

Situation in Libya

European Parliament resolution of 15 September 2011 on the situation in Libya

The European Parliament,

- having regard to United Nations Security Council (UNSC) Resolutions 1970/2011 of 26 February 2011 and 1973/2011 of 17 March 2011,
 - having regard to the suspension on 22 February 2011 of the negotiations on an EU-Libya Framework Agreement,
 - having regard to Foreign Affairs Council Conclusions on Libya of 18 July 2011,
 - having regard to the Conference of the International Contact Group that took place on 1 September 2011 in Paris,
 - having regard to its previous resolutions on Libya, in particular that of 10 March 2011¹, and its recommendation of 20 January 2011²,
 - having regard to the statement by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 13 September 2011 on Libya,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas after six months of fighting, resulting in thousands of casualties and in alarming humanitarian needs and sufferings, the Gaddafi regime has come to an end and an interim government led by the National Transitional Council (NTC) is about to begin working on building a new Libya;
- B. whereas UN Security Council Resolutions 1970 and 1973 were adopted following the brutal repression of peaceful demonstrators, including gross and systematic human rights violations, and the failure by the Libyan regime to enforce its responsibility under international law to protect the Libyan population;
- C. whereas a coalition was formed, made up of countries willing to implement UNSC Resolution 1973; whereas this mandate was, at a second stage, taken over by NATO; whereas the NATO-led air campaign Odyssey Dawn continues as long as it is necessary to protect the civilian population in Libya;
- D. whereas the NTC will have to address concurrently the most pressing humanitarian needs of its population, put an end to violence and establish the rule of law as well as tackle the daunting task of nation-building and the building of a functioning, democratic state; whereas the NTC expressed its commitment to moving quickly towards democratic legitimacy through the drafting of a constitution and early free and fair elections;

¹ Texts adopted, P7_TA(2011)0095.

² Texts adopted, P7_TA(2011)0020.

- E. whereas the International Criminal Court (ICC) issued on 27 June 2011 the arrest warrant for Muammar Gaddafi, his son Saif Al-Islam Gaddafi and his former intelligence chief Abdullah Al-Senussi for alleged crimes against humanity committed since the beginning of the popular rebellion;
 - F. whereas according to the UNHCR, about 1 500 refugees from Libya have died while trying to cross the Mediterranean to Europe since the beginning of the Libyan crackdown;
 - G. whereas a 'Friends of Libya' Summit, attended by some 60 States and international organisations, was held on 1 September 2011 in Paris aiming to coordinate the international effort to assist the reconstruction of Libya;
 - H. whereas the EU has provided over EUR 152 million in humanitarian support and the VP/HR opened an EU office in Benghazi on 22 May 2011, with a view to establishing contacts with the NTC and helping Libya prepare for the next stage of democratic transition; whereas an EU office was opened in Tripoli on 31 August 2011;
 - I. whereas the EU has a vital interest in a democratic, stable, prosperous, peaceful North Africa;
1. Is looking forward to the end of the six-month conflict in Libya and welcomes the fall of the 42-year old autocratic regime of Muammar Gaddafi, who was responsible for long and tremendous suffering by the Libyan people; congratulates the Libyan people on their courage and determination and stresses that the free and sovereign aspirations of the Libyan people should be the driving force of the transition process since only strong local ownership will guarantee its success;
 2. Calls on the VP/HR to develop a genuine, effective and credible common strategy for Libya and requests EU Member States to implement this strategy refraining from unilateral actions or initiatives that might weaken it; calls on the EU and its Member States to offer their full support in the transition process that must now take place to create in a coordinated manner a free, democratic and prosperous Libya, avoiding duplications and pursuing a multilateral approach;
 3. Expresses its full support for the National Transitional Council (NTC) in its challenging task of building up a new state representing all Libyans; welcomes the recent recognitions of the NTC and calls on all EU Member States and on the international community to follow suit; welcomes the fact that all UN Security Council permanent members, including most recently China, have recognised the NTC as the legitimate authority in Libya; urges all African Union countries to recognise the NTC; calls on the NTC to assume fully its responsibility for the security and well-being of the Libyan people, to act in a transparent manner and in full accordance with democratic principles as well as international humanitarian law; calls on the VP/HR, the Council and the Commission to further promote relations with the NTC and assist the new Libyan authorities in building a unified, democratic and pluralist Libya in which human rights, fundamental freedoms and justice will be guaranteed for all Libyan citizens as well as migrant workers and refugees;
 4. Stresses that there can be no impunity for crimes against humanity and that Muammar Gaddafi and members of his regime must be held responsible and put to trial for their crimes under the rule of law; urges the NTC combatants to refrain from reprisals and extrajudicial executions; expects that, if brought to face justice in Libya for all the crimes

committed during the dictatorship, and not just those crimes for which the ICC has indicted them, the Libyan courts and proceedings will ensure full compliance with international standards for fair trials, including transparency to international observation and excluding capital punishment;

5. Urges all countries, especially Libya's neighbours, to cooperate with the new Libyan authorities and the international justice authorities, namely the ICC, to ensure that Gaddafi and his inner circle are brought to justice; recalls that, for instance, Niger and Burkina Faso are parties to the ICC and, therefore, have an obligation to cooperate with the Court and transfer Gaddafi and his indicted relatives to the ICC if they enter their territories; deplores the offer of asylum by Guinea Bissau to Gaddafi to go and live in that country, warning that this would be inconsistent with Guinea Bissau's obligations under the Cotonou Agreement;
6. Welcomes the commitment made by the States and international organisations present at the 'Friends of Libya' summit held in Paris on 1 September 2011 to immediately release USD 15 billion in frozen Libyan assets, as well as the EU decision to lift sanctions on 28 Libyan entities, including ports, oil firms and banks; calls on EU Member States to seek UNSC authorisation and release still frozen Libyan assets to help the NTC deliver the governance needed in this transitional period and calls on Member States in particular to comply with the promises made at the Paris Conference; calls for an international investigation into the whereabouts of stolen assets and money of the Gaddafi family and for these to be returned to Libya;
7. Welcomes the fact that the EU quickly marked its presence in Tripoli soon after the city was liberated and opened an EU office in the capital; expects this to be fully staffed as soon as possible in order to build on the important work developed by the EU office in Benghazi to further promote relations with the NTC and assist the new Libyan authorities in addressing the most pressing needs of the Libyan people;
8. Recommends sending forthwith a European Parliament delegation to Libya to assess the situation, to transmit a message of support and solidarity and to develop a dialogue with the NTC, civil society and other key players on the ground;
9. Stresses that the credibility of the NTC interim government will rest on its capacity to address the most pressing issues while at the same time creating conditions for democratic institutions; calls on the NTC to initiate as transparent and inclusive a process as possible, involving all key stakeholders from all parts of the country, in order to build up legitimacy and a national consensus and thus avoid regional, ethnic or tribal fractions that could cause further violence; calls on the NTC to ensure the involvement of the whole spectrum of Libyan society and to empower women and minorities in the transitional process towards democratisation, namely by stimulating their participation in civil society, the media, political parties and all sorts of political and economic decision-making bodies;
10. Notes the recent report by Amnesty International and calls on the NTC to control and disarm the armed groups, to halt human rights abuses and to investigate the reported cases of war crimes, in order to avoid a vicious cycle of violations and retaliation; calls on the new authorities to bring immediately all detention centres under the control of the Ministry of Justice and Human Rights and to ensure that arrests are only conducted by official bodies and that all prosecutions end up in fair trials meeting international standards;
11. Takes note of the speech in Tripoli by NTC Chairman Jalil in which he announced that

Libya will be a moderate Muslim country with a constitution to reflect this and will welcome the participation of women in public life; declares its expectation that the NTC will fulfil its responsibilities and deliver on the commitments it has made to build a tolerant, unified and democratic state in Libya, protecting universal human rights for all Libyan citizens, as well as for migrant workers and foreigners; calls on the NTC to actively stimulate and include women and young people in the political processes aimed at building political parties and democratic institutions;

12. Calls for the NTC to launch without delay a justice and national reconciliation process; calls on the VP/HR to send experts and trainers on mediation and dialogue to assist the NTC and other Libyan actors;
13. Underlines the importance of all human rights violations being investigated regardless of who committed them; takes the view that this should be an important part of the reconciliation process in the country managed by the Libyans themselves;
14. Calls on all NTC forces to comply with international humanitarian laws in dealing with prisoners of war, namely the remaining pro-Gaddafi forces and mercenaries; urges the NTC to free immediately African migrant workers and black Libyans who were arbitrarily detained for being thought to be pro-Gaddafi mercenaries and to bring to independent trial those who committed crimes;
15. Calls on the NTC to protect the rights of minority and vulnerable groups, including thousands of sub-Saharan African migrants who face harassment solely due to their skin colour, and to ensure protection and evacuation of the migrants still stranded at the IOM centres or any improvised camps; calls in this respect on the VP/HR to provide the NTC with European support in the field of mediation in order to respond to this urgent situation in accordance with human rights and humanitarian standards; calls on EU Member States and the Commission to assist in resettling refugees who are still in camps at the Tunisian and other borders having fled the conflict and for whom a return to Libya would place their life at risk;
16. Emphasises that the Libyan people started the revolution and led the way forward; takes the view that the future of Libya must rest firmly in the hands of the Libyan people, ensuring the full sovereignty of Libya;
17. Emphasises that the United Nations will play a coordinating role to ensure international support for the political transition in Libya and the reconstruction of the country, in line with the expectations expressed by Libya, namely at the Paris Conference;
18. Calls on the VP/HR, the Commission and the EU Member States to provide assistance aiming at reform of the Libyan security sector, including the police and armed forces, as well as the disarmament, demobilisation and reintegration (DDR) of former combatants, and strengthening control of the borders and arms trafficking in cooperation with neighbouring countries; is particularly concerned by the huge amount of weapons held by combatants and civilians that put the life of the population at risk, with regard in particular to vulnerable groups such as women and children;
19. Stresses the importance of the successful outcome of the Libyan conflict for the region and in the context of the Arab Spring; urges other leaders in the region to draw lessons from Libya and to take heed of the growing popular movements calling for their rights and

freedoms to be respected;

20. Calls on the National Transitional Council to commit to high standards of transparency in domestic strategic economic sectors in order to make Libyan natural resources benefit all the population;
21. Instructs its President to forward this resolution to the Council, the Commission, the High Representative, the governments and parliaments of the Member States, the Parliamentary Assembly of the Union for the Mediterranean, the African Union, the Arab League and the Libyan National Transitional Council.