

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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JOINT NGO LETTER:

THE CRITICAL NEED TO RENEW THE UNITED NATIONS FACT FINDING MISSION ON LIBYA AT THE HUMAN RIGHTS COUNCIL

Your Excellency,

The undersigned Libyan, regional and international human rights organizations strongly urge your government to ensure the renewal of the United Nations Fact-Finding Mission on Libya at the 48th Session of the UN Human Rights Council in September 2021.

The undersigned organizations welcomed the establishment of the Fact-Finding Mission (FFM) in June 2020 as a long overdue and necessary step to address rampant impunity in Libya. However, we are concerned that UN budgetary constraints and difficulties related to the Covid pandemic have severely hampered the FFM's ability to fulfill its mandate – that is, to investigate violations and abuses of international human rights law and violations of international humanitarian law committed since 2016, and preserve evidence to ensure that perpetrators be held accountable. The FFM's permanent team has only become fully functional in late May 2021. This situation leaves the FFM with around four months to work at full capacity. Moreover, ongoing Covid-19-related movement restrictions will continue to constrain the FFM's investigative capacity throughout 2021, including its ability to conduct work in Libya, reinforcing the need to extend its mandate beyond September 2021.

The FFM's renewal is of vital importance to address the current human rights crisis in Libya – as the annex to this letter outlines – by promoting accountability, providing victims of crimes under international law an opportunity to have their voices heard, and addressing the prevailing climate of impunity. Since 2011, Libya's national justice system has been unable, and largely unwilling, to effectively investigate grave human rights violations and abuses, including against human rights defenders, activists and other civilians, or to hold perpetrators accountable. The few trials of individuals accused of human rights violations that have taken place since 2011 have been fraught with a lack of respect for international fair trial standards. Moreover, senior commanders of militias and armed groups, with a well-documented history of alleged war crimes and other human rights abuses, have been integrated into institutions currently under the Government of National Unity (GNU), further fostering a cycle of impunity. (More information on the human rights situation in Libya is provided in an Annex to this letter.)

Strong international accountability mechanisms with meaningful and equal participation of women and other marginalized groups continue to be necessary to uphold victims' rights to access justice and an effective remedy, including reparations. Respect for human rights and the establishment of pathways for accountability, including international investigative mechanisms such as the FFM, are key elements for restoring the rule of law during Libya's transition.

In this context, it is critical that the mandate of the FFM on Libya be renewed at the 48th Session of the UN Human Rights Council (September 2021).

Failure to renew the FFM's mandate will send a dangerous message to actors in Libya that the international community is not committed to ensuring accountability for past and ongoing human rights violations and abuses, and could encourage further crimes and lawlessness during this critical period.

SIGNATORIES:

Adala For All (AFA) – Libya

Al-Kufrah Peace Organisation – Libya

Amnesty International

Association for Juridical Studies on Immigration (ASGI)

Cairo Institute for Human Rights Studies (CIHRS)
Defender Center for Human Rights (DCHR) – Libya
Belady Foundation for Human Rights – Libya
Heroufil Organisation for Sustainable Development – Libya
Human Rights Watch (HRW)
Independent Human Rights Organisation – Libya
International Commission of Jurists (ICJ)
International Federation for Human Rights (FIDH)
Lawyers for Justice in Libya (LFJL)
Lawyers for Lawyers
Libyan Association for Tebu Culture
I Am a Libyan Woman But My Child Is A Foreigner
Libyan Center for Freedom of Press (LCFP)
Libyan Crimes Watch
Libyan Women's Platform for Peace (LWPP)
No Peace without Justice (NPWJ)
OMCT (World Organization against Torture)
180° Organisation for Awareness and Development – Libya
Empowerment Organisation for Persons with Disabilities – Libya
International Peace Organisation – Libya
Solidarity Women Support and Empowerment (SWSE)
Un Ponte Per
Women's International League for Peace and Freedom (WILPF)
Youth Organization for Tawergha – Libya

ANNEX: SUMMARY OF CURRENT HUMAN RIGHTS SITUATION IN LIBYA

Eight months after the signing of the ceasefire agreement in October 2020, the human rights situation remains dire. The Government of National Unity (GNU) appointed in March 2021 faces tremendous challenges, including unifying institutions in a deeply divided, conflict-torn country and preparing the ground for presidential and parliamentary elections scheduled for 24 December 2021. Members of militias and armed groups continue to commit grave human rights violations and abuses, with near impunity, including unlawful killings, torture and other ill-treatment, enforced disappearances, abductions, rape and other sexual violence, and arbitrary arrests and detentions. Under international law, senior officials and commanders can be held responsible for acts committed by their subordinates if they knew or should have known of crimes, and failed to end them or hold those responsible to account.

Human rights defenders, lawyers, members of the judiciary and civil society continue to be targeted for their work by armed groups through unlawful killings, abductions and arbitrary detention, and harassment, threats and intimidation. On 10 November 2020, a group of unidentified armed men shot and killed lawyer and activist [Hanan Al-Barassi](#) in Benghazi in broad daylight.

Hundreds including many civilians remain missing from the town of **Tarhuna**, where authorities said they uncovered over 100 mass graves since June 2020. Most of the bodies remain unidentified.

Although Libyan authorities announced the release of around 1,900 prisoners in 2020, thousands remain arbitrarily detained, without possibility to challenge the legality of their detention, some since 2011. Detainees face torture and other ill-treatment, and are frequently held in cruel and inhuman conditions. Military courts **affiliated** with the Libyan Arab Armed Forces (LAAF) continue to convict civilians in grossly unfair trials.

Migrants and refugees in Libya remain trapped in an ongoing cycle of **abuse**, including enforced disappearance, arbitrary indefinite detention in inhuman conditions; torture and other ill-treatment, including sexual violence; unlawful killings; and extortion and forced labour. Despite long-standing promises to rein in this abuse, such violations have continued to be documented in 2021, including in centres officially under the nominal control of the Directorate for Combatting Illegal Migration (DCIM).

Over 245,000 people remain **internally displaced** due to armed conflict and insecurity according to the International Organization for Migration. LGBTI individuals continue to face harrasment by militias and armed groups.

The International Criminal Court (ICC) Prosecutor reported that two missions were conducted in Libya in 2020. However, without functional Libyan institutions, and sufficient means and political support, the Court's ability to carry out its mandate remains hampered.

Lack of accountability for abusive militias, armed groups and foreign fighters is fueling further crimes under international law. Of particular concern are considerations by the GNU to grant blanket amnesties for some militias and armed groups.