

Statement on the human rights situation in Libya after the intervention of international society

Human Rights Now

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On 2nd March the International Commission of Inquiry on Libya issued a Report on Libya (A/HRC/68).

The Report states that the Commission's investigation determined that "international crimes, specifically crimes against humanity and war crimes, were committed by Qadhafi forces in Libya" including acts of murder, enforced disappearance, and torture which were perpetrated within the context of widespread and systematic attacks against a civilian population. The Commission also reported additional violations including unlawful killing, attacks on civilians, and rape. On the other hand, the Report states "(the anti-Qadhafi forces) committed serious violations, including war crimes and breaches of international human rights law, the latter continuing at the time of the present report." The commission additionally refers to violations including acts of extra-judicial executions, arbitrary arrest, torture, enforced disappearance, and indiscriminate attacks.

The Commission recommended the Libyan Government to "investigate all violations of international human rights law and international humanitarian law set out in this report and to prosecute alleged perpetrators," and to take measures to stop ongoing human rights violation acts and prevent further attacks. The Commission also calls upon the Human Rights Council to establish a mechanism to ensure the implementation of the recommendations in this report.

Human Rights Now (HRN), an international human rights organization based in Tokyo, supports and welcomes the recommendations of the International Commission of Inquiry on Libya. HRN calls upon the interim Government of Libya to investigate all the serious human rights violations that occurred during the conflicts and to prosecute alleged perpetrators, irrespective of their location and affiliation, in order to end the climate of impunity in the country.

HRN expresses a deep concern for the ongoing serious international human rights violations occurring in Libya and further calls upon the interim Government of Libya to

stop such human rights violations and accept an international investigation mission.

Under the UN Security Council Resolution 1970, the International Criminal Court (ICC) has jurisdiction over war crimes and crimes against humanity committed after 15th February 2011 in Libya, and the persons who committed the crimes in both government and rebel forces fall within the above personal jurisdiction. With regard to the lack of an adequate judicial system in Libya to respond to the serious international human rights violation acts, HRN believes that the ICC should end the climate of impunity.

HRN calls upon the Interim Government of Libya to hand over Saif al-Islam al-Gaddafi to the ICC for fair trial. The prompt surrender of the suspect would be important as the appointed public attorney of the ICC expresses a concern that Saif al-Islam's rights are not guaranteed.

The Report stated that the Commission was unable to reach a conclusion in relation to the deaths of Muammar and Mutassim Qadhafi. HRN calls for the international communities to undertake further investigation, and calls upon the interim Government of Libya to fully cooperate in the investigation.

HRN believes that further investigation of the NATO Air Strike campaign should be undertaken. The Commission confirmed civilian casualties and found targets that showed no evidence of military utility. Thus, further steps in investigation would be required to determine whether the above acts breach international human rights law or include war crimes.

In order to effectively implement the recommendations made by the Commission, the UN should immediately establish a mechanism to monitor the implementation of the recommendations. HRN therefore calls upon the UN Human Rights Council to take an initiative in establishing the above mechanism as well as the Office of the High Commissioner for Human Rights to play an important role in the promotion and protection of human rights in Libya.

HRN previously pointed out the ambiguity of the UN's supervisory responsibility and accountability with regard to the military intervention of multinational forces followed by the UN Security Council Resolution, and stated the need for a re-examination and

reconsideration of such interventions (HRN Statement dated 12th April 2011).

Considering the situation in which Gaddafi perished without being tried in court as well as the ongoing serious human rights violations in Libya, HRN continues to call for the international society to re-examine and reconsider the means of international intervention in Libya.