



**Statement delivered on behalf of all Special Procedures mandate holders
of the United Nations Human Rights Council at the Fifteenth Special Session
of the Human Rights Council on the human rights situation in the Libyan Arab Jamahiriya
Geneva, 25 February 2011**

Mr. José -Luis Gomez del Prado, Chair of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination

Mr. President, Distinguished delegates, Ladies and Gentlemen,

The Coordination Committee of Special Procedures has asked me to deliver the following statement on behalf of the Special Procedures mandate-holders of the Human Rights Council.

Mr. President, we have condemned in the strongest terms the violent suppression of the peaceful protests by the people of Libya who are calling for dignity, liberty and social justice. Since the start of the protests, we have received numerous reports of excessive and vastly disproportionate use of force against protesters, including use of live ammunition and military planes. We have been alerted to serious allegations of torture, ill-treatment and arbitrary arrests and detention of individuals, including human rights defenders, lawyers and journalists. As a result, several hundred people have died. Many others have been arrested. Thousands are injured. The human suffering continues to rise. There have been disturbing accounts of women and children among the victims. There have been reports that the authorities have enlisted 'mercenaries' from other countries to support the crack down on demonstrators in Benghazi and other cities. The Government has been targeting the very people it has been mandated to serve and protect.

Special procedures have stated that actions taken by the Libyan authorities are illegitimate and unlawful under international law, as the excessive use of force is never an option and cannot be justified in dealing with peaceful demonstrations. The acts being reported indicate that authorities in Libya have committed gross and serious violations of human rights, including arbitrary deprivation of life, torture and enforced disappearances, thereby violating its obligations under the international human rights treaties to which Libya is a party. Furthermore, if reports are confirmed, the use of foreign armed individuals who may have been involved in the killings is unacceptable.

We reiterate our call to immediately cease the excessive use of force, including lethal force against protesters. As some of those injured are in critical condition, we urge the authorities to ensure access to immediate medical care to avoid further death. We also urge the authorities to release all those arbitrarily detained and to protect protesters from torture and ill-treatment. We call upon the authorities to ensure that people are able to express their legitimate grievances through public and peaceful demonstrations without fear of being killed, injured, arrested or subjected to other human rights violations. The Government must respect its international human rights obligations.

Mr. President, if proved that the alleged attacks orchestrated by the authorities were committed as part of a widespread or systematic attack against the people of Libya, this could amount to crimes

against humanity. Those responsible must be held accountable. We have also noted with concern the use of provocative language in the recent statement made by the Libyan President. Inciting violence will only lead to an escalation of the situation and to further violations. It is important that the authorities realize that they may be prosecuted by international criminal justice mechanisms or through universal jurisdiction.

We endorse the call made by the United Nations High Commissioner for Human Rights for an international inquiry into the violence. The international community should act without delay to make its responsibility to protect civilians from serious human rights violations a reality for the people in Libya. We are willing to contribute to such an inquiry.

Mr. President, it appears that the Government is also attempting to restrict the dissemination of information on the atrocities being committed by cutting off telephone communications, Internet access and restricting media coverage. We call upon the authorities to ensure that journalists can work safely and freely to inform the public locally and globally of what is happening in Libya, and that all means of communication, including the Internet, remain open and accessible to the public.

Special procedures want to emphasize the wider and endemic failures to protect human rights throughout the country. For years, those defending human rights, including journalists, doctors and lawyers, have not had the space they need to do their important work without fear of reprisals. Regrettably, human rights defenders and others have been tortured, ill-treated, arrested and detained without charge. Whether in the past or present, those responsible for such heinous crimes must be held to account.

Underlying human rights issues will need to be swiftly addressed, in particular the widespread denial of economic and social rights that has been witnessed over the years. Libyans are entitled to take part in policy and decision-making, to claim without discrimination their right to work and to an adequate standard of living. If these claims remain ignored, the situation will not be remedied.

In addition, comprehensive and systemic governance reforms are needed to prevent further human rights violations, as current institutional structures permit impunity to go unabated. Reforms must be founded on respect for the rule of law and the principles of non-discrimination and equality enshrined in the Universal Declaration of Human Rights and other human rights instruments.

Mr. President, as we have stated on previous occasions with regard to other situations, as mandate holders of the Human Rights Council, we stand ready to provide the necessary expertise to the Council. Our priority is that the interests of justice are served and to assist in ensuring that all human rights in Libya are protected. We have not had the benefit of seeing first hand the situation in the country and call upon the authorities to swiftly extend invitations to those special procedures mandate-holders who wish to conduct country visits including technical assessment missions.

Special Procedures welcome the opportunity of this Special Session to address important immediate and longer term issues in relation to the human rights situation in the country. We trust these discussions and the resolution to be adopted will lead to immediate action to bring about an end to the reported serious human rights violations and ensure the full protection of all rights of all men, women and children in Libya. Thank you for your attention.