



Statement at the Human Rights Council on the International Commission of Inquiry on Libya [1]

Oral statement under Item 4 - Interactive Dialogue with the International Commission of Inquiry on Libya

March 12, 2012

Human Rights Watch welcomes the report of the International Commission of Inquiry on Libya, which rightly highlighted a wide range of past and ongoing human rights violations. We support the Commission's conclusions that "international crimes, specifically crimes against humanity and war crimes, were committed by Qadhafi forces in Libya."

Human Rights Watch's research also confirms the Commission's conclusion that anti-Gaddafi forces "committed serious violations, including war crimes and breaches of international human rights law." We support the Commission's finding that crimes against humanity of torture and killing by anti-Gaddafi forces in Misrata have apparently taken place.

Of deep concern are reports of torture and maltreatment in detention facilities run by militias, sometimes resulting in deaths. Armed groups are also engaging in arbitrary arrests and revenge attacks against those who supported or are perceived as having supported the Gaddafi government.

The state is slowly taking control of detention facilities, and this is welcome. But militias still illegally hold between five and six thousand detainees, and most of them have not had any judicial review. The government should redouble its efforts to bring these detainees under its control, and give them prompt judicial reviews or release them. The Libyan government should send a clear message that only official security structures are authorized to make arrests, and it will not tolerate illegal detentions or torture.

The creation of an inter-ministerial body to address human rights violations is welcome. But the problems require concerted action, including prosecutions of all those who violate the law.

Another concern is the fate of roughly 35,000 people from Tawergha, who are blocked from returning to their homes by militias from Misrata. These militias accuse Tawerghans of having committed atrocities against Misrata together with Gaddafi forces, but it is collective punishment, and likely a crime against humanity, to prevent the entire town from returning

home. In addition, the displaced people in western Libya are subject to ongoing harassment and attacks, including one last month on a camp in Janzur that killed seven people. The government should immediately bolster security at camps where displaced people are staying, and implement plans to ensure their safe return home.

For these and other serious violations committed in Libya, accountability is required. Security Council Resolution 1970 gives the International Criminal Court ongoing jurisdiction over war crimes and crimes against humanity committed on the territory of Libya since February 15, 2011.

Free and fair elections in Libya, scheduled for June, will require laws that protect the rights of Libyans to criticize their leaders and others in public life and to associate and assemble as they see fit, without fear of prosecution or other reprisal. Guaranteeing the independence of civil society and the active participation of women will be critical for a transition to democracy, and for this reforms of the penal code, media laws, and association laws are required. Human Rights Watch is also concerned that vetting procedures may be used to ban candidates based on vague and broadly defined criteria.

Libya has passed important laws on Transitional Justice and Amnesties, and these are important steps. But the government should make these laws public and widely available so they can be understood and implemented in line with international human rights standards. It should make publicly available all oil and gas contracts, so Libyans know how their national wealth is being managed.

To protect women's rights, the interim government should withdraw all remaining reservations to CEDAW, and reform personal status laws that discriminate against women, including laws on inheritance, marriage, divorce, and custody of children and adopt laws that protect women and girls from gender-based violence.

Human Rights Watch believes that Libya should ratify the Optional Protocol to the Convention Against Torture, which would allow for independent inspections of detention facilities.

With the likely ongoing crimes against humanity occurring in Libyan territory, the primary responsibility to protect the population of Libya rests with the Libyan government. However, the international community also has a duty to assist the government, speedily and fully, to implement its responsibility to protect and end these crimes immediately.

Given the gravity of the challenges still faced in Libya, the Human Rights Council should establish an international mechanism, such as an Independent Expert, to assist Libya in abandoning past abusive practices and following up to the recommendations of the

Commission of Inquiry, and to report back regularly to the UN Human Rights Council on progress and challenges.

Lastly, Human Rights Watch calls on NATO to investigate cases in which Libyan civilians died from its attacks during last year's campaign, as recommended by the Commission of Inquiry. NATO took extensive measures to minimize civilian casualties and the number of victims is relatively low. But that does not lift the legal obligation to investigate questionable cases. NATO should also compensate the civilian victims of its campaign.

Source URL: <http://www.hrw.org/news/2012/03/12/statement-human-rights-council-international-commission-inquiry-libya>

Links:

[1] <http://www.hrw.org/news/2012/03/12/statement-human-rights-council-international-commission-inquiry-libya>

© Copyright 2014, Human Rights Watch