

FFM Libya

Press conference – Monday, 4 October 2021

OPENING REMARKS

[M. AUAJJAR]

Welcome to this press conference. My name is Mohamed Auajjar, and I am the Chair of the Independent Fact-Finding Mission on Libya. With me are my fellow colleagues Chaloka Beyani and Tracy Robinson.

Today, the FFM releases its report on the human rights situation in Libya since 2016, which we will present later this week to the Human Rights Council as part of an interactive dialogue on Libya. Our Fact-Finding Mission was established in June 2020 by the Human Rights Council and we were requested to document alleged human rights violations and abuses as well as violations of international humanitarian law committed by all parties in Libya since the beginning of 2016. We also looked into allegations of potential international crimes.

We were given a very broad mandate. However, for budgetary reasons, we were only able to commence our investigations three months ago. In the limited time available, we gathered hundreds of documents, interviewed more than 150 individuals and conducted investigations in Libya, Tunisia and Italy.

The findings which we reached unveil a dire human rights situation. The violence and conflict that have plagued Libya since the fall of the Gaddafi regime in 2011, but particularly since 2016, have enabled the commission of gross human rights violations against the most vulnerable, including civilians, women, children, internally displaced persons and migrants. We also found reasonable grounds to believe that war crimes

have been committed in Libya, while violence perpetrated in prisons and against migrants there may amount to crimes against humanity.

Let us briefly summarize our findings.

Our investigations have established that all parties to the conflicts, including third States, foreign fighters and mercenaries, have violated international humanitarian law, in particular the principles of proportionality and distinction, and some have also committed war crimes. Civilians paid a heavy price during the 2019-2020 hostilities in Tripoli, as well as during other armed confrontations in the country since 2016. Airstrikes have killed dozens of families. The destruction of health-related facilities has impacted access to health care and anti-personnel mines left by mercenaries in residential areas have killed and maimed civilians.

I will now give the floor to my colleague, Tracy Robinson, who will address some of our other findings.

[T. ROBINSON]

We found evidence of disturbing patterns of violence committed in Libyan prisons. A witness told us, and I quote: "More than 100 prisoners were isolated from the rest of the prison population. I was among them. Our families were no longer authorized to visit us. We were subjected to torture, on a daily basis." Arbitrary detention in secret prisons and unbearable conditions of detention are widely used by the State and militias against anyone perceived to be a threat to their interests or views. Violence in Libyan prisons is committed on such a scale and with such a level of organization that it may also potentially amount to crimes against humanity.

Our report also documents the recruitment and direct participation of children in hostilities, the enforced disappearance and extrajudicial killings of prominent women and continuing sexual and other forms of violence against vulnerable populations, including LGBTQI persons. We paid particular attention to the allegations of atrocity crimes committed in the town of Tarhuna (southeast of Tripoli) between 2016 and 2020. We were able to document the existence of mass graves in Tarhuna.

I will hand over to my colleague Chaloka Beyani for our remaining findings.

[C. BEYANI]

Our investigations also indicated that migrants, asylum-seekers and refugees are subjected to a litany of abuses at sea, in detention centres and at the hands of traffickers. Violations against migrants are committed on a widespread scale by State and non-State actors, with a high level of organization and with the encouragement of the State. All of this is suggestive of crimes against humanity.

The chronic insecurity in Libya has also led to the internal displacement of hundreds of thousands of people who have ended up in areas ill-equipped to accommodate large population movements. Some ethnic groups, such as the Tawerghas, the Tebus and the Alahali, have been displaced since 2011 and continue facing severe abuses. The evidence indicated that Libya has failed to take action to ensure the safety of internally displaced persons and their return to their place of origin, in breach of its obligations under international law.

Let me give the floor back to our Chair.

[M. AUJJAR]

The findings we present today are not exhaustive. Further investigations are required to comprehensively address the situation of human rights in Libya since 2016. Our report recommends the Human Rights Council to extend the Fact-Finding Mission's mandate for a further year to this end.

Throughout its mandate, the Mission closely engaged with civil society. We acknowledge the important work NGOs carry out. They bring forward the voices of those who have endured violations and abuses. We value very much the contribution they made to our fact-finding exercise. We noted with concern that Libyan-based NGOs were reluctant to interact with us in view of the Presidential Council's decree of 2019 regulating the work of NGOs in Libya. They felt that notifying governmental authorities about their intent to meet with the Mission would expose them to retaliation. We urge Libya to review this Presidential decree to ensure that NGOs can approach us without fear and in full confidence.

In closing, as Libyans strive to secure peace, ensuring accountability for gross human rights violations and international crimes committed in the country is more necessary than ever to deter further violations and promote long-term peace and reconciliation. We urge Libya to intensify its efforts to hold those responsible to account. It is also essential that the international community continues to provide support to the Libyan judicial authorities.

Thank you for your attention. We remain at your disposal to answer your questions.