

HURINET - Uganda

A call for up scaling Responsibility to Protect Mechanism in the Libya Situation
28 February 2011

Human Rights Network-Uganda (HURINET-U) is concerned that human rights violations continue to persist in Libya at the outset of political protests by civilian population demanding an end to Muammar Gaddafi's 42 years reign. The protests [began](#) on February 14, 2011 in the Libyan capital-Tripoli, and have since spread across the entire state. The government of Libya has responded by the use of force to crush the unrest. The speech made by Gaddafi saying that 'he would rather die a martyr than to step down', coupled with calling on his supporters to attack and "cleanse Libya house by house" until protestors surrender, demonstrate his unwillingness to respond to the demands of Libyan people.

The international community should be reminded that, the heads of State and government at the 2005 World Summit pledged to protect populations by preventing genocide, war crimes, ethnic cleansing, and crimes against humanity, as well as their incitement. HURINET-U is concerned about reports of aircraft bombing protesters and foreign mercenaries attacking civilians in Libya. This indicates that Libyan government has gone beyond the threshold of "manifestly failing" to protect its own population. In such circumstances, the responsibility to protect the Libyan people needs to be shifted from Libya to the international community.

Libya is a member of the United Nations (UN), the African Union (AU) and is party to the 1949 Geneva Conventions and their two Additional Protocols and has ratified most of the major human rights treaties. The Libyan government's mass killing of innocent civilians amount to particularly odious offences which constitute a serious attack on human dignity. As confirmed by numerous stakeholders, oral and video testimonies including news agencies, the Libyan government's actions on its citizens constitute widespread and systematic atrocities, intentionally committed, including murder, political persecution and other inhumane acts which reach the threshold of crimes against humanity.

Based on the above therefore, we recommend that: 1. African states should uphold the principle of no-indifference as enshrined in Article four of the AU Constitutive Act and immediately intervene in ending massacres of civilian population in Libya.

2.

AU and the Arab league have a duty to intervene and take appropriate actions to ensure that the rights and freedoms of Libyans are protected.

3.

Libyan authorities and the belligerents should act with restraint, to respect human rights and international humanitarian law, and to allow immediate access for international human rights monitors and humanitarian agencies.

4.

Considering that the UN Security Council (UNSC) has already treated the situation in Libya as a threat to International Peace and Security and referred the situation to the prosecutor of the International Criminal Court, it is necessary that the UNSC triggers its powers under Chapter VII of the UN Charter by taking appropriate non-military and military action to restore peace and security for the people of Libya.

Conclusion The Libyan regime's attacks on its own civilian population are a test case for the international community's commitment to the notion of a "responsibility to protect" (RtoP). The international response to the Libyan crisis will represent an opportunity to translate the theory of RtoP and the universal jurisdiction of international law into practice. This calls for a firm commitment by the entire realm of the political and economic machinery of not only the UNSC but also the UN General Assembly, the Arab League and the African Union.

See the pdf of the letter [here](#) .