

Statement UPR Info Pre-session on Libya

Lawyers for Justice in Libya

October 2020

Excellencies, Civil Society colleagues,

My name is Elise Flecher and I am delivering this statement on behalf of Lawyers for Justice in Libya (LFJL), a UK-registered Libyan and international NGO working to promote human rights and access to justice in Libya.

This statement, which reflects our UPR stakeholder report, addresses three key areas of concern: (1) the targeting of civilians in conflict, (2) the situation of migrants and refugees and (3) enforced disappearances.

1. Targeting of civilians in conflict

Since the Libyan Arab Armed Forces (LAAF) launched its offensive on Tripoli in April 2019, we have witnessed a pattern of indiscriminate attacks on civilians and civilian infrastructure, facilitated by the proliferation of weapons, despite the UN arms embargo on Libya. All parties to the conflict have been responsible for such attacks which constitute clear violations of international humanitarian law and may amount to war crimes.

To date, close to 400 civilians have lost their lives and hundreds more were wounded in the conflict. Despite accepting all 14 recommendations to ensure the respect of international humanitarian law in its previous UPR, the Libyan State has taken no measure to protect civilian life.

2. Human rights of migrants and refugees

Migrants and refugees remain particularly vulnerable and continue to face arbitrary detention, torture, sexual exploitation and forced labour in addition to overcrowding and unsanitary conditions in detention centres.

Despite committing to end the arbitrary detention of migrants in 2015, Libya has maintained its system of automatic detention for those intercepted at sea. Libyan law also remains silent on the right to asylum and refugee protection.

3. Enforced disappearances

The widespread use of enforced disappearances to silence dissenting voices persists across Libya, with the 2019 conflict bringing a surge of new cases. Held in unofficial places of detention, victims of enforced disappearance are placed outside the protection of the law with no contact with their families or access to lawyers or judicial oversight.

Despite committing to address the recurrence of torture and enforced disappearance and to investigate allegations of such crimes in 2015, Libya has failed to do so, leaving victims and their families with no access to justice.

Suggested recommendations

In light of this, we call on Libya to:

Targeting of civilians in conflict

1. Cease immediately all acts of violence against civilians, take all necessary measures to protect the civilian population in conflict and promptly investigate in a transparent and impartial manner violations of international humanitarian and human rights law;

Human rights of migrants

2. Immediately end the policy of automatic detention for migrants and refugees;
3. Ratify the Convention on the Status of Refugees and its Protocol without delay;

Enforced disappearances

4. Immediately put an end to the widespread use of enforced disappearance; disclose the whereabouts and fate of those held under conditions of enforced disappearance and grant them full access to lawyers and their families;
5. Ratify without delay the International Convention for the Protection of All Persons from Enforced Disappearance and adopt a definition of enforced disappearances in domestic law that is consistent with the Convention's definition.

Thank you.