**Oral update of the United Nations High Commissioner for Human Rights on Libya pursuant to Human Rights Council resolution 28/30**

**Delivered by the Assistant Secretary-General for Human Rights**

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Mr. President,

Excellencies,

Ladies and gentlemen,

I am pleased to provide an update on the human rights situation in Libya, on behalf of the High Commissioner, as requested by this Council in March. Mr. Cordone will thoroughly brief you on the human rights provisions of the recently concluded Political Agreement. I will just say, that I particularly welcome the commitment of the parties to end impunity, by ensuring prosecution for crimes under international law.

***[General Human Rights Situation]***

The human rights division of the United Nations Support Mission in Libya (*UNSMIL*), which is headed by Mr. Cordone, has documented violations of international human rights and humanitarian law, and abuses of human rights by all parties. In addition to this, as requested by Human Rights Council resolution 28/30, investigations have been launched and six members of the investigative team are also gathering evidence on violations committed since the beginning of 2014. The investigation team was deployed in July and is based in Tunis due to the security situation in Libya. It will seek to visit Libya and other countries, as appropriate. The team is identifying and actively following-up on investigation leads, with an emphasis on obtaining primary source information from victims and witnesses. It is apparent that the environment remains hostile for many persons wishing to speak out about violations and abuses, and the team is taking appropriate measures with respect to the protection of victims and witnesses. The team is closely coordinating with the human rights division of UNSMIL, and has reached out to civil society organizations, United Nations entities, and other actors, as well as Member States, in order to establish a more complete picture. A public call for submissions has been issued to this end, and all those with relevant information are encouraged to come forward before 16 October.

The team will continue to document violations in the coming months and a report on the investigation will be issued in March 2016.

It is quite clear that the breadth and depth of the violations and abuses taking place is staggering. They include attacks on civilians and civilian objects through the use of imprecise weaponry in densely-populated areas; reprisals in the form of destruction of homes; the shelling of hospitals; unlawful killings; arbitrary deprivation of liberty; and torture and other ill-treatment, in some cases leading to death.

Often, those in vulnerable situations have been most impacted. 430,000 peoplehave been internally displaced. UNSMIL has documented cases of abductions of internally displaced persons from Mashashiya, Warshafana, and Tawergha apparently taken on the basis of their origin. Human rights defenders and media professionals have been abducted and attacked by armed groups further curtailing the rights to physical integrity, and freedoms of expression and association. Women defenders, politicians, and media professionals have also been targeted restricting women’s access to the public arena

Refugees, migrants and asylum seekers are increasingly vulnerable to abuses, and are fleeing at great risk to themselves. UNSMIL received reports of migrants being subjected to widespread and prolonged detention; attacks and unlawful killings, ill-treatment; and abduction for ransom. Following visits to detention centres, it also found reports of ill-treatment and conditions of concern including chronic overcrowding, poor sanitation and health care, and insufficient food.

Amidst this climate of impunity, groups pledging allegiance to the so-called Islamic State in Iraq and the Levant have gained territory and summarily executed Libyans on account of their opinion, and foreign nationals on account of their opinion or their religion.

***[Accountability]***

The abuses and violations taking place in Libya are being perpetuated in a situation marked by a culture of impunity where violence prevails and State institutions struggle to function.

The severity of the situation was recognised by the Security Council which decided, through the adoption of its resolution 2174 on 27 August 2014, that sanctions could be applied to those who plan, direct, or commit acts that violate international human rights and humanitarian law, or acts that constitute human rights abuses in Libya.

Today in Libya, there are no effective mechanisms which can provide for the protection of civilians, or which can ensure the right to remedy for victims. Staff of the national human rights institution have been subjected to intimidation. Attacks against prosecutors, law enforcement officials, and the judiciary continue unimpeded. Courts in Sirte, Derna and Benghazi have not functioned since 2014. To our knowledge not one armed brigade member has been prosecuted for any act this year. This leaves victims feeling that there is no consequence for the violations and abuses suffered, and it facilitates their recurrence. Indeed, one victim told our staff that “there is no law in Libya…(the perpetrators) are above the law. No one, including the international community, can hold them accountable”.

Mr. President,

Libyans have a right to seek redress for the violations and abuses heaped upon them today and during the decades of the Qadhafi regime, and to see justice being done. This also requires that the accused are tried fairly. In this regard, it is concerning that the trial concluded on 28 July in first instance of 37 senior officials of the former Qadhafi-regime, who were charged with crimes committed during the 2011 armed conflict, was not conducted in accordance with international fair trial standards. Nine defendants were sentenced to death, including Saif al-Islam Qadhafi, who was tried *in absentia*, and Abdullah al-Senussi. Concerns about the trial and the treatment of the defendants were reinforced by the circulation, in August, of videos showing ill-treatment in al-Hadhba prison where the majority of the defendants are held. The Prosecutor General announced arrests in response although the prison remains outside the effective control of the State. Hopefully, the provision of the Agreement granting state control over all places of detention will be implemented swiftly and effectively.

Other accountability mechanisms are also facing challenges.

In May, the Prosecutor of the International Criminal Court reported to the Security Council that her office continued to monitor allegations of crimes committed by militias and armed groups in Libya, noting the scope of investigations was limited by instability in Libya and lack of resources. Many of the violations and abuses described in this update potentially fall under the jurisdiction of the Court. Libya has so far yet to comply with the Court’s request for the surrender of Saif al-Islam Qadhafi. The High Commissioner continues to urge the Libyan authorities to cooperate fully with the Court.

Those perpetuating the culture of impunity in Libya should know that the world is watching. Human rights defenders as well as some victims continue to courageously provide information despite intimidation. The human rights division of UNSMIL, and the OHCHR Investigation on Libya over the coming months, will continue to document and report on violations and abuses taking place.

The implementation of the Political Agreement will be highly challenging and will require support in institution building including to establish proper law enforcement and judicial functions, and contribute to ensuring accountability and the rule of law. Human rights must be central to the prevention of the recurrence of abuses and violations. This will require - amongst other measures - an effective justice system; a national human rights institution not subjected to political manipulation or intimidation; and a comprehensive transitional justice strategy which includes effective and fair vetting processes to ensure that perpetrators of gross violations of human rights or serious crimes under international law are held accountable and prevented from serving in security or law enforcement roles, or in other State institutions.

We hope the Political Agreement will make a significant contribution to the cessation of all violations of international human rights and humanitarian law, and abuses of human rights. Violations and abuses must be investigated, and those responsible should be brought to justice in accordance with international fair trial standards. The Human Rights Office stands ready to support all national and international efforts towards these ends.