

Revised version to be distributed in the room

Human Rights Council

Fifteenth special session

25 February 2011

Argentina, Australia*, Austria*, Belgium, Botswana*, Brazil, Bulgaria*, Canada*, Chile, Cyprus*, Colombia*, Costa Rica*, Croatia*, Czech Republic*, Denmark*, Estonia*, Finland*, France, Germany*, Greece*, Honduras*, Hungary, Iceland*, Ireland*, Israel*, Italy*, Japan, Jordan, Latvia*, Lithuania*, Luxembourg*, Maldives, Malta*, Mexico, Monaco*, Netherlands*, New-Zealand*, Norway Palestine*, Paraguay*, Poland, Portugal*, Peru*, Republic of Moldova, Qatar, Romania*, San Marino*, Senegal, Slovakia, Slovenia*, Spain, St. Kitts and Nevis*, Sweden*, Switzerland United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia: draft resolution

S-15/... Situation of human rights in the Libyan Arab Jamahiriya

The Human Rights Council,

Reaffirming the Charter of the United Nations, the Universal Declaration of Human Rights, and relevant international human rights instruments, and relevant international law,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling further Council resolution 5/1 and 5/2 of 18 June 2007,

Expressing deep concern at the deaths of hundreds of civilians and rejecting unequivocally the incitement to hostility and violence against the civilian population made from the highest level of the Libyan government,

Reaffirming that all States have an obligation to protect the rights to life, liberty and security of the person;

Reaffirming also the responsibilities of all States, in conformity with the United Nations Charter, to respect human rights and fundamental freedoms for all,

Reaffirming further that all Member States of the United Nations Human Rights Council should uphold the highest standards in the promotion and protection of human rights and that the United Nations General Assembly may suspend the rights of membership in the Council of a member that commits gross and systematic violations of human rights,

* Non-Member State of the Human Rights Council.

~~Welcoming~~ Supporting the statements made by the Secretary-General of the United Nations and by the statement of the United Nations High Commissioner for Human Rights, in particular the latter's statement of 22 February 2011 calling for international investigation into Libyan violence and justice for victims;

Supporting also the Press Statement of the United Nations Security Council on Libya of 22 February 2011,

Also ~~welcoming~~ supporting the statement issued by the Council of the League of Arab States on 22 February 2011, the statement of the Secretary General of the Organisation of Islamic Conference Secretary-General of 20 February 2011, the Communiqué of the 261th Meeting of the Peace and Security Council of the African Union, and the relevant conclusions of the European Union Foreign Affairs Council of 21 February 2011;

1. Expresses deep concern with the situation in Libya, ~~s~~Strongly condemns the recent gross and systematic extremely grave human rights violations committed in Libya, including indiscriminate armed attacks against civilians, extrajudicial killings, arbitrary arrests, detention and torture of peaceful demonstrators, some of which if wide-spread and systematic, may also amount to crimes against humanity;

2. Strongly calls upon the Government of Libya Libyan authorities to meet its responsibility to protect its population, to immediately put an end to all human rights violations, to stop any attacks violations against civilians, and to fully respect all human rights and fundamental freedoms, including freedom of expression and freedom of assembly;

3. Strongly calls upon the Government of Libya for the immediate release of all arbitrarily detained persons, including those who were detained before the recent events, as well as for the immediate cessation of intimidation, persecution and arbitrary arrests of individuals including lawyers, human rights defenders and journalists;

4. Urges Libyan authorities to ensure the safety of all civilians, including citizens of third countries, to refrain from any reprisals against people who have taken part in the demonstrations, and to facilitate the departure of those foreign nationals wishing to leave the country, and to allow the provision of urgent humanitarian assistance to those in need;

5. Also urges Libyan authorities to immediately cease the blocking of public access to the internet and telecommunication mobile-phone networks and cease intimidation, persecution and arbitrary arrests of individuals including lawyers, human rights defenders and journalists;

6. Further urges Libyan authorities to respect the popular will, aspirations and demands of its people and to do their utmost efforts to prevent further deterioration of the crisis and to promote a peaceful solution ensuring safety for all civilians and stability for the country;

6bis Recalls the importance of accountability and the need to fight against impunity and in this regard stresses the need to hold to account those responsible for attacks in Libya, including by forces under government control, on civilians,

7. Urgently calls for an open, inclusive, meaningful and national dialogue aimed at systemic changes responding to the will of the Libyan people political reform and at the promotion and protection of their human rights;

8. Reminds the Government of Libya to respect its commitment as a Member of the Human Rights Council to uphold the highest standards in the promotion and protection of human rights ~~Strongly calls upon the Libyan authorities~~ and to cooperate fully with the Council and its Special Procedures, ~~of the Council and to guarantee access to human rights and humanitarian organisations including human rights monitors;~~

8bis *Calls* on the Libyan authorities to guarantee access to human rights and humanitarian organisations including human rights monitors;

9. *Decides* to urgently dispatch an independent, international commission of inquiry, to be appointed by the President of the Council, to investigate all alleged violations of international human rights law in Libya, to establish the facts and circumstances of such violations and of the crimes perpetrated, and, where possible identify those responsible to make recommendations, in particular, on accountability measures, all with a view to ensuring that those individuals responsible are held accountable, and to report to the Council at its 17th session, and calls upon the Libyan authorities to fully cooperate with the Commission, ~~establish an independent, impartial and credible United Nations led international investigation into the human rights violations in Libya to ensure that there is full accountability for those responsible for violations;~~

9 bis. Requests the Secretary-General and the High Commissioner to provide all administrative, technical and logistical assistance required to enable the above-mentioned commission of inquiry to fulfil its mandate;

10. *Requests* the United Nations High Commissioner for Human Rights to ~~provide submit an oral update interim report~~ to the Council at its sixteenth session ~~under agenda item 4~~ on the human rights situation in Libya, and to submit a follow-up report to the seventeenth session, as well as to organize an interactive dialogue on the human rights situation in Libya during the 17th session of the Council;

10 bis *Recommends* to the United Nations General Assembly, in view of the gross and systematic violations of human rights by the Libyan authorities, the consideration of the application of the measures foreseen in OP8 of General Assembly Resolution 60/251;

10ter *Decides* to remain seized of the matter.
