Libya: Transitional justice and accountability as necessary measures to halt the 
humanitarian and political crisis
17 September 2014 from 10 to 11:30am
Room XXVII, Palais des Nations
United Nations Headquarters in Geneva

10:00 Welcome and refreshments
10:15 Opening
Chair: Mr Niccolò Figà-Talamanca, Secretary General No Peace Without Justice
Welcome by: Mr Farag Agaile, Lawyer and Human Right Activist

The current humanitarian and political crisis: Mr Ibrahim Ben Younes, Libya
Program Officer for NPWJ in Tripoli

Women Rights in today’s Libya: Ms Francesca Del Mese, legal expert in the field of
human rights and sexual violence

Transition Justice legal tools in the Libyan legislative system: Mr Khaled Saïd Al
Agily, Member of National Council for Civil Liberties and Human Rights in Libya

Interventions from the floor
Conclusions from the Chair
Background

Since mid-May 2014, Libya has witnessed a turbulent period of political volatility and an outburst of violence between armed groups, which have led to a deteriorating human rights and humanitarian situation and to a further polarisation of the political spectrum. Libya's political future and long-term stability will be defined by what will happen in the next few months. The way in which the current political and humanitarian crisis is handled will have serious consequences for the development of political and societal institutions and their ability to protect and expand the civil and political rights of Libyans.

Particularly now, it is crucial that transitional justice initiatives continue to be (and be perceived to be) relevant to the political debate within Libya and on Libya and that political attention to transitional justice processes is not overshadowed by security and military concerns. The few seeds of transitional justice mechanisms already implanted in the Libyan legislative system have the potential to channel current tensions and frictions into inclusive and open processes, fostering a culture of dialogue, responsibility and accountability within Libyan political dynamics.

Rudiments of transitional justice mechanisms have been already included in the Libyan legislative system, such as Law no. 29/2013, establishing a Fact Finding and Reconciliation Commission, and the 19 February 2014 Ministerial Decree on Legislation to Redress the Situation of Victims of Rape and Violence, which aims at establishing transitional justice mechanisms in cases of sexual and gender-based violence (SGBV). However, their implementation is stalled. Focusing on the implementation of current transitional justice mechanisms will provide Libyan civil society actors and political forces with achievable and concrete goals and build-up those mechanisms of reconciliation and pacific resolution of conflicts that can represent key elements for developing broader and inclusive political discussions on the respect of human rights, democracy and the rule of law. It can also contribute to putting appropriate pressure on the current factional political framework, which offers neither a vision nor a path leading out of the transition.

Ensuring that transitional justice mechanisms remain at the center of the national dialogue is one of the main tools for the international community to assist the Libyan authorities in building up those critical State institutions, such as the justice system, that can guarantee equality in front of the law, accountability and personal responsibility for all citizens. These are fundamental elements without which a democratic, peaceful and stable regime cannot be established or sustained. Ensuring that the political discourse focuses its attention on developing shared, open and fair transitional justice mechanisms can remove attention from current tendencies to look outside the country for political backing and support, reducing the risk of external actors fuelling cycles of violence and “counter-retribution”.

Focusing on transitional justice can help weaken the negotiating position of those who are seeking and retaining power through the commission of violations. The warring factions, particularly those at the upper levels of command, may feel that they are being watched and there will be consequences for their actions. It is critical in this moment to ensure that a Libyan solution to the current crisis emerge as soon as possible: transitional justice mechanisms offer the best tools to engage Libyan forces in envisioning their future.

The Rule of Law, with human rights and transitional justice at the core of the strategy, needs to become the overreaching political objective for any initiative on Libya.