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[Publication](#) | 16.09.2014

## Situation in Libya

### Greens/EFA motion for resolution

*Tabled by Barbara Lochbihler, Tamás Meszerics, Judith Sargentini, Ernest Urtasun, Bodil Ceballos, Ernest Maragall on behalf of the Greens/EFA Group*

*The European Parliament,*

- having regard to the United Nations Security Council (UNSC) resolutions on Libya, including Resolution 2174 of 27 August 2014,
- having regard to the UN Security Council briefing by the UN Special Representative of the Secretary-General and Head of the UN Support Mission in Libya (UNSMIL) of 27 August 2014,
- having regard to the report by UNSMIL and the UN OHCHR on the violations of international human rights and humanitarian law during the ongoing violence in Libya, of 4 September 2014,
- having regard to the EU Foreign Affairs Council conclusions on Libya, including that of 15 August 2014,
- having regard to its previous resolutions on Libya, in particular that of 10 March 2011 on the Southern Neighbourhood, and Libya in particular<sup>(1)</sup>, and that of 15 September 2011 on the situation in Libya<sup>(2)</sup>,
- having regard to the recent statements by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy Catherine Ashton on Libya,
- having regard to the local statement by EUMS Heads of Mission to Libya on the assassination of Ms Bugaighis, of 27 June 2014,
- having regard to the statement by French Defence Minister Jean-Yves Le Drian of 9 September 2014,
- having regard to Rule 123(2) of its Rules of Procedure,

A. whereas Libya has experienced a dramatic succession of political, institutional and security crises since the overthrow of Muammar Gaddafi by rebel groups assisted by NATO forces in 2011;

B. whereas fighting has been raging in and around the eastern city of Benghazi since mid-May, when retired General Khalifa Haftar launched an armed campaign against a coalition of Islamist militias, including the Ansar al-Sharia jihadist group, and other armed forces;

C. whereas fighting erupted on 13 July 2014 over the control of Tripoli International Airport between armed militias from Zintan and their allies, and the 'Libya Dawn' coalition, composed mainly of Islamist militias from Misrata; whereas Libya Dawn forces took over Tripoli Airport on 24 August 2014 and have since been in control of most of Tripoli, including ministry and institutional headquarters;

D. whereas parliamentary elections on 25 June 2014 saw the defeat of the erstwhile dominant Islamist parties; whereas the new parliament, the House of Representatives (HoR), has replaced the former General National Congress (GNC) and relocated from Tripoli to the eastern city of Tobruk owing to security concerns; whereas the HoR has called for foreign intervention to resolve the security situation;

E. whereas the Libya Dawn coalition forces have disputed the relocation of the HoR, claiming that the transfer of authorities to the new parliament was unconstitutional; whereas the GNC was reconvened in Tripoli on 25 August 2014 and elected Islamist-backed Omar al-Hasi as Prime Minister and asked him to form a 'national salvation' government;

F. whereas the HoR has denounced groups fighting under the name of Libya Dawn and Ansar al-Sharia as terrorists; whereas Libya Dawn and its allies have denounced the HoR as being controlled by former Gaddafi supporters;

G. whereas unidentified planes were reported to have carried out airstrikes on Libya Dawn factions in Tripoli; whereas US sources have accused Egypt and the United Arab Emirates of being responsible for these strikes; whereas Egypt has denied conducting air strikes or other military operations in Libya;

H. whereas a meeting of Libya's neighbours was convened in Cairo on 25 August 2014, where Libya appealed for international protection of its oilfields and airports and said it lacked the power to stop armed groups; whereas the participating states agreed not to intervene in Libyan domestic affairs and called for a national dialogue;

I. whereas UN attempts to broker a ceasefire between the warring factions and the launch of a national dialogue have so far failed; whereas newly appointed UN Special Envoy Bernardino Leon is currently in Libya; whereas the French Defence Minister warned, on 9 September 2014, that Libya was becoming 'a hub for terrorist groups' and called for decisive international action;

J. whereas the conflicts in Benghazi and Tripoli have led to a serious deterioration in the human rights and humanitarian situation; whereas warring factions have carried out indiscriminate shelling of civilian areas both in Tripoli and Benghazi, which has led to significant civilian casualties and damage to civilian buildings and infrastructure; whereas the NGOs Amnesty International and Human Rights Watch have both stated that such shelling constitutes war crimes; whereas prominent human rights defender Salwa Bugaighis was murdered in Benghazi on 25 June 2014;

K. whereas civilians in Tripoli and Benghazi are facing shortages of food, fuel and other basic necessities; whereas the deterioration in the security situation has reportedly also seen a rise in criminality and the spread of terrorist groups;

L. 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; whereas foreign aid workers and diplomats, including EU and UNSMIL staff, have been evacuated from Libya;

whereas Tunisia's interim Prime Minister Jomaa has stated that the mass influx of refugees from Libya is putting a strain on the country's capabilities;

M. 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 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 as of 29 August 2014, around 98 000 of approximately 109 000 arrivals in Italy were believed to have departed from Libya;

N. 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;

1. Expresses its grave concern at the escalation of violence and armed confrontation in Libya, notably around the cities of Tripoli and Benghazi; is alarmed by this situation, which has a devastating impact on the civilian population and its institutions, and risks further destabilising the wider region;

2. Calls on the conflicting parties to immediately cease all armed hostilities and to engage in an inclusive political dialogue; in this regard, expresses its full support for the efforts of the UN, notably of its Special Representative Bernardino Leon, to facilitate this process with a view to establishing consensual institutions that pursue a broad national reconciliation agenda; insists that due attention be paid to the involvement of women and minorities in this process;

3. Urges the newly elected House of Representatives to carry out its legislative functions in an inclusive manner and to reach out to the entire Libyan population;

4. Emphasises that the latest UN Security Council resolution allows the scope of international sanctions to be broadened in order to address spoilers from all sides;

5. Condemns the indiscriminate shelling of civilian areas in Tripoli and Benghazi by the warring parties over the recent months; is gravely preoccupied by the deterioration of the human rights situation 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; stresses the need to ensure accountability for all violations of human rights and international humanitarian law;

6. Denounces the continuous and covert meddling by regional players into Libya's domestic scene, which has greatly contributed to the gradual sliding of the country into political and military chaos; calls on Libya's neighbours and other regional actors to refrain from any action which might exacerbate tensions within the country;

7. Recalls that, given their involvement in the 2011 war, the EU and its Member States have a particular responsibility to assist the Libyan population;

8. Calls on the EU and its Member States to spare no efforts to support UN and other non-military initiatives to settle the current crisis; calls, in particular, on the EU to step up its humanitarian aid to respond to the plight of the Libyan population, particularly in the most affected areas, and to stand ready to respond to any further aggravation of the situation;

9. Considers that the EU has failed to develop and implement a sound and comprehensive strategy for assisting in the post-Gaddafi transition; deplores, in particular, the persistent lack of coordination between EU Member States' policies towards Libya and the failure of the EEAS to foster a common and effective EU approach;

10. Deplores, in particular, the poor level of ambition and effectiveness of the EU in the field of security; questions its limited focus on border and migration management, which did not address the root causes of insecurity in Libya; urges the EU to develop a broad concept for the reform of the security sector in Libya with a special focus on parliamentary oversight of the sector, including strong elements of human rights and humanitarian law training;

11. Recalls the numerous arms exports from many Member States to Gaddafi's security services; believes that Member States and the EU have a particular responsibility to assist in the Demobilisation, Disarmament and Reintegration (DDR) of former combatants and for the collection and destruction of the many irregular weapons in the country; calls for a broad EU programme in the field of DDR and the collection and destruction of irregular weapons;

12. Urges the EU to make full use of the Instrument for Stability and Peace (ISP) with regard to mediation, dialogue and reconciliation, and to urgently support mediation, in coordination with UNSMIL; equally urges the EU to support the empowerment of civil society organisations, in particular women's groups, aiming at finding non-violent solutions to the multiple crises in the country;

13. Expresses its grave concern at the fate of migrants, asylum seekers and refugees in Libya whose already precarious situation has further deteriorated; is alarmed by the continued reports of horrific detention conditions for thousands of migrants and refugees in government-run centres; insists that the EU and the Member States withhold their financial support in this sector until the abuses have been thoroughly investigated and stopped;

14. Opposes the externalisation of EU migration policies to third countries, notably through the establishment of reception centres in countries which have not signed up to the Geneva Refugee Conventions, such as Libya, and thus fail to guarantee high standards of protection;

15. Calls on the EU and the Member States to effectively help Italy in its laudable efforts to tackle the spiralling migration flows from North Africa, particularly from Libya; insists on the continuation of the Mare Nostrum project and calls on Member States to support it; calls on all Member States, notably Italy, to strictly comply with EU and international refugee law, including respect for non-refoulement and individual assessment of situations;

16. Expresses concern at the reports on the failing judicial system in Libya and serious shortcomings in upholding fair trial standards; calls on the Libyan authorities to cooperate fully with the International Criminal Court by assisting its investigations and complying with its rulings; expresses its concern at the failure of the Libyan authorities to grant basic due process rights to ICC indictees Abdullah al-Sanussi and Saif al-Islam Gaddafi; recalls its absolute opposition to the death penalty in all cases, regardless of the nature of the crime committed, and calls on Libya to abolish capital punishment; calls on the EU to consider supporting efforts to enhance the rule of law in the country;

17. Calls on the Libyan authorities to commit to high standards of transparency in the domestic extractive sector so that Libyan natural resources may benefit the entire population, and in particular to sign up to the requirements of the Extractive Industries Transparency Initiative (EITI) without delay; requests that European companies involved in Libya reveal their financial dealings in the energy sector;

18. Instructs its President to forward this resolution to the Council, the Commission, the EEAS, the Vice-

President of the European Commission / High Representative of the Union for Foreign Affairs and Security Policy, the parliaments and governments of the Member States, the Libyan House of Representatives, the UNSC, the UNGA, the UNHRC, the Arab League and the African Union.

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