



General Assembly

Distr.: General
26 June 2019

English only

Human Rights Council

Forty-first session

24 June–12 July 2019

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by International-Lawyers.Org, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[03 June 2019]

* Issued as received, in the language(s) of submission only.



Libya: Escalating military hostilities continue to take a heavy toll on civilians and seriously undermine peace efforts

Introduction

We are pleased to jointly submit this written statement on the situation of human rights in Libya for the 41st Session of the Human Rights Council.

The current situation is a consequence of an illegal foreign intervention that led to a widespread and serious human rights violation. This statement, however, focuses on the latest developments concerning the situation in Libya.

Since the outbreak of the armed conflict at the outskirts of Tripoli on 4 April 2019, thousands of persons have been killed or wounded, including innocent civilians. Not only is the armed conflict undermining international peace efforts, but even more troubling is the breaches the arms embargo imposed by the UN Security Council.

With more weapons and military support, competing interests are ensuring violence gains ground over peace efforts. In the absence of a ceasefire, the humanitarian situation is dramatically degenerating to the detriment of civilians, refugees and migrants, including women and children. Other issues of grave concern are the high number of migrants that have been returned to Libya since the onset of the armed conflict, and the dangers and challenges faced by healthcare workers, including inadequate medical supplies.

Breach of UN arms embargo

With resolution 1970 (2011), the UN Security Council unanimously imposed sanctions against Libya including an open-ended embargo on the supply of arms and military equipment to and from Libya, which was subsequently amended by resolution 2095 (2013) which lifted the requirement of notification for supplies of non-lethal military equipment for humanitarian protective use in Libya and the supply of non-lethal military equipment. The flare-up of violence in August 2014 led the Security Council to adopt resolution 2174 requiring that any supplies of arms and related materials to Libya must be approved in advance by the Sanctions Committee. Since the onset of fighting on 4 April 2019, civilian areas in the southern outskirts of Tripoli have reportedly been targeted by heavy weapons and air strikes. The World Health Organization has put the death toll at 430 over the weeks of fighting in April. Outside powers seem to have contributed to the postponement of the UN-led peace talks and the military escalation by providing weapons to Haftar's forces, including an arms shipments to Benghazi's Benina International Airport in eastern Libya while others countries have been providing large quantities of weapons to the so-called "international recognized government" in Tripoli.

Civilians are the collateral victims of this heavy fighting.

International-Lawyers.Org calls on both parties to urgently conclude a humanitarian ceasefire. Despite an UN embargo on arms and the universal agreement that there should be no military support for any of the parties in Libya, some countries have been blatantly ignoring these international understandings. The primary responsibility of enforcing the arms embargo lies with the international community. Ensuring that the embargo on arms and military support is fully respected will considerably limit the bloodshed. All possible doors leading to war must be closed to move the parties towards a sustainable and peaceful solution for Libya.

Unacceptable returns of migrants to Libya and IDPs

International-Lawyers.Org is also concerned about the situation of returnees and IDPs in Libya. The IOM Mission in Libya estimated on 14 May 2019 that since the onset of armed fighting surrounding the capital Tripoli, 66,000 individuals and 13,000 families have fled from Tripoli.

In addition, 871 migrants have been returned to Libya and placed in detention since 4 April. The total number of returns to Libya since the beginning of 2019 is equal to 2,813. We appeal to all States concerned to immediately put an end to all returns to Libya, as it violates international human rights law to return Libyans to their unsafe country.

The illegal detention of migrants and their placement in often overcrowded detention centres is also a source of major concern, together with the lack of early detection of potential refugee candidates and persons in need of special care. The Libyan Government must urgently offer alternatives to the illegal detention of migrants on the sole ground that they entered into Libyan territory without a visa or a proper authorization.

Considering the large number of IDPs, we call upon the parties to agree upon a humanitarian ceasefire and to allow humanitarian workers to have access to areas where their intervention is much needed to provide assistance to civilians and war victims in accordance with the principles of neutrality, impartiality and independence.

Health challenges amidst the ongoing armed conflict

We further express dismay at indiscriminate attacks perpetrated against health care workers and facilities, which resulted in eight ambulances being destroyed over one ten-day period as documented by the World Health Organization Office for the Eastern Mediterranean Region. Since fighting intensified in the southern outskirts of Tripoli during the first week of May 2019, the substantial deterioration of Libya's health care system has continued at a time when more health emergencies are arising. At the beginning of May, the death toll since 4 April had reached 430, while 2,110 people had been wounded.

Recommendations

We urgently recommend the following:

The international community to enforce the arms embargo and foreign powers to refrain from interfering in the Libyan civil conflict

The parties to the conflict to quickly agree upon a humanitarian ceasefire, put an end to the fighting and resume UN-led peace talks

The international community to hold inclusive peace talks by inviting the broadest spectrum of Libyan parties and observing the principle that only Libyans are the masters of Libya's future and destiny

All concerned countries to refrain from returning migrants to Libya as it is not a safe country.

All parties to refrain from indiscriminate attacks against health care workers and health care infrastructure

The parties and the international community to support the efforts deployed by the World Health Organization to guarantee adequate stocks of medical supplies for emergency care and long-term diseases.
