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UN rights body fails to further justice in Libya

“Civil society organisations dismayed by inadequate Human Rights Council Libya resolution despite worsening situation”

On 4 April, the UN Human Rights Council (HRC) adopted resolution 52/L.33 on “Technical assistance and capacity-building to improve human rights in Libya” that fails to establish a mechanism to follow-up on the work of the UN Independent Fact-Finding Mission (FFM). The 52nd session of the HRC marked the end of the FFM’s mandate.

In its latest and [final report](#) to the HRC, the FFM found reasonable grounds to believe that crimes under international law, including crimes against humanity and war crimes, and other serious human rights violations and abuses have been and are being committed by all parties in Libya with impunity. The resolution ignores the findings of the FFM and requires only that the Office of the UN High Commissioner for Human Rights (OHCHR) provide technical assistance and capacity-building to Libyan authorities.

The adoption of the resolution comes amidst an escalating crackdown on both domestic and international civic groups and human rights defenders in Libya that puts at risk the very existence of the vast majority of civil society operating inside the country. The undersigned organisations documented the targeting of human rights defenders through arbitrary arrest and detention and unfair trials, some resulting in long prison sentences. A legal opinion issued on 8 March 2023 by the Law Department of the Supreme Judicial Council triggered a series of executive orders by the Government of National Unity’s (GNU) Prime Minister’s office that would dissolve civil society organisations unless they conform with a repressive 2001 Law on NGOs, even though that law was effectively suspended in 2011 with the adoption of the interim constitution. Despite the UN Security Council’s [recent statement](#) reiterating the importance of establishing a safe environment for civil society in Libya, the HRC’s resolution on Libya appears to give the authorities and the groups exercising de facto control over parts of the territory in Libya a free rein to further clamp down on freedom of expression, including independent and dissenting voices.

The resolution places a strong emphasis on technical assistance and capacity building but fails to clearly lay out vetting criteria for beneficiaries of this assistance, despite the large number of officials and militia and armed group members operating in state institutions who were not vetted for possible involvement in serious crimes under international law and other human rights violations or abuses. Rather than break the cycle of impunity, this may simply fuel it.

The resolution requires the Libyan authorities to monitor the implementation of their international human rights obligations and the recommendations of the FFM, although successive Libyan authorities have consistently demonstrated over the past decade that they are neither able nor willing to adequately investigate human rights violations and abuses, let alone provide credible justice and access to effective remedies and reparation to victims. The Tripoli-based GNU has yet to implement recommendations from previous FFM reports as it competes for legitimacy and control with the de-facto authorities that control territory in the south and east of the country. While noting the commitment of the Libyan authorities to establish a senior committee to study the FFM’s final report and recommendations, the undersigned organisations emphasise that it is not a substitute for the much-needed independent monitoring, documentation and public reporting on the country’s human rights situation.

In light of the above, the undersigned recommend that:

1. The HRC as a matter of urgency, should establish an independent, international investigation mechanism to ensure independent investigations, monitoring and reporting, and maintenance of evidence on the human rights situation in Libya, to pave the way for future accountability and to maintain visibility on the situation of human rights in Libya;
2. The OHCHR, independent from the UN Support Mission in Libya (UNSMIL), should establish a distinct and autonomous mechanism with an ongoing mandate to monitor and report on gross human rights violations in Libya, with a view to supporting Libyan authorities in their efforts to achieving justice and accountability;
3. The OHCHR should establish a central information and evidence repository, and consolidate, analyse and assess all information and testimonies gathered by the FFM and the above-mentioned OHCHR mechanism, storing such evidence securely, and with a clear documentation, with a view to paving the way for future criminal proceedings against those reasonably suspected of crimes under international law and other serious human rights violations and abuses, including through facilitating access to information, evidence and analysis by other relevant judicial and investigative authorities;
4. In line with the UN Human Rights Due Diligence Policy on UN support to non-UN security forces, the OHCHR should put in place an effective vetting process to ensure that individuals reasonably suspected of involvement in serious human rights violations and abuses are not provided with technical assistance and capacity building. As part of capacity building activities and overall engagement with the Libyan authorities, OHCHR should ensure that programs are inclusive of civic groups and that civil society actors in Libya are protected and able to carry out their work freely without hindrance or fear of reprisals.

Signatory organisations

- Amnesty International
- Cairo Institute for Human Rights Studies
- Defender Center for Human Rights
- DIGNITY
- Human Rights Watch
- International Commission of Jurists (ICJ)
- International Federation for Human Rights (FIDH)
- Lawyers for Justice in Libya
- Libya Crimes Watch
- OMCT - The World Organisation Against Torture
- Women's International League for Peace and Freedom (WILPF)