

Unofficial Translation

Report

Libya was among the first countries to accede to the four Geneva Conventions in 1956, and to Additional Protocols I and II in 1978.

Therefore, the Ministry of Defense, believing in human rights in peace and war, was keen, following the February 17, 2011 revolution, and pursuant to the Minister of Defense's Decision No. 100 of 2012, to establish the Office of Human Rights and International Humanitarian Law in order to disseminate and implement this culture among members of the military establishment and its supporting forces, and this approach was adopted pursuant to Council of Ministers Decision No. 483 of 2013, by including the Office among the core components of the administrative structure of the Ministry. To further strengthen and disseminate this vision, Decision No. 94 of 2019 was issued by the Supreme Commander of the Libyan Army regarding the formation of the Permanent Committee for Humanitarian Affairs within the Libyan Army to address the negative impacts resulting from wars and to promote the optimal implementation of International Humanitarian Law.

The Ministry of Defense, since its establishment, has undertaken numerous activities reflecting its commitment to international humanitarian law and has achieved significant progress in this field through joint cooperation with relevant international organizations, which has contributed to building the capacities of a large number of members of the military institution through their participation in training courses and workshops on the rules of International Humanitarian Law. Additionally, the Ministry issued and circulated a unified Code of Conduct for members of the Army and Police, which serves as a reflection of national legislation as well as International Humanitarian Law and human rights principles.

The Ministry of Defense is working currently and through the Human Rights and International Humanitarian Law Office, and in cooperation with the delegation of the International Committee of the Red Cross (ICRC) in Libya, on studying the harmonization of International Humanitarian Law with military legislation and preparing a draft law in this regard for adoption.

And since International Humanitarian Law applies in situations of both international and non-international armed conflicts, it has been observed and through experience that in non-international armed conflicts, International Humanitarian Law lacks mandatory and effective oversight mechanisms compared to international armed conflicts, which reduces their effectiveness.

Based on the above, our contribution through this report proposes strengthening protection under the Second Additional Protocol relating to non-international armed conflicts, by updating and consolidating all provisions that ensure humanitarian protection in non-international armed conflicts. It also proposes strengthening international monitoring mechanisms and deterrent sanctions against parties responsible for violations of International Humanitarian Law, whether in international or non-international armed conflicts, rather than limiting the scope of International Humanitarian Law to international armed conflicts only.

We also see the necessity of strengthening common understandings on how International Humanitarian Law applies to States' use of information and communication technologies, in order to ensure enhanced protection for civilians and civilian objects under International Humanitarian Law.

Peace, mercy, and blessings of Allah be upon you.

Colonel Engineer
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Director of the Human Rights and International Humanitarian Law Office