

**LIBYA, HUMAN RIGHTS, INTERNATIONAL COMMUNITY.
CLOSE THE ILLEGAL DETENTION CENTRES**

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“Libya has not ratified the Geneva convention on refugees and asylum seekers; it cannot thus be bound by law to deal with them. **In Libya, those seeking protection and asylum are illegal immigrants and as such are interned in prisons and detention centres** according to the laws of this Sovereign State”. We have read or heard this or similar statements numerous times. These words have also been uttered by the so-called international community, in other words us, Italy, Europe, democratic countries that have thus remained impotent and inactive in this regard. **Other countries have merely observed, sometimes denounced, hiding their inadequacy** and temerity behind this hypocritical justification.

It is true that Libya has never taken the Geneva convention on refugees into consideration, and thus the obligations deriving from recognising their status. However, it has signed the African regional convention on refugees, and currently only considers seven nationalities as having the right to such status: Syrians, Iraqis, Palestinians, Somalis, Eritreans, Oromo Ethiopians and Sudanese from Darfur, some of whom have been and are still being held in detention centres. **Libya has also adhered to other treaties and conventions with equal human and ethical value and with equally binding obligations.**

The state of permanent conflict, instability and political chaos triggered by the senseless international military intervention in Libya in 2011 has undoubtedly weakened the effective implementation of these obligations; but at least **let us not hide behind the Libyan rejection of the Geneva convention to justify the lack of action** seen over the years and which we continue to see now.

The illegal detention centres in Libya must be closed. The conditions of the refugees and migrants being held there are shameful for the entire human race, which witnesses the torture and other cruel, inhumane and degrading punishments repeatedly meted out to men, women and children without taking any action. The credibility of the international “community” is now at stake.

The opening of a ‘transit and departure structure’ has been authorized, managed by the [UNHCR](#) in Tripoli for those seeking international protection, but the scope for action in the government detention centres is very limited, as it is at the landing points where those intercepted at sea are offered medical assistance by the UNHCR, registering those who are entitled to refugee status. Those who are not are monitored by the [IOM](#) which, again with many limitations and difficulties, ensures their voluntary and assisted transfer to other countries.

More interest and commitment by **governments that may have leverage over Libya** could achieve a lot more and the **African commission on human and people’s rights** would be able to carry out a proper investigation of the serious violations of human rights in Libyan detention centres. On the basis of the African Charter of human and people’s rights, ratified by all African countries except Morocco, the Commission is responsible for promoting and protecting human and people’s rights.

The list of international conventions and treaties that Libya has ratified and adhered to and are still valid and binding is surprising. If by ratification Libya is legally bound to a treaty, accession implies accepting to become a part of a treaty and the legal effect deriving therefrom is the same as that of ratification (High Commission for Human Rights, [OHCHR](#)). **There is thus a lot of scope for taking action against Libya and ensuring the closure of all inhuman and inhumane detention centres.** These are international commitments that are forgotten by the Libyans and the international community; they should be remembered.

The [African charter of human and people’s rights](#), ratified by Libya on 19 July 1986, states that “Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status” (art. 2). “Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No

one may be arbitrarily deprived of this right” (art. 4). “All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited” (art. 5).

The [AU Convention governing specific aspects of refugee problems in Africa](#), ratified on 25 April 1981, establishes that “The grant of asylum to refugees is a peaceful and humanitarian act and shall not be regarded as an unfriendly act by any Member State” (art. 2). Member States shall co-operate with the Office of the United Nations High Commissioner for Refugees. The present Convention shall be the effective regional complement in Africa of the 1951 United Nations Convention on the Status of Refugees (art. 8, p. 1 and 2).

Invoking the non-ratification of the Geneva Convention on refugees **does not exonerate Libya** from respecting human rights, until the definitive closure of the criminal centres, and **does not exonerate the international community** from demanding their closure, in respect of such rights, envisaging alternative structures managed by international humanitarian organizations and establishing compensation agreements. **The time has come to take action.**

The main commitments undertaken by Libya are as follows:

African Regional conventions:

[African charter of human and people’s rights](#), ratified on 19 July 1986

[AU Convention governing specific aspects of refugee problems in Africa](#), ratified on 25 April 1981

[African Charter on the Rights and Welfare of the Child](#), ratified on 23 September 2000

[Protocol to the African Charter on Human And Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights](#), ratified on 19 November 2003

[Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa](#), ratified on 23 May 2004

Human rights:

[International Covenant on Economic, Social and Cultural Rights](#), accession 15 May 1970

[International Covenant on Civil and Political Rights](#), accession 15 May 1970

[Optional Protocol to the International Covenant on Civil and Political Rights](#), accession 16 May 1989

Discrimination:

[International Convention on the Elimination of All Forms of Racial Discrimination](#), accession 3 July 1968

[Convention on the Elimination of All Forms of Discrimination against Women](#), accession 16 May 1989

[Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women](#), accession 18 June 2004

[International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#), accession 18 June 2004

[Convention on the Rights of the Child](#), accession 15 April 1993

[Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict](#), accession 29 October 2004

[Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#), accession 18 June 2004

[Convention concerning the Prohibition and immediate Action for the Elimination of the Worst Forms of Child Labour](#), ratified on 4 October 2000

[Convention on the Rights of Persons with Disabilities](#), ratified on 13 February 2018

[Convention on the Reduction of Statelessness](#), accession 16 May 1989

[Convention relating to the Status of Stateless Persons](#), accession 16 May 1989

Criminality, slavery and torture:

[United Nations Convention against Transnational Organized Crime](#), ratified on 18 June 2004

[Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#), ratified on 24 September 2004

[Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime](#), ratified on 24 September 2004

[Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#), accession 16 May 1989

[Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery](#), accession 16 May 1989

[Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others](#), accession 3 December 1956

Law on armed conflict:

[Convention \(I\) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field](#), ratified on 22 May 1956

[Convention \(II\) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea](#), ratified on 22 May 1956

[Convention \(III\) relative to the Treatment of Prisoners of War](#), ratified on 22 May 1956

[Convention \(IV\) relative to the Protection of Civilian Persons in Time of War](#), ratified on 22 May 1956

[Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts \(Protocol I\)](#), ratified on 7 June 1978

[Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), ratified on 7 June 1978

Terrorism and human rights:

[International Convention against the Taking of Hostages](#), accession 25 September 2000

[International Convention for the Suppression of Terrorist Bombings](#), ratified on 9 July 2002

[International Convention for the Suppression of the Financing of Terrorism](#), ratified on 9 July 2002

U.N. Activities and Personnel:

[Convention on the Privileges and Immunities of the United Nations](#), accession 28 November 1958

[Convention on the Safety of United Nations and Associated Personnel](#), accession 22 September 2000