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**Human Rights Council
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, 25 February 2011

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

I commend the initiative of this Council to hold a special session on the situation of human rights in the Socialist People's Libyan Arab Jamahiriya. The gravity of the situation and the violent repression of the uprising in that country demand such urgent attention. As the Secretary-General noted, the reported "nature and scale of the attacks on civilians are egregious violations of international humanitarian and human rights law." He condemned them without qualification and stated that those responsible for brutally shedding the blood of innocents must be punished.

Let me remind this Council that, at their 2005 Summit, World leaders unanimously agreed that each individual State has the responsibility to protect its populations from crimes against humanity and other international crimes. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. When a State is manifestly failing to protect its population from serious international crimes, the international community has the responsibility to step in by taking protective action in a collective, timely and decisive manner.

In its emergency session this week, the Security Council highlighted the need to uphold the responsibility to protect, to provide humanitarian assistance, to allow human rights monitoring and to ensure accountability. My Office is prepared to respond to these needs as a matter of highest urgency.

As we meet today, the protestors who, exercising their right to freedom of assembly, have denounced the brutal ways of their Government, continue to challenge its rule at great peril for themselves and their families. They have appealed to the UN and to the international community for protection. We owe them our solidarity and protection from violence. We must heed their aspiration for freedom, dignity and responsible governance. Far from being manipulated by external forces, their protest is a display of people's power, an exercise of direct democracy that deserves and commands international respect and support.

The international community has repeatedly urged Muammar Al-Qadhafi to desist from violence. Despite international condemnation and appeals for restraint, the Libyan leader chose to foment conflict. He called on his supporters to get out of their homes, fill the streets against the protestors and "attack them in their lairs," as he said.

Although reports are still patchy and hard to verify, one thing is painfully clear: in brazen and continuing breach of international law, the crackdown in Libya of peaceful demonstrations is escalating alarmingly with reported mass killings, arbitrary arrests, detention and torture of protestors. Tanks, helicopters and military aircraft have reportedly been used indiscriminately to attack the protestors. According to some sources, thousands may have been killed or injured.

Let me reiterate that the State has an obligation to protect the rights to life, liberty and security of people under their jurisdiction. The protection of civilians should always be the paramount consideration in maintaining order and the rule of law.

The Libyan leader must stop the violence now. Libya is a member of the Human Rights Council and pledged to respect human rights. It is also a State party to various international human rights treaties, including the International Covenant on Civil and Political Rights. It has the obligation to

protect and implement rights and freedoms as enshrined in international human rights treaties. Let me recall that under international law, any official, at any level, ordering or carrying out atrocities and attacks can be held criminally accountable and that widespread and systematic attacks against the civilian population may amount to crimes against humanity.

Distinguished Members of the Human Rights Council,

Witnesses in and out of Libya consistently describe horrifying scenes. Libyan forces are firing at protestors and bystanders, sealing off neighbourhoods and shooting from rooftops. They also block ambulances so that the injured and dead are left on the streets. Reports from hospitals indicate that most of the victims have been shot in the head, chest or neck, suggesting arbitrary and summary executions. Doctors relate that they are struggling to cope and are running out of blood supplies and medicines to treat the wounded. Images of unverifiable origin appear to portray the digging of mass graves in Tripoli.

According to several accounts, killings have also been carried out by foreign fighters who were and reportedly continue to be brought into the country and equipped with small arms and light weapons by the Government to suppress the protests. In this connection, my Office has received reports that some Libyans are turning on refugees and migrants from other African countries, suspecting them of being mercenaries fighting for the Libyan government.

At the same time, there are reports that the authorities have suggested that certain foreign nationals have been primarily responsible for initiating the unrest, thereby encouraging attacks on foreigners.

It is important that the safety of all foreign nationals be ensured and that the freedom of movement of those wishing to leave the country be fully respected and protected.

Libyan authorities must allow the safe passage of humanitarian and medical supplies and humanitarian workers into the country. They must also ensure that the legitimate demands of the protestors are addressed and the fundamental human rights of the population are fully respected and promoted.

Excellencies,

Libya's neighbors have a particular responsibility to exert utmost vigilance to protect the vulnerable. I am concerned for the safety and well-being of refugees crossing into neighbouring countries, particularly Tunisia, Egypt, Italy and Malta. I urge Libya's neighbours to open their borders and ensure that refugees fleeing the violence in Libya are welcomed and treated humanely.

Libya's political partners and allies are uniquely positioned to exercise their individual and collective influence for the protection of human rights in Libya. In this context, I welcome the initial steps taken by some Governments and regional organisations. More needs to be done. I encourage all international actors to take necessary measures to compel the Libyan Government to stop the bloodshed.

I have also called for an independent and impartial investigation to investigate the violent repression of protest in the country.

But let us be clear that today's shocking and brutal situation is the direct outcome of a callous disregard for the rights and freedom of Libyans that has marked the almost four-decade long grip on power by the current ruler. Justice for ongoing as well as past abuses must be attained in order to be meaningful for all the victims.

There can be no doubt about the need for action by this Council now. The Human Rights Council and its mechanisms should step in vigorously to help end the bloodshed in Libya and hold those perpetrating the atrocities accountable. The Council should use all means available to compel Libya to respect the human rights and heed the will of its people. The victims of human rights violations and violations of international humanitarian law deserve no less.

Thank you.