



Libya

21 February 2011

Massacres in Libya: The African Commission on Human and Peoples' Rights must refer the situation to the African Court on Human and Peoples' Rights

Paris, Cairo, Nairobi, Tripoli, February 21, 2011 - The International Federation for Human Rights (FIDH) and its Libyan member organization, the Libyan League for Human Rights (LLHR), urge the African Commission on Human and Peoples' Rights (ACHPR) to immediately seize the African Court on Human and Peoples' Rights and the Peace and Security Council of the African Union (AU) on the serious human rights violations that are being perpetrated in Libya by the Libyan authorities and officers under their control.

In Libya, the repression of peaceful demonstrations by the Libyan security forces would have resulted in 300 to 400 dead and thousands injured since February 15, 2011. Punishment would be conducted by security forces with support from Chadian and Zimbabwean mercenaries, as well as former militia of Charles Taylor. The use by the security forces and state agents under their effective control of live ammunition and heavy weapons to carry out the punishment and indiscriminate bombing of civilian populations constitute serious violations of international human rights and international humanitarian law.

Given the extremely serious situation in Libya, FIDH and LLHR call upon the African Commission on Human and Peoples' Rights to seize urgently the African Court on Human and Peoples' Rights, in accordance with Article 34 para. 3 of the Protocol establishing the African Court which gives jurisdiction to the Court when human rights violations are perpetrated by a state party - which is the case of Libya which has ratified the Protocol in November 19, 2003 - and the Article 119 al. 4 of the Interim Rules of Procedure of the African Commission that allows it to seize the African Court of a situation constituting grave and massive violations of human rights. The African Court will have to rule urgently on the situation in Libya and contribute thereby to stop human rights violations in the country.

While the African Commission on Human and Peoples' Rights will meet in special session from 23 February to 3 March 2011, "we are surprised by the current silence of the Commission and individual commissioners holding a special mandate regarding the events in Libya and, to a greater extent, on situations that have resulted in serious human rights violations in the rest of the region such as in Tunisia, Egypt or Algeria," said Souhayr Belhassen, FIDH President.

In Tunisia, Egypt, Algeria and now Libya, the right to life, freedom of expression, the right to peaceful assembly, the right of human rights defenders and journalists to work freely, the right not to be subjected to acts of torture, arbitrary arrests and incommunicado or arbitrary detentions, all guaranteed under the African Charter and other instruments protecting human rights, have been violated in recent months by the authorities without a single declaration, urgent appeal or public concern being issued by the African Commission.

FIDH and LLHR call upon the African Commission on Human and Peoples' Rights to take the opportunity of the special session:

- To adopt an urgent resolution or a declaration from its President condemning the grave and massive violations of human rights in Libya;
- To formally seize the African Court on Human and Peoples' Rights on grave and massive violations taking place in Libya, in accordance with the provisions and mandates of the Commission and the Court;
- To adopt a resolution supporting the countries in political transition, which include:
 - * The condemnation of human rights violations committed by security forces;
 - * The support to democratic processes that aim to grant the people with the rights that are guaranteed under the African Charter on Human and Peoples' Rights;
 - * The organization of missions of cooperation including in Tunisia and Egypt;
 - * Reminding the States of their obligation to respect the rights guaranteed under the African Charter on Human and Peoples' Rights.
 - * To seize the African Union Peace and Security Council on violations in Libya.

<http://www.fidh.org/Massacres-in-Libya-The-African-Commission-on>