSC Resolution represented the first implementation of R2P, giving the UN a broad authority to “put an end to threats to peace” and “acts of aggression.”² Following the lethal force used against the people of Libya by the forces of the ousted leader Muammar Al-Qaddafi, the UN passed Resolution 1970, condemning the use of lethal force by the government and imposing an arms embargo and a series of sanctions on it, including travel bans and “freezing the assets of Gaddafi and his inner circle. In response, an international coalition was formed against the government of Libya at the time, leading to its eventual downfall later that year.

R2P in such case did not serve the purpose that it was created for, which is restoring peace and security in countries experiencing political transition. The people of Libya have been living in turmoil since then, with violations mounting every day. New forces emerged in Libya with Khalifa Haftar being supported by countries such as the United Arab Emirates, Saudi Arabia and Egypt, which divided Libyans even more and made them in a state of conflict as death toll hit unprecedented numbers. Libyans, since then, have been waiting for the day in which they could live in peace and dignity.

Human Rights violations in Libya

Different forces have been engaged in the conflict in Libya ,which made the scene more complicated and resulted in human rights violations in a manner Libya has not seen before. Countries such as the UAE, Saudi Arabia and Egypt have openly supported the retired general Khalifah Haftar, who became in charge of fighting ‘radicalism’ in the country. His uncalculated fights against the forces of the internationally-recognized government of National Accord have put the future of the Libyan state at stake.

International organizations in Libya have reported various human rights violations against Libyans, including torture, killing, imprisonment and life threats due to this ongoing conflict. These violations also extended to migrants, as Libya became the main passage for migrants from Africa on their way to Europe. Shockingly, modern slavery has been reported in the country which until 2011 lived in relative peace and security, with the international community, which authorized intervention in Libya, watching silently as events unfolded in the oil-rich country.

¹ As a term, R2P was first introduced in 2001 in a report issued by the International Commission on Intervention and State Sovereignty (ICISS), speaking of the genocide in Rwanda as well as the wars in the Balkans. The report stated that a state has the right to protect its own population, including maintenance of internal welfare.

² Ibid.

The civilian population of Libya has paid a heavy price for the conflict. People's access to food, healthcare, education, electricity, fuel and water supplies has been cut off or severely restricted, which resulted in more than half a million Libyans being internally displaced. The conflict over who to control the country brought about an economic collapse which left many Libyans to struggle to support their families.

Human rights violations in Libya affected all Libyans, and to understand this one has to look at the situation of human rights there today. For instance, during a month of attacks by Haftar forces on Tripoli, 417 people were killed, including 40 civilians, among them were three doctors. At the same time, 3,000 were injured, including 87 civilians. Meanwhile, 60,000 people were displaced, as three schools were damaged, and 75 homes were destroyed. To add insult to injury, two hospitals of Libya's very few operating hospitals and 10 ambulances were damaged. In complete disregard for the rule of law, 20 prisoners were executed and their bodies were disfigured by Haftar's forces. Meanwhile, indiscriminate bombing of civilian homes continued, as more children were recruited to fight in the ongoing civil war.³

Health facilities situation

According to the World Health Organization, 17 out of 97 hospitals were shut down and only four hospitals are operating with 75-80% of their capacity. Meanwhile, 20% of primary healthcare facilities were shut down while the rest are not well-equipped to deliver service. As for the medical system, WHO documented a severe shortage of medical staff and medical supplies provided for IDPs, refugees and migrants as thousands of them are held in detention centers.

Violations against Migrants

Just like Libyans, refugees and migrants have been subjected to serious human rights violations by the various armed groups controlling the country as well as smugglers, traffickers and government officials in charge. They work hand in hand with criminal networks of people who make profit out of the misery of these vulnerable groups. Migrants and refugees at these centers suffer torture, ill-treatment and detention, sometimes indefinite, under appalling conditions. Sometimes, they stay without food or water. However, giving exact statistics of violations against migrants is nearly impossible as these violations take place in remote areas and by criminals or people from the government.⁴

These refugees and migrants are pressured to extort money from them as was revealed by migrants and refugees interviewed by Amnesty International.⁵ Those who can pay, or can get the needed money from their families are released, while those who can't remain in limbo. Later, they are passed on to smugglers who demand more payment, and in some cases, it was revealed that smugglers work hand in hand with the Libyan Coast Guards to secure their passage to Europe.

Role of foreign intervention

These violations against Libyans became possible with the intervention of some countries in the internal affairs of Libya in violation of international norms and UN founding principles. An example of this intervention is the role the UAE plays in Libya by supporting the retired General Khalifa Haftar, who with the help of the UAE, is trying to take over Tripoli, as was revealed recently by an AFP report. The AFP noted that a UN report, the agency obtained a copy of, revealed that the UAE provided the Haftar forces

³ Statistics collected by local NGOs and Euro-Med Office in Libya.

⁴ Words in the Bucket. severe human rights violations in Libya. Available at <https://www.wordsinthebucket.com/severe-human-rights-violations-libya>

⁵ Amnesty International. Libya: Horrific attack targeting refugees and migrants at detention centre must be investigated as a war crime. Available at: <https://www.amnesty.org/en/latest/news/2019/04/libya-horrific-attack-targeting-refugees-and-migrants-at-detention-centre-must-be-investigated-as-a-war-crime/>

with missiles that was used against Tripoli in the ongoing clashes between Haftar forces and that of the National Accord government from 19-20 April.⁶

UN role in Human Rights violations in Libya

In fact, such interventions contradict the UN's principle R2P according to which a no-fly zone was imposed on the country which later resulted in numerous human rights violations. Therefore, the international community, and the UN, in particular, are responsible for all these human rights violations taking place in Libya. The UN is supposed to play an active role in making sure that other countries don't intervene in Libya and that they are not responsible for human rights violations taking place there especially countries that are actively taking part in the war in Libya such as the UAE, which, according to a UN report, is providing Haftar forces with military aid to prolong the conflict. The UN should pressure the UAE and other parties involved in the conflict and should make sure that Libyans have a say over their future. It is the essence of the Responsibility to Protect for the UN to prevent other countries from sending weapons to Libya as these weapons are being used to commit further human rights violations against Libyians as well as migrants and refugees in the country.

Accountability

Ignoring war crimes committed in Libya by the warring parties, especially the Haftar forces, would be translated into a loss of accountability under international law. Moreover, persecuting specific leaders and countries for war crimes and excluding others would exacerbate human rights violations.

States party to the Geneva Conventions are required prosecute those responsible for committing breaches of human rights in Libya. Yet, member states to the Conventions have failed to do so in Libya, be it crimes by the Haftar forces or other militias, including countries supporting these militias on the ground.

The International Criminal Court (ICC) is could have jurisdiction over the war crimes committed by states as well as people involved in war crimes in Libya.

Recommendations

1. The UN should play an active role in bringing all parties to the conflict, including those who provide them with weapons to account.
2. The UN should assign a Special Rapporteur to monitor and report on the human right situation in Libya.
3. The United Nations should create a committee for allocating compensation for damages and losses due to the ongoing civil war in Libya and the subsequent violations against Libyans.
4. The UN should make sure that migrants and refugees in Libya are saved the ongoing plight.

⁶ Libya missile strikes point to possible UAE role: UN report. France 24, available at:<https://www.france24.com/en/20190506-libya-missile-strikes-point-possible-uae-role-un-report>