



TEXTS ADOPTED

P8_TA(2014)0028

Situation in Libya

**European Parliament resolution of 18 September 2014 on the situation in Libya
(2014/2844(RSP))**

The European Parliament,

- having regard to its previous resolutions on Libya,
- having regard to the Foreign Affairs Council conclusions of 15 August 2014 and the European Council conclusions of 30 August 2014 on Libya,
- having regard to the statements by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 26 August 2014,
- having regard to the ENP Package on Libya of September 2014,
- having regard to the appointment of 14 August 2014 of Bernardino León as new Special Representative of the United Nations Secretary-General for Libya,
- having regard to the United Nations Security Council resolutions 1970, 1973 (2011) and 2174 of 27 August 2014,
- having regard to the United Nations Support Mission in Libya (UNSMIL) report entitled ‘Overview of violations of international human rights and humanitarian law during the ongoing violence in Libya’ of 4 September 2014,
- having regard to the meeting of the Special Envoys for Libya of the Arab League, the European Union, France, Germany, Italy, Malta, Spain, the United Kingdom and the United States with the United Nations on 24 July 2014 to discuss recent developments in Libya,
- having regard to the Libyan parliamentary elections in June 2014,
- having regard to the Geneva Conventions of 1949 and their Additional Protocols of 1977, and to the obligation of parties to armed conflict to respect and ensure respect for international humanitarian law in all circumstances,

- having regard to the Convention on the Safety of United Nations and Associated Personnel, and its Optional Protocol,
 - having regard to the Council Decision of 22 May 2013 creating the European Union Border Assistance Mission in Libya (EUBAM),
 - having regard to Libya’s ratification on 25 April 1981 of the African Union Convention Governing the Specific Aspects of Refugee Problems in Africa,
 - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas Libyans took to the streets in February 2011 asking for political rights, and were confronted by indiscriminate state repression which triggered nine months of civil conflict and the ousting of the Gaddafi regime; whereas recent weeks have seen a severe deterioration in Libya’s security situation, political stability, and human rights and humanitarian situation;
 - B. whereas clashes between rival militia forces, and more particularly those from Misrata and Zintan, have intensified in the past months, and battles for control of Tripoli and Benghazi in particular have destabilised Libya and its democratic transition and have resulted in increasing numbers of civilian casualties, internally displaced persons and refugees; whereas UNSMIL estimates that at least 100 000 Libyans have been internally displaced by the latest wave of fighting and a further 150 000, including many migrant workers, have left the country;
 - C. whereas Islamist-affiliated militia forces took control of Tripoli and its civilian airport on 24 August 2014; whereas Islamist-affiliated militias are linked to armed groups such as Islamic State, AQIM, al-Jammaa al-Libiya, al-Moukatila and Ansar al-Charia;
 - D. whereas recent fighting makes the threat of a spread of terrorist groups more likely; whereas, if not addressed, this could exacerbate an already volatile situation in the wider region;
 - E. whereas Libya faces escalation of fighting among local armed groups, including attacks on civilians and civilian property involving massive human rights violations, in some cases amounting to war crimes; whereas dozens of civilians have reportedly been abducted in Tripoli and Benghazi solely on account of their actual or suspected tribal, family or religious affiliations; whereas those committing acts of violence appear to disregard the likely impact of their actions on innocent civilians;
 - F. whereas the human rights situation is further deteriorating throughout the country, including cases of arbitrary detention, abductions, unlawful killings, torture and violence against journalists, officials, political figures and human rights defenders, such as the brutal murder of prominent activist Salwa Bugaighis;
 - G. whereas the recent fighting has led to a general deterioration of living conditions in Libya, with food, fuel, water and electricity in short supply; whereas the departure of foreign medical staff and shortages of medical supplies have made the plight of civilians more critical;
 - H. whereas since December 2013 a number of foreign nationals have been killed or kidnapped as the security situation has deteriorated; whereas in August 2014 several EU

Member States joined the United States in strongly condemning the ongoing violence in Libya;

- I. whereas legislative elections were held on 25 June 2014; whereas following the recent violence, the legitimately elected House of Representatives, that replaces the former General National Congress (GNC), has been moved from Tripoli to Tobruk, and whereas the Islamist militias do not recognise the House of Representatives or the new government and have formed their own government and parliament;
- J. whereas according to the Libyan state media, the Constitutional Drafting Assembly, elected in February 2014 and composed of 60 representatives from the three historic regions of Libya, will make public a draft constitution at the end of 2014 and a referendum on it could be held in March 2015;
- K. whereas there is an urgent need to restore credibility to the political process in Libya; whereas widespread scepticism among ordinary Libyans has led to an erosion of credibility and low participation in recent elections; whereas the threat to the democratic process, which began following the toppling of Colonel Gaddafi, is mounting as a result of recent violence;
- L. whereas UNSMIL has been tasked with the main effort of state-building, and the European Union has focused on supporting Libya through EUBAM;
- M. whereas there are reports of outside involvement in the violence in Libya, including in the form of military action and the delivery of arms and munitions and undertaking actions which exacerbate local divisions, impacting on the poor governance structures and thus undermining Libya's democratic transition; whereas some Gulf States and some other regional actors are now backing rival sides in Libya's escalating domestic unrest;
- N. whereas United Nations Security Council resolution 2174 (2014) authorises travel bans and asset freezes against 'individuals and entities determined by the Committee to be engaging in or providing support for other acts that threaten the peace, stability or security of Libya, or obstruct or undermine the successful completion of its political transition';
- O. whereas hundreds of migrants and refugees, fleeing the violence in Libya, have reportedly died while attempting to cross the Mediterranean to Europe, leading to a major refugee crisis in Italy and Malta; whereas the Office of the High Commissioner for Refugees (UNHCR) reports that 1 600 people have died since June while trying to reach Europe; whereas Libya is the primary departure point for migrants attempting to reach Europe; whereas the UNHCR estimated that around 98 000 of approximately 109 000 arrivals in Italy were believed to have departed from Libya since the beginning of the year; whereas a further 500 migrants are feared dead after their boat was reportedly rammed by another vessel near Malta on 15 September 2014;
- P. whereas on 26 February 2011, the United Nations Security Council referred the situation in Libya to the International Criminal Court (ICC); whereas on 27 June 2011, the ICC issued three arrest warrants for Muammar Gaddafi, Saif al-Islam Gaddafi and Abdullah al-Senussi for crimes against humanity; whereas the remaining suspects are not in the custody of the Court; whereas the Libyan authorities have insisted that they be tried within the Libyan domestic legal system;

- Q. whereas on 25 August 2014 Egypt held the third ministerial meeting for Libya's neighbouring countries, which gathered the foreign ministers from Libya, Tunisia, Algeria, Sudan, Niger and Chad, and the Arab League, to discuss the Libyan crisis; whereas the forum issued a press release reaffirming the legitimacy of Libyan institutions, rejecting foreign interferences, calling for the disarmament of militias and proposing the creation of a gradual sanction mechanism against individuals or entities blocking the political process;
1. Condemns the increasing violence, in particular that against the civilian population and civilian institutions; calls on all parties to the conflict to immediately cease all violence and agree to a ceasefire in order to end the escalating suffering of the population, and to engage in an inclusive national political dialogue to build a State based on respect for human rights, democracy and the rule of law; calls for those responsible for all violations of human rights and international humanitarian law to be held accountable; expresses its deep concern and full solidarity with the suffering Libyan civilian population and institutions;
 2. Urges all parties to the conflict to respect the principles of humanity, neutrality, impartiality and independence in order to ensure the provision of humanitarian assistance, the safety of civilians receiving assistance and the security of humanitarian personnel;
 3. Recalls that all parties in Libya must commit to the protection of civilians at all times, and that all those detained should be treated in accordance with international human rights and humanitarian law; recalls that attacks intentionally directed against personnel involved in humanitarian assistance or a peacekeeping mission in accordance with the UN Charter, meant for the protection of civilians or civilian objects under the international law of armed conflict, constitute a war crime under the Rome Statute of the International Criminal Court (ICC);
 4. Notes the impact on regional and European security resulting from the general insecurity and deteriorating governance in Libya; recalls that the fighting that occurred throughout July and August 2014 for the control of Tripoli Airport resulted in a dramatic escalation and a descent into chaos, leading to numerous fatalities and the destruction of strategic infrastructures;
 5. Is deeply concerned by reports of involvement of regional players in the violence in Libya and calls on neighbouring countries and regional players to refrain from actions which might exacerbate current divisions and undermine Libya's democratic transition; calls on them to increase control of their borders, including at seaports and airports, and to maintain thorough inspections of all cargo to and from Libya; commends Tunisian hospitality towards the hundreds of thousands of Libyan citizens currently in Tunisia fleeing from violence;
 6. Recalls United Nations Security Council (UNSC) Resolution 2174, adopted on 27 August 2014, broadening the existing international sanctions on Libya, to include the criminal responsibility of people who engage in or support acts that 'threaten the peace, stability or security of Libya, or obstruct or undermine the successful completion of its political transition'; invites the High Representative, the EU, its Member States and the broader international community to look into the possibility of applying such measures to specific individuals threatening the prospects for peace and democratic transition in Libya and then to list them in the same way the international community listed Gaddafi and his inner circle;

7. Recalls that warring parties are to be held accountable and subject to prosecution by domestic courts or the International Criminal Court, which has jurisdiction over war crimes, crimes against humanity, genocide, and rape as a war crime committed in Libya since 15 February 2011, under UNSC resolution 1970;
8. Strongly supports the efforts of the United Nations Support Mission in Libya (UNSMIL) and of the recently appointed UN Special Envoy for Libya, Bernardino León, to promote and facilitate national dialogue amongst politicians and influential actors in Libya; urges the international community to take action with regard to the situation in Libya, through the United Nations;
9. Supports the House of Representatives as the legitimate body emanating from the June 2014 elections; calls on Libya's interim government, elected House of Representatives and Constitutional Drafting Assembly to carry out their tasks based on the rule of law and human rights, in a spirit of inclusiveness, in the interests of the country and in order to protect the rights of all Libyan citizens, including religious minorities; calls on all parties to support them and to engage in an inclusive political dialogue in order to rebuild stability and agree on ways forward; invites members of the House of Representatives to visit the European Parliament and meet its newly elected members, in order to establish parliamentary relations with them;
10. Recognises the key role women have played in Libya's transition, and stresses the importance of full participation by women in Libya's national decision-making process and in the establishment of national institutions at all levels;
11. Stresses that the Libyan authorities must administer the exploitation and sale of oil, and calls on the international community to refrain from any transactions with other actors; requests that international companies involved in Libya reveal their financial dealings in the energy sector;
12. Calls on the Commission and the EEAS to coordinate Member States' action in Libya and focus their support on state-building and institution building and, together with Member States, the UN, NATO and regional partners, to assist in the creation of effective and nationally commanded and controlled security forces (armed forces and police forces) that can ensure peace and order in the country, as well as supporting the initialling of a ceasefire and designing a mechanism to monitor it; stresses that the EU should also give priority to assisting with reform of the Libyan justice system, as well as other fields crucial for democratic governance;
13. Points out that the Union has launched an EU Border Mission (EUBAM) in Libya, which has so far not been in a position to achieve its objectives of improving the security of the country's borders; notes that this mission is currently on hold, with most of its personnel repatriated due to security conditions, with the exception of a small team relocated to Tunis; stresses that an EU security-related contribution focusing only on border security is manifestly insufficient and inconsistent with both the country's needs and the challenges for regional security, including that of the EU; calls, therefore, on the High Representative to review the mandate of the European Union Border Assistance Mission with a view to designing a new mission within the CSDP which takes into account the changed situation in Libya, especially with regard to the urgent need for state-building, the strengthening of institutions and security sector reform;

14. Remains concerned by the proliferation of weapons, ammunition, explosives and smuggling of arms in Libya, which poses a risk to stability in the country and to its population;
15. Is deeply concerned by the unprecedented arrival of asylum seekers and irregular migrants on Italian and Maltese shores, many of whom are departing from Libyan territory; calls on the EU to follow up on the priorities identified in the Mediterranean Task Force and launch a political dialogue on migration issues with the Libyan government, as soon as conditions allow; deeply regrets that a further 500 lives were lost after their boat was reportedly rammed by another vessel near Malta;
16. Calls on the EU and the Member States to effectively help and support Italy in its laudable efforts to save lives and to tackle the spiralling migration flows from North Africa, particularly from Libya;
17. Calls for the reopening and unhindered functioning of the UNHCR in Libya; calls for the EU to continue to offer humanitarian, financial and political assistance in crisis areas in North Africa and the Middle East in order to tackle the root causes of migration and humanitarian pressures;
18. Is deeply concerned at the growing presence of Al-Qaeda-linked terrorist groups and individuals operating in Libya, and reaffirms the need to combat by all means, in accordance with the Charter of the United Nations and with international law, including applicable international human rights, refugee and humanitarian law, threats to international peace and security caused by terrorist acts;
19. Reiterates the EU's unwavering support for and commitment to the democratic aspirations of the Libyan people, in particular during the current crisis and in the democratic transition of the country; calls for strengthened EU involvement in support of stability and democratic transition in Libya;
20. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Libyan Government and the House of Representatives, the UN Secretary-General, the Arab League and the African Union.