

NGO Coalition for an Effective Human Rights Council

May 10, 2010

To: Member states of the UN General Assembly

Re: Libya's candidacy to the UN Human Rights Council

Your Excellency,

We are a diverse group of nongovernmental organizations from all parts of the world, working in the field of human rights. We write to urge you to review carefully the human rights record of the Great Socialist People's Libyan Arab Jamahiriya for a seat on the United Nations Human Rights Council.

Resolution 60/251 establishing the Human Rights Council was overwhelmingly adopted by the General Assembly in March 2006. The resolution provides that "member States shall take into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments made thereto" when electing members of the council. The resolution also requires that council members (1) "uphold the highest standards in the promotion and protection of human rights," and (2) "fully cooperate with the Council."

We would like your government to consider Libya's record before it decides how to cast its vote. To help prevent the election of states which do not meet these standards, the General Assembly provided that an absolute majority of its members (currently 97 states) must affirmatively support a candidate before it can be elected to the council.

Although the past five years have seen limited progress in the country, such as some expanded press freedom, our organizations believe that Libya currently fails to meet the standards of membership to the council both due to its record of serious violations of human rights, and its record of non-cooperation with the human rights mechanisms of the Human Rights Council. We hope you will use the opportunity of Libya's candidacy for the Human Rights Council to seek specific commitments from Libya about steps it will take to address human rights concerns in the country.

We would like to suggest some of the measures that Libya should commit to and undertake in the course of this election campaign, and hope you will urge these steps when you meet with Libyan diplomats and representatives. Voices inside the country have worked hard to push for change in the country, and the international community can play an important role in supporting their efforts:

1. Immediately release hundreds of prisoners held at Abu Salim prison who have served their sentences or been acquitted by Libyan courts, as publicly requested of the Internal Security Agency by Libya's justice minister. Among those prisoners is Mahmoud Boushima who remains detained despite a March 2008 Supreme Court decision ordering his release.

2. Make public the results of the investigation into the 1996 Abu Salim prison massacre, prosecute those responsible, cease pressuring the families of those who died to accept compensation, and allow them to demonstrate without fear of intimidation or arrest. Reveal the fate of all persons who have been “disappeared” in Libya in recent decades, among them Lebanese national Imam Musa el Sadr, who disappeared in 1978, and opposition figures Jaballah Hamed Matar and Izzat al Megaryef, who disappeared in 1990.
3. In connection with the revision of the penal code currently underway, repeal articles of the penal code that criminalize free expression, including article 178 which proscribes up to life imprisonment for disseminating information considered to “tarnish [Libya’s] reputation or undermine confidence in it abroad,” and article 174, which proscribes a minimum of ten years imprisonment for promoting “principles or theories aimed at changing the governmental system.” Repeal Law 71, which bans any group activity opposing the ideology of the 1969 revolution, and article 206, which imposes the death penalty for those who call for the establishment of or who belong to such groups.
4. Accede to the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol, enact a political asylum law, and cease the mistreatment and indefinite detention of non-Libyan migrants caught trying to leave the country by boat.

We are also concerned with Libya’s failure to fully cooperate with the Human Rights Council in a timely manner, as is required of council members. We ask that you urge Libya to more fully cooperate with the council in the following respects:

1. Libya should issue a standing invitation to visit to all UN special procedures mandate holders.
2. Libya should immediately allow a visit by the special rapporteur on torture, who requested permission to visit in 2005 and again in 2007, and facilitate and schedule visits by the special rapporteur on freedom of expression and the Working Group on Arbitrary Detention, whose visits were approved in principle but have not taken place.

If Libya fails to make meaningful, public pledges as suggested above during the election process then we urge your government to withhold your vote from Libya on May 13. Despite the unfortunate presence of a clean slate, which denies UN members a choice based on human rights merit, we believe it is critical to uphold the standards the UN General Assembly set in resolution 60/251 when it established the council. We hope that before you commit your government’s vote, you will carefully weigh Libya’s commitments and pledges to improve its record in order to meet the standards of membership to the council.

Representatives of the coalition are available to meet with you or your staff should you have any questions regarding the concerns we have expressed regarding the candidacy of Libya.

With assurances of our highest consideration,

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Hannah Forster, Executive Director

African Democracy Forum
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