

..... special session 2011

..... : draft resolution

**S-/... 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, relevant international human rights instruments, **and international humanitarian 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,

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

Reaffirming also that all Member States of the Council have an obligation to 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 statement of the High Commissioner for Human Rights 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 the statement issued by the League of Arab States on 22 February 2011, the statement of the OIC Secretary General of 20 February 2011, the statement of the African Union, and the relevant conclusions of the European Union Foreign Affairs Council of 21 February 2011,

Acknowledging the decision of the Arab League to suspend Libya from its sessions in light of the deadly crackdown on peaceful protesters,

1. *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, which if **either wide-spread or systematic**, would 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* for the immediate release of all arbitrarily detained persons, **including those who were detained before the recent events**,
4. *Also 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. *Urges* Libyan authorities to immediately cease the blocking of public access to the internet and **telecommunication** networks and cease intimidation, persecution and arbitrary arrests of individuals including lawyers, human rights defenders and journalists,
6. *Also 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, including by forces under government control, on civilians,

8. *Urgently calls* for an open, inclusive, meaningful national dialogue aimed at **systemic changes responding to the people's will** and at the promotion and protection of human rights,
9. *Strongly calls upon* Libya to comply with its responsibility 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, and to guarantee access to human rights and humanitarian organisations, including human rights monitors,
10. *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 in connection with the on-going protests in the country with a view to ensuring that those responsible are held accountable, and to report to the Council at its 17th session, and calls upon the Libyan authorities not to obstruct and fully cooperate with the Commission,**
11. **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,**
12. *Requests* the United Nations High Commissioner for Human Rights to **provide an oral update** to the Council at its 16th session under agenda item 4 on the human rights situation in Libya, and to submit a follow-up report to the 17th session, **as well as to organize an interactive dialogue on the human rights situation in Libya during the 17th session of the Council,**
13. *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.
14. *Decides* to remain seized of the matter.