



Inter-Parliamentary Union
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Libya

Decision adopted unanimously by the IPU Governing Council at its 209th session (Nusa Dua, 24 March 2022)



© Courtesy of the Sergiwa Family

LBY-01 – Seham Sergiwa

Alleged human rights violations

- ✓ Abduction
- ✓ Threats, acts of intimidation
- ✓ Failure to respect parliamentary immunity
- ✓ Impunity

A. Summary of the case

Ms. Seham Sergiwa was abducted from her home on 17 July 2019. According to the complainants, more than a dozen masked armed men raided her house at 2 a.m. after it was plunged into darkness, as if electricity had been cut off, and an explosion took place inside the house. During the attack, Ms. Sergiwa's husband was shot in the legs and wounded in his eye, while one of her sons was beaten up as they captured her. Following the attack, Ms. Sergiwa's husband and her son were taken to hospital, where they were not permitted to receive any visits. The complainants also alleged that the abductors had confiscated the telephones belonging to members of Ms. Sergiwa's family in order to prevent them from alerting the media about the attack.

The complainants claim that the abductors are members of the 106th Brigade of the Libyan National Army (LNA) led by Mr. Khalifa Haftar, an assertion based on the *modus operandi* of the abductors and the SUV vehicles used. The perpetrators allegedly spray-painted the message "the army is a red line [not to be crossed]" and the name of the Brigade responsible for Ms. Sergiwa's abduction, "Awliya al-Dam" (Avengers of Blood) across her house. The complainants explained that the attackers allegedly arrived in cars belonging to Libya's Criminal Investigation Department of the interim government in eastern Libya.

Case LBY-01

Libya: Parliament affiliated to the IPU

Victim: Female independent member of the House of Representatives

Qualified complainant(s): Section I.1(a) of the Committee Procedure (Annex I)

Submission of complaint: July 2019

Recent IPU decision: November 2021

Recent IPU mission(s): - - -

Recent Committee hearing: Hearing with the Libyan delegation to the 141st IPU Assembly (October 2019)

Recent follow-up:

- Communication from the authorities:
Letter from the Speaker of the House of Representatives (July 2020)
- Communication from the complainants:
September 2021
- Communication to the authorities:
Letter to the Speaker of the House of Representatives (October 2021)
- Communication to the complainants:
September 2021

Ms. Sergiwa's abduction was allegedly in response to her political stance against the military operations in Tripoli, as she was taken from her home shortly after she gave an interview criticizing the military offensive and calling for an end to the bloodshed. The complainants believe that Ms. Sergiwa's abduction was not a random act of violence, given her vocal criticism of Mr. Khalifa Haftar and the circumstances in which the attack took place. They added that several Libyan officials living nearby, including the mayor of Benghazi, could have intervened with their armed guards to prevent or at least thwart the attack, but deliberately refrained from doing so.

In a statement issued on 18 July 2019, the House of Representatives in Tobruk strongly condemned Ms. Sergiwa's abduction by unknown individuals, and called on the Ministry of the Interior, as well as all the security forces, to scale up their efforts to find Ms. Sergiwa, ensure her prompt release and hold to account those responsible for her abduction. In a hearing held with the First and Second Deputy Speakers of the House of Representatives in October 2019, the IPU Committee on the Human Rights of Parliamentarians learned that the Minister of the Interior of the interim government in eastern Libya had indicated that terrorist groups might be responsible for Ms. Sergiwa's abduction, that the House of Representatives continued to monitor the case, which was still under investigation, and that it could well be that Ms. Sergiwa would turn up alive.

Reportedly, in September 2020, Ms. Sergiwa's case had been referred to a "specialized prosecution service". The Libyan authorities allegedly did not inform Ms. Sergiwa's family about this development or the fact that the investigation had been concluded.

In its report of October 2021, the United Nations Independent Fact-Finding Mission set up to investigate human rights violations committed in Libya since 2016 concluded that there were reasonable grounds to believe that Ms. Sergiwa was a victim of enforced disappearance and found that the relevant authorities in Libya had failed to protect her life. The mission's report also stated that the evidence indicated that Ms. Sergiwa was abducted by either the LNA or affiliated armed groups. On 24 January 2022, the United Nations Secretary-General's Special Adviser on Libya, Ms. Stephanie Turco Williams, publicly expressed her concern about the case of Ms. Sergiwa and called on the "concerned authorities to provide information on her whereabouts".

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Continues to be appalled* by the brutal abduction of Ms. Seham Sergiwa in evident reprisal for expressing her political stance against the violence in Libya and in favour of an end to the bloodshed;
2. *Deplores* the Libyan House of Representatives' silence and failure to respond to requests for information on the status and outcome of the criminal investigation relating to the abduction of one of its members;
3. *Recalls* the findings of the United Nations Independent Fact-Finding Mission set up to investigate human rights violations committed in Libya since 2016 concerning the case of Ms. Seham Sergiwa; *echoes* the concerns expressed by the United Nations Secretary-General's Special Adviser on Libya; and *wishes* to learn further about the work of both United Nations mechanisms to explore avenues of cooperation aiming to help resolve the case of Ms. Sergiwa;
4. *Reaffirms*, once again, the long-lasting effects of impunity on the integrity of parliament and its ability to fulfil its role as an institution – even more so when leading figures of parliament are targeted for their political views, as in the present case; and *considers* that, by establishing the truth in Ms. Sergiwa's case, the Libyan authorities would send a strong message to those responsible for committing serious human rights violations that impunity cannot prevail in Libya;
5. *Recognizes* the exceptional situation prevailing in Libya and the formidable challenges to law and order in the country; *emphasizes*, nevertheless, that the human rights of a member of the Libyan House of Representatives should be upheld at all costs; *urges* the authorities concerned to take the appropriate measures to hold those responsible for Ms. Sergiwa's abduction to account and provide information on her fate; *calls on* the Libyan House of Representatives once

again to use its oversight power to ensure that an effective and thorough investigation is being conducted by the Ministry of the Interior, and to request clear answers from the Government on the identity of the perpetrators; and *wishes* to be kept informed in this respect;

6. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the Ministry of the Interior, the United Nations Independent Fact-Finding Mission, the United Nations Secretary-General's Special Adviser on Libya, the complainants and any third party likely to be in a position to supply relevant information;
7. *Requests* the Committee to continue examining this case and to report back to it in due course.