

ACHPR/Res. 423 (EXT.OS/ XXVI) 2019: Resolution on the Human Rights Situation in Libya

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 26th Extra-Ordinary Session held from 16 to 30 July 2019 in Banjul, The Republic of The Gambia;

Recalling its mandate to promote and protect human and peoples' rights in Africa under the African Charter on Human and Peoples' Rights (the African Charter);

Mindful of the obligations of Libya as a Member State of the African Union (AU), and State Party to the African Charter;

Bearing in mind Article 3 of the AU Constitutive Act which provides that the objectives of the AU include the promotion of peace, security and stability; human and peoples' rights; democratic principles and institutions; and popular participation and good governance;

Considering Article 23 of the African Charter which provides for the right of all peoples to national and international peace and security;

Reaffirming Articles 2, 3, 4, 5, 6, 12, 16, and 18 of the African Charter which guarantee the right to be protected against discrimination, the right to equal protection of the law, the right to life, the right not to be subjected to torture and other ill-treatment, the right to liberty and security, the right to freedom of movement, the right to the best attainable state of physical and mental health, and protection of vulnerable persons;

Recalling its Resolution *ACHPR/Res.181 (EXT.XIX) 11* on the Human Rights Situation in Libya, adopted during its 9th Extra-Ordinary Session, held from 23 February to 3 March 2011, as well as Resolution *ACHPR / Res. 418 (LXIV) 19* on the Human Rights Situation in Libya, adopted during its 64th Ordinary Session, held from 24 April to 14 May 2019;

Further recalling its Statement of 25 February 2011 on the Human Rights Situation in North Africa, Statement of 21 November 2017 on Trafficking in Persons and Slavery in Libya, and Press release of 5 July 2019 on the Tajoura Detention Centre attack;

Taking note of the Communiqués issued by the Peace and Security Council (PSC) of the AU on the situation in Libya, including Communiqué *PSC/PR/COMM.(DCCCXXXIX)* of 9 April 2019, Communiqué *PSC/PR/COMM.(DCCCXLIV)* of 24 April 2019, and Communiqué *PSC/MIN/COMM.(DCCCLVII)* of 5 July 2019;

Deeply concerned about the continuing security and humanitarian crisis in Libya since fighting broke out in and around Tripoli in April 2019, resulting in the deaths and injuries of hundreds of people;

Deeply concerned about the dire situation of migrants and refugees who are arbitrarily detained in and around Tripoli;

Deploring the airstrikes on Tajoura Detention Centre in the eastern suburbs of Tripoli on 3 July 2019, which resulted in the deaths of 53 migrants and refugees, and injuries to more than 130 people;

Noting that the location of the Tajoura Detention Centre, as well as other migrant and refugee detention centres in Tripoli are well-known to the warring parties;

Further noting the decision of the AU PSC in Communique PSC/MIN/COMM.(DCCCLVII) of 5 July 2019, for an independent inquiry to be urgently instituted, with the participation of the Commission, with a view to establishing the facts of 3 July 2019 attack on the Tajoura Detention Centre and providing recommendations on practical measures for ensuring the dignity, well-being, safety and security of migrants;

Mindful that the International Organisation for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR) indicate that 3, 300 migrants and refugees remain arbitrarily detained inside and around Tripoli;

The Commission:

1. **Strongly condemns** the fighting and attacks in Libya which have led to hundreds of deaths and injuries;
2. **Equally condemns** the attacks on migrants and refugees, particularly the airstrikes of 3 July 2019 on the Tajoura Detention Centre;
3. **Calls on** the warring parties to immediately cease attacks on civilians, migrants and refugees, and comply with their obligations under the African Charter and international humanitarian law;
4. **Calls on** the international community to ensure that protecting the human rights of civilians, migrants and refugees are key components in engagements with authorities in Libya;
5. **Urges** all parties to prioritise dialogue and refrain from all forms of incitement and acts of violence;
6. **Welcomes** Communique PSC/MIN/COMM.(DCCCLVII) of 5 July 2019, mandating the African Union Commission to establish an independent inquiry to investigate the attacks on the Tajoura Detention Centre on 3 July 2019, and provide recommendations on practical measures to ensure the dignity, well-being, safety and security of migrants and refugees in Tripoli, and **expresses** its readiness to participate in the inquiry;

Done in Banjul, Republic of The Gambia, on 30 July 2019