



Fédération internationale des ligues des droits de l'Homme

ORGANISATION INTERNATIONALE NON GOUVERNEMENTALE AYANT STATUT CONSULTATIF AUPRES DES NATIONS UNIES, DE L'UNESCO,
DU CONSEIL DE L'EUROPE ET D'OBSERVATEUR AUPRES DE LA COMMISSION AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

International Federation
for Human Rights

Federación Internacional
de los Derechos Humanos

الغدرالية الدولية لحقوق الإنسان

Paris, Cairo, 16 September 2011

OPEN LETTER

CONTINUED TARGETING OF SUBSAHARAN AFRICANS IN LIBYA: THE NATIONAL TRANSITIONAL COUNCIL MUST ACT NOW TO END THESE VIOLATIONS

Dear Mr Mahmoud Jibril, Prime Minister of the National Transitional Council of Libya,

We are writing to express our deep concern about continued violations and racist attacks against people of Sub-Saharan origin in Libya. We call upon the National Transitional Council to issue an urgent statement, condemning these grave crimes and calling for their immediate cessation, and to take all necessary measures to protect this vulnerable population. We call upon you to signal a break with the racist and xenophobic policies of Gaddafi's regime and the beginning of a regime based on respect for human rights and non-discrimination.

In May 2011, FIDH wrote to you to draw the Council's attention to evidence of widespread violence against migrants of Sub-Saharan origin, in areas of Eastern Libya under the control of the Interim National Council, documented in the FIDH report, [Exiles from Libya flee to Egypt: Double tragedy for Sub-Saharan Africans](#).

The types of violation documented by FIDH in its report, including extra-judicial killings, beatings, rapes and other forms of cruel and inhuman treatment, have been confirmed by the United Nations International Commission of Inquiry, the High Commissioner for Human Rights, as well as by other international NGO and numerous media reports.

We acknowledge the response of the National Transitional Council to the transmission of the FIDH report and the recommendations therein and we welcome your undertaking to pursue perpetrators of such violations in accordance with international law and to cooperate fully with international bodies, including the International Criminal Court, in this regard. We also acknowledge the references in the draft constitution to the protection of human rights.

However, recent events have exacerbated our concerns. Since the end of August, in Tripoli, there have been widespread reports of killings, arbitrary arrests and detention, torture and cruel and inhuman treatment of black Africans, falsely accused of being mercenaries.

Such acts represent grave violations of international human rights and humanitarian law, under conventions ratified by Libya including the International Covenant on Civil and Political Rights, the Convention on the Elimination of all forms of Racial Discrimination, the Convention on the Protection of

the Rights of all Migrant Workers and members of their families and the Geneva Conventions, in particular the Second Additional Protocol. Such crimes may also amount to crimes against humanity or war crimes and as such fall within the jurisdiction of the International Criminal Court (ICC).

The National Transitional Council has expressed its commitment to building a democratic state in Libya, based on the respect and the guarantee of the rule of law, democracy and human rights. A democratic and peaceful Libya must be built on foundations of truth, justice and accountability.

In addition to issuing an immediate public statement condemning these acts, we call upon the National Transitional Council to ratify the 1951 Convention on the Status of Refugees and its 1967 protocol. We call on the Council to include a provision on non-discrimination in the draft constitution, in accordance with international law.

We further call upon the Council to open effective investigations into these allegations in accordance with Libya's obligations under international law. Such investigations must be independent, thorough and effective and those responsible must be prosecuted and sanctioned in accordance with international law. We also call upon you to continue to cooperate fully with the ongoing investigations of the International Criminal Court.

We encourage the National Transitional Council to break with the policy established under Gaddafi, according to which Libya acted as border guards for the European Union and to re-frame its relationship with the EU in terms of solidarity and human rights protection. In this regard, FIDH strongly regrets the decision of the National Transitional Council to renew agreements with Italy on "fighting illegal migration", which have in the past been the basis of violations of the principle of non refoulement.

Finally, we call upon you to adopt measures to fight the climate of racism and xenophobia that fuels such violations.

We look forward to receiving your response to the issues raised in this letter. We plan to send an international delegation to Libya, in the weeks to come, in order to exchange further with you on these matters of grave concern.

Yours sincerely,



Souhayr Belhassen
FIDH President

cc. Members of the National Transitional Council of Libya