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**45th session of the Human Rights Council
Oral Update by the Fact-Finding Mission on Libya**

Geneva, 5 October 2020

Salle XIX, Palais des Nations

Madam President, Excellencies, Ladies and Gentlemen,

In my capacity as the Chairperson of the Independent Fact-Finding Mission to Libya, I have the pleasure to provide you with the oral update this Council requested, pursuant to resolution 43/39.

Your resolution, drafted at the 43rd session of the Council but adopted at the 44th session, on 22 June 2020, requested the High Commissioner to “immediately establish and dispatch a Fact-Finding Mission to Libya”, to establish the facts and circumstances on the situation of human rights throughout Libya.

To this end, the three members of the FFM were appointed by the High Commissioner, on 19 August 2020. I, Mohamed Auajjar from Morocco, have had the privilege of being nominated to serve as the Chair, and I am joined by my distinguished colleagues Tracy Robinson (Jamaica) and Chaloka Beyani (Zambia and UK).

At the outset, I would like to highlight the great importance this FFM attaches to the full support given by the Government of Libya to this mandate. We sincerely appreciate the willingness of the Libyan Government to engage and cooperate with this FFM, and look forward to having a constructive relationship with the authorities as we work towards achieving the goals of justice and accountability for the people of Libya.

We would also like to acknowledge the civil society partners, including those represented here today, whose strong and principled call for accountability has been critical in the efforts that ultimately led to the establishment of this FFM.

Madam President,

The mandate that has been given to this FFM is significant in its scope. The resolution calls for the FFM to: *“establish the facts and circumstances of the situation of human rights throughout Libya, and to collect and review relevant information, to document alleged violations and abuses of international human rights law and international humanitarian law by all parties in Libya since the beginning of 2016, including any gendered dimensions of such violations and abuses, and to preserve evidence with a view to ensuring that perpetrators of violations or abuses of international human rights law and international humanitarian law are held accountable.”*

It is a broad mandate, and affords the FFM the flexibility to identify and document the range of alleged violations and abuses of international human rights law and international humanitarian law which merit focused attention. Some issues, including alleged extrajudicial killings, torture, sexual and gender based violence, conditions of detention, and the situation of migrants, have emerged as areas of focus, amongst others. In the short time since we began our work, we have already amassed a significant amount of information that are relevant to our mandate from various sources, which will help us fine-tune our focus and to define our investigative priorities.

Excellencies, distinguished delegates,

As we begin our work, we do so within the context of many operational challenges. The concept of operations, prepared by the Office of the High Commissioner for Human Rights, foresees a full Secretariat to support the FFM in the implementation of its mandate, consistent with the established practice for investigative bodies. Our work should be facilitated by a range of specialised expertise, including forensics, military affairs, gender and child rights and Arabic-speaking interpreters, and was to be operationalised from August 2020. However, the establishment of the Secretariat has been delayed due to the UN Regular Budget liquidity crisis and the related recruitment freeze.

Moreover, the prospects for us and the Secretariat staff to travel to Libya and neighbouring countries to meet directly with key interlocutors, including victims and witnesses, remain uncertain. It is our hope that, subject to the security situation and COVID-19 restrictions, the FFM will undertake missions to Tripoli, Benghazi, Palermo in Italy and Niger. In this regard, we are pleased to note that we have received reassurances that the Government of Libya stands ready to extend full cooperation, including to receive the FFM in Tripoli and other areas under its territorial control. We count on the cooperation of other stakeholders, and particularly the Libyan Arab Armed Forces (LAAF), to access the full territory of Libya to the maximum extent possible.

Let me now turn to the question of the timeline, which is the most immediate challenge faced by the FFM at the current time. As this Council will be well familiar, the resolution establishing the FFM, which had been prepared at the 43rd session in March 2020, was adopted at the 44th session in June 2020, due to delays associated with the pandemic. Consequently, the resolution contains an anomaly, which is that it requests the FFM to report to the 46th session in March 2021, even though it was adopted in June 2020, and calls for the FFM to be dispatched for a “period of one year”.

Given that it is currently not possible to recruit the Secretariat of the FFM, the existing reporting timeline is neither realistic, nor feasible. We are informed that discussions are underway in the Council in order to provide a technical solution to a number of mandates requiring an adjustment to the reporting timelines. We very much hope that, at this session, this Council will be able to make the necessary adjustments that will allow us to discharge our mandate as originally foreseen, and to report to the 48th session of the Council in September 2021.

Moreover, it will be critical that the extension of the mandate – which is necessary if we are to continue our work beyond March 2021 – is accompanied by the Programme Budget Implications (PBI) that provides for the allocation of necessary financial resources. In this regard, we call on all members of the Fifth Committee of the General Assembly to ensure that the FFM is provided with the full resources that are requested. Any attempt to diminish our resources will undermine our ability to discharge our mandate, and to be able to meet the expectations of the Council and the international community at this critical juncture for Libya. By establishing this FFM, this Council has sent an important signal to the countless victims in Libya that their

plight is not forgotten, and that the international community stands behind them, in pursuit of justice and accountability. We cannot let them down.

Ladies and gentlemen,

It is with those victims in mind that we, the members of the FFM, stand before you, to thank this Council for the task you have entrusted in us, and to assure you of our deepest commitment to discharge this important mandate by upholding the highest standards of impartiality, independence, objectivity and moral integrity, to the best of our abilities.

Today, as we address this Council, there are some signs that prospects of peace and stability for the people of Libya may be increasingly within reach. It is our hope that our efforts will lead to concrete accountability outcomes as well as tangible human rights improvements in Libya, and ultimately, towards a peaceful future for the people of Libya. We count on the support of this Council and other important stakeholders in this endeavour.

Thank you, Madam President