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Libya: Human Rights Council takes important first steps, international community must continue to act

The International Commission of Jurists (ICJ) welcomes the adoption today by the UN Human Rights Council, the UN's political body charged with the promotion and protection of human rights and fundamental freedoms, of one of the strongest resolutions in the short history of the five-year old Council. During a special session on the situation of human rights in the Libyan Arab Jamahiriya, the ICJ had called on the Human Rights Council to take the strongest possible action in response to the gross and systematic human rights violations being committed in Libya.

Today's resolution of the Human Rights Council includes a decision to urgently dispatch an independent, international commission of inquiry to investigate the alleged violations of international human rights law in Libya and, where possible, identify those responsible. The High Commissioner for Human Rights, Navi Pillay, has offered the assistance of her Office to those ends, and the Special Procedures of the Human Rights Council have expressed willingness to contribute to such an inquiry.

As a second and unprecedented measure, the Council recommended that the UN General Assembly consider suspending Libya's rights of membership in the Council. General Assembly resolution 60/251 (2006), which established the Human Rights Council, contemplates the possibility, in its paragraph 8, of suspending rights of membership where a member of the Council commits gross and systematic violations of human rights.

As a member of the Human Rights Council, Libya's government pledged to uphold the highest standards in the promotion and protection of human rights. At the highest level, the government of Libya – through the various statements of Colonel Moammer Gaddafi and others – has now clearly repudiated its commitment to human rights. This, together with the gross and systematic violations of human rights within Libya, means that the General Assembly should when it meets next week respond positively to the recommendation of the Human Rights Council.

"The fact that Libya is a member of the Human Rights Council should not dissuade action by the Council or the General Assembly, but should in fact underscore the need to take strong and resolute action", said Alex Conte, ICJ Representative to the United Nations. *"The situation at hand demands nothing less and it is therefore proper, and encouraging, to see the Council adopt such a strong resolution",* added Conte. *"It is an important first step and must be followed up by corresponding action in New York",* he concluded.

In the coming days, weeks and months, the people of Libya will need the support of the international community, which must continue and intensify its efforts. The ICJ urges all UN institutions, including the Security Council, to consider all options at their disposal to ensure the immediate protection of the civilian population in Libya; accountability for perpetrators of human rights violations; and justice for victims. *"This should include consideration by the Security Council of a referral to the International Criminal Court under article 13 of the Rome Statute, which allows referral of a matter to the jurisdiction of the Court where a situation appears to involve the commission of a crime under the Statute",* Alex Conte said.

For more information, please contact Alex Conte, ICJ Representative to the United Nations, at +41-79-957-2733, or Saïd Benarbia, Middle East & North Africa Legal Adviser, at +41-22-979-3817.

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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