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**Report of the Human Rights Council on its
fifteenth special session**

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I. Resolution adopted by the Council at its fifteenth special session

S-15/1.

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;

Supporting the statements made by the Secretary-General of the United Nations and by 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 supporting the statement issued by the Council of the League of Arab States of 22 February 2011, the statement of the Secretary General of the Organisation of Islamic Conference 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, *strongly condemns* the recent gross and systematic 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 may also amount to crimes against humanity;

2. *Strongly calls upon* the Government of Libya to meet its responsibility to protect its population, to immediately put an end to all human rights violations, to stop any

attacks 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, 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 networks

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;

7. *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;

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

9. *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 and to cooperate fully with the Council and its Special Procedures;

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

11. *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 seventeenth session, and calls upon the Libyan authorities to fully cooperate with the Commission;

12. *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;

13. *Requests* the High Commissioner to provide an oral update to the Council at its sixteenth session 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 seventeenth session of the Council;

14. *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;

15. *Decides* to remain seized of the matter.

2nd meeting
25 February 2011

[adopted without a vote.]

II. Organization of work of the fifteenth special session

1. Pursuant to paragraph 10 of General Assembly resolution 60/251, and in accordance with rule 6 of the rules of procedure of the Human Rights Council as contained in the annex to Council resolution 5/1, the Council “shall hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council”.

2. On 23 February 2011, the Permanent Mission of Hungary to the United Nations Office at Geneva, on behalf of the European Union, requested the convening of a special session of the Council on 25 February 2011 to address the situation of human rights in the Libyan Arab Jamahiriya.

3. The above-mentioned request was supported by 23 States Members of the Council: Argentina, Belgium, Brazil, Chile, France, Guatemala, Hungary, Japan, Jordan, Maldives, Mexico, Norway, Poland, Qatar, Republic of Moldova, Senegal, Slovakia, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Zambia.

4. In addition to the above-mentioned Member States, the request was also signed by the following observers of the Council: Australia, Austria, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Honduras, Iceland, Iraq, Ireland, Israel, Italy, Latvia, Lebanon, Lithuania, Luxembourg, Malta, Monaco, New Zealand, Netherlands, Palestine, Peru, Portugal, Romania, Slovenia, Sweden, Tunisia and Turkey.

5. As more than one third of the membership of the Council supported the above-mentioned request, the President of the Council convened informative consultations on the matter on 23 February 2011 and decided to convene a special session of the Council on 25 February 2011.

A. Opening and duration of the session

6. The Council held its fifteenth special session at the United Nations Office at Geneva on 25 February 2011. It held two meetings during the session.

7. The fifteenth special session was opened by Sihasak Phuangketkeow, President of the Council.

B. Attendance

8. The special session was attended by representatives of States Members of the Human Rights Council, observer States of the Council, observers for non-Member States of the United Nations and other observers, as well as observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations.

C. Officers

9. At its first organizational meeting of the fifth cycle, on 21 June 2010, the Council elected the following officers, who also served as officers for the fifteenth special session:

President: Sihasak Phuangketkeow (Thailand)

Vice-Presidents: Arcanjo Maria Do Nascimento (Angola)

Rodolfo Reyes Rodríguez (Cuba)

Fedor Rosocha (Slovakia)

Vice-President and Rapporteur: Bente Angell-Hansen (Norway)

D. Organization of work

10. Pursuant to paragraph 124 of the annex to Council resolution 5/1, an open-ended informative consultation was held on 23 February 2011 in preparation for the fifteenth special session.

11. At its 1st meeting, on 25 February 2011, the Council considered the organization of its work, including speaking time limits, which would be three minutes for statements by States Members of the Council and two minutes for statements by observers for non-Member States of the Council and other observers. The list of speakers would be drawn up in chronological order of registration. States Members of the Council would be given the floor first, followed by observer States and observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, and observers of national human rights institutions and non-governmental organizations.

12. The special session was conducted in accordance with the relevant provisions contained in Council resolution 5/1.

13. At the second meeting, at the request of the representative of the Libyan Arab Jamahiriya, the Council observed one minute of silence for the victims of the recent events in the country.

E. Resolution and documentation

14. The resolution adopted by the Council at its fifteenth special session is reproduced in chapter I of the present report.

15. The list of documents issued for the fifteenth special session is contained in the annex to the present report.

F. Statements

16. At the 1st meeting, on 25 February 2011, the United Nations High Commissioner for Human Rights made a statement.

17. At the same meeting, José Gómez del Prado, Chairperson-Rapporteur of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, made a statement on behalf of all Special Procedures mandate holders.

18. Also at the first and second meetings, on the same day, statements were made by the following:

(a) States Members of the Council: Angola, Argentina, Bangladesh, Belgium, Brazil, Chile, China, Cuba, Ecuador, France, Guatemala, Hungary (on behalf of the European Union and Albania, Armenia, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Iceland, Montenegro, and Serbia), Iraq¹ (on behalf of the Arab Group), Japan, Jordan, Malaysia, Maldives, Mauritania, Mexico, Nigeria (on behalf of the African Group), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Poland, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Slovakia, Spain, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America, and Uruguay;

(b) Observer States of the Council: Afghanistan, Algeria, Australia, Austria, Bolivia (Plurinational State of), Botswana, Bulgaria, Canada, Colombia, Costa Rica, Czech Republic, Denmark, Germany, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Kuwait, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Nepal, Netherlands, New Zealand, Nicaragua, Paraguay, Peru, Philippines, Portugal, Romania, South Africa, Sudan, Sweden, Turkey, Venezuela (Bolivarian Republic of);

¹ Observer State speaking on behalf of States Members of the Council and observer States.

(c) Observers for the Holy See and Palestine;

(d) Observers for the following intergovernmental organizations: African Union, League of Arab States, Organization of the Islamic Conference;

(e) Observers for the following non-governmental organizations: Amnesty International, Cairo Institute for Human Rights Studies, CIVICUS – World Alliance for Citizen Participation (also on behalf of Arab NGO Network for Development and the Global Call to Action against Poverty), Human Rights Watch, International Commission of Jurists, International Federation for Human Rights Leagues, International Humanist and Ethical Union, Maarij Foundation for Peace and Development, Mouvement contre le Racisme et pour l’Amitié entre les Peuples, Nord-Sud XXI, Reporters Sans Frontiers, United Nations Watch.

19. At the 2nd meeting, on the same day, the representative of the Libyan Arab Jamahiriya made a statement as the concerned country.

G. Action on the draft proposal

20. At the 2nd meeting, on 25 February 2011, the representative of Hungary, on behalf of the European Union, introduced draft resolution A/HRC/S-15/L.1, sponsored by Hungary, on behalf of the European Union, and co-sponsored by Australia, Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Palestine, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland. Subsequently, Argentina, Botswana, Brazil, Canada, Chile, Colombia, Costa Rica, Croatia, Guatemala, Honduras, Iceland, Japan, Jordan, Liechtenstein, Maldives, Mexico, Monaco, New Zealand, Norway, Paraguay, Peru, Qatar, Republic of Moldova, San Marino, Senegal, Serbia, St. Kitts and Nevis, Switzerland, United States of America, Uruguay and Zambia joined the sponsors.

21. At the same meeting, the representative of Hungary made oral revisions to the draft resolution.
22. At the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution.
23. At the same meeting, the representative of Brazil made general comments in relation to the draft resolution.
24. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text of the resolution as adopted, see chapter I).
25. Also at the same meeting, the representative of Nigeria (on behalf of the African Group), made a statement in explanation of vote after the vote.

III. Report of the Human Rights Council on its fifteenth special session

26. At the 2nd meeting, on 25 February 2011, the report was adopted ad referendum and the Rapporteur was entrusted with its finalization.

Annex

List of documents issued for the fifteenth special session of the Human Rights Council

In the general series

A/HRC/S-15/1 Report of the Human Rights Council on its fifteenth special session

In the limited series

A/HRC/S-15/L.1 Situation of human rights in Libyan Arab Jamahiriya