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**Human Rights Council
Follow up to 15th Special Session**

Situation of Human Rights in the Libyan Arab Jamahiriya



**Statement of Ms. Navanethem Pillay
United Nations High Commissioner for Human Rights**

Geneva, 9 June 2011

Mr. President,
Distinguished Members of the Human Rights Council,
Excellencies,
Ladies and Gentlemen,

Pursuant to Human Rights Council Resolution S-15/1 of 25 February 2011, I present today my report on the human rights situation in the Libyan Arab Jamahiriya. I look forward to the interactive dialogue, requested by the same resolution, which the Council will hold today.

Since the 16th Special Session of the Human Rights Council, the human rights situation in Libya has continued to deteriorate. Last March, in parallel with the establishment of a no-fly zone, the UN Security Council called for a cease fire in Libya. This call has remained unheeded. The Libyan Government continues to engage in military operations. Indiscriminate attacks against civilians resulting in numerous casualties and deaths are reportedly ongoing. In addition, serious violations of human rights and humanitarian law have been reported, the majority of which appears to be attributable to Government forces.

Given the fluctuating situation in Libya, and lack of possibility to deploy our own staff on the ground, OHCHR has been unable to verify and assess on their individual merit the totality of the allegations we received. Thus, the report sets out these allegations as they were related to us. It is largely based on information provided by United Nations agencies, and on responses to *Notes Verbales* that OHCHR sent to Libya, its neighbours, as well as regional organizations. Further, the report relates information provided by non-governmental and civil society organizations or drawn from reports by international organizations, including United Nations agencies, and United Nations-led interagency taskforces, as well as media accounts.

Let me also note that additional information was gathered when in mid-March, a senior OHCHR representative accompanied Mr. Al-Khatib, Special Envoy of the Secretary General on Libya, to Tripoli and Tobruk. They met with Government officials and opposition leaders. Moreover, a mission, undertaken under my own mandate, traveled to the Libyan border areas in Saloum, Egypt from 23 to 30 March in order to support the work of the Secretariat of the Commission of Inquiry mandated by this Council to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya.

Information by all these sources consistently indicates that a significant number of human rights violations were committed by Government forces in Libya and are likely to amount to serious violations of both international human rights and humanitarian law in breach of Libya's international obligations. These violations include arbitrary deprivation of life, torture and ill-treatment, such as sexual violence, arbitrary detentions and enforced disappearances, and violence against children.

The dire situation of Misrata, a city of 300,000 people, which has been besieged by Government forces and subjected to indiscriminate attacks for a protracted period, is particularly illustrative of the extent and gravity of crimes which are likely to have been committed in Libya since the beginning of the conflict. While precise accounts are unavailable, it is believed that hundreds of civilians were killed and thousands wounded in the course of the siege.

My report also refers to allegations of violations and committed by armed groups connected with the opposition, as well as allegations of casualties caused by international forces' air strikes. However, allegations of violations reportedly committed by the opposition were considerably less

frequent. I have urged all parties to the conflict, including NATO, to exercise utmost caution and vigilance so as to avoid civilian casualties.

My report condemns attacks against civilians that have been carried out since the beginning of the uprising in mid-February, and that are still ongoing. I am gravely concerned about the thousands of civilians - in Libya and across its borders - who have suffered and continue to suffer from violations of their fundamental rights, including the right to life, as well as breaches of their economic, social and cultural rights. I can not overemphasize that parties to the armed conflict bear the primary responsibility for putting the protection of civilians at the centre of their considerations. I particularly call on all parties to ensure the full protection of women and children who are particularly vulnerable in situations of armed conflict.

The Commission of Inquiry which, last February, this Council mandated to investigate all alleged violations of international human rights law in Libya concluded that Government forces committed war crimes and crimes against humanity. I note that the findings of the International Commission of Inquiry, which are now before this Council, reflect the evidence collected in the course of investigations on the ground and its assessment. I look forward to the Council's deliberations and follow up with the recommendations of the International Commission of Inquiry.

I also wish to bring to your attention that when the Prosecutor of the International Criminal Court requested the issuance of a number of arrest warrants against Libyan officials, he pointed to "strong evidence" that crimes against humanity, including illegal arrest, torture, and forced disappearances, have been and continue to be perpetrated by Government forces.

It is my sincere hope that these combined international efforts will lead to accountability of all perpetrators for such crimes and serious human rights violations.

When the conflict ends, truth and justice mechanisms will need to be established for any peace deal to be viable and sustainable, including transparent, all-inclusive consultations to address the legacy of past and ongoing abuse. State institutions must reflect and respond to the Libyan people's demand of democracy, good governance, the rule of law, and all human rights, including those of women, children and minorities. My Office stands ready to assist the Libyan people with these tasks.

Excellencies,

Let me turn now to the international dimension of the Libya conflict. The plight of the many migrants and refugees, within and outside Libya is deeply alarming. Humanitarian agencies and Member States, notably countries bordering Libya, have carried out an impressive coordinated response to the crisis, evacuating thousands of third country nationals and wounded persons by air and by sea. Yet hundreds of persons, many of them refugees, seeking to flee Libya are unable to do so.

There are disturbing accounts of refugees who survived life-threatening journeys to Europe, many of whom had previously fled armed conflict and persecution, and who, therefore, have become refugees for a second time. It is of crucial importance to recognize that, regardless of their legal status, *all* migrants and refugees have human rights, and they *are* particularly vulnerable to all kinds of violations of human rights and therefore in need of special protection. Individual circumstances of every migrant must be examined before return or expulsion can be contemplated.

Clearly, the onus of receiving migrants, refugees and other displaced persons fleeing Libya has fallen disproportionately on countries within the region. In particular, Tunisian vulnerable host communities have welcomed close to 400, 000 Libyans with admirable hospitality. At present, Egypt hosts 285,000 people who left Libya. Others have reached Algeria, Chad, and Sudan.

In comparison, 13,000 have fled to the Italian island of Lampedusa, and 1,100 to Malta. I recognize that these migration flows pose challenges to countries in Europe, but I also and forcefully underscore that receiving States have the responsibility to take all necessary measures to ensure that all refugees and migrants from Libya are treated with respect for their human dignity, and in conformity with international human rights standards.

All necessary assistance should be given to vessels in distress, and recipient countries should adopt a generous approach towards migration and towards the resettlement of refugees, based on burden-sharing and the collective responsibility to protect victims of the ongoing conflict in Libya.

This concludes my presentation. I look forward to our discussion, but more importantly, I look forward to an end to the conflict and the full realization of all human rights in Libya.

I am very pleased to welcome Mr. Rashid Khalikov, Director at the United Nations Office for the Coordination of Humanitarian Affairs and former Humanitarian Coordinator for Libya, and Mr. Yacoub El Hillo, Director of the Regional Bureau for North Africa and the Middle East, United Nations High Commissioner for Refugees.

I value their participation in this important event and thank them for their flexibility in making themselves available at short notice. I am also grateful to Mr. Cherif Bassiouni, Chairperson of the Commission of Inquiry on Libya, for having accepted to remain on the podium and participate in this interactive dialogue.

Thank you.