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Libya

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



© 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, shooting her husband in the legs and wounding his eye and beating up one of her sons as they captured her. The complainants claim that the abductors are members of the 106th Brigade of the Libyan National Army 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.

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 explained that at 2 a.m. Ms. Sergiwa’s house was plunged into darkness, as if electricity had been cut off, and an explosion took place inside the house. The complainants also 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. The complainants also added that the attackers allegedly arrived in cars belonging to Libya’s Criminal Investigation Department of the interim government in eastern

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: May 2020

Recent IPU Missions: - - -

Recent Committee hearings: 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: January 2021
- Communication addressed to the authorities: Letter addressed to the Speaker of the House of Representatives (December 2020)
- Communication addressed to the complainants: January 2021

Libya. 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 militia had confiscated the telephones belonging to Ms. Sergiwa's family in order to prevent them from alerting the media about the attack.

On 18 July 2019, the House of Representatives in Tobruk issued a statement strongly condemning the abduction of Ms. Sergiwa by unknown individuals, and called upon 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. The First and Second Deputy Speakers of the House of Representatives told the IPU Committee on the Human Rights of Parliamentarians on 13 October 2019 that the Minister of the Interior of the interim government in eastern Libya had said that terrorist groups might be responsible for the abduction of Ms. Sergiwa, 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.

In a statement to the United Nations Security Council on 5 May 2020 regarding the situation of Libya, the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, indicated that "her Office has obtained recent information which may point to those responsible for Ms. Sergiwa's disappearance".

In a letter dated 27 July 2020, the Speaker conveyed the decision adopted by the Committee in the case to the Minister of the Interior of the interim government in eastern Libya. In December 2020, the complainants stated that Ms. Sergiwa's case had been referred to a "specialized prosecution service". This allegation was supported by a video statement delivered by the Minister of the Interior, who claimed that Ms. Sergiwa's case had been referred to the competent prosecution service on 20 September 2020. The complainants added that the Libyan authorities did not inform Ms. Sergiwa's family about the conclusion of the investigation, the results obtained or the fact that the case had been referred to a "specialized prosecution service".

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Remains appalled* by the brutal abduction of Ms. Sergiwa from her home, particularly upon receiving additional information describing the night of the attack, which has left Ms. Sergiwa's family in complete shock;
2. *Stresses* that, thus far, no documents or other evidence have been produced by the authorities to convincingly refute the complainants' claim that Ms. Sergiwa was abducted by "Awliya al-Dam", a Brigade allegedly affiliated to the Libyan National Army led by Mr. Khalifa Haftar; *also points out* that the authorities did not provide any evidence to sustain the assertion of the Interior Minister of the interim government in eastern Libya that Ms. Sergiwa was abducted by terrorist groups and that she would turn up alive;
3. *Urges* the authorities to disclose the results achieved thus far in the investigation conducted by the Ministry of the Interior, along with any evidence they have been able to gather, and to keep Ms. Sergiwa's family, which has not received any information up to now, regularly informed of progress made; *further urges* the authorities to provide clarification on the "specialized prosecution service", which has been allegedly in charge of Ms. Sergiwa's case since September 2020;
4. *Deeply regrets* the lack of cooperation of the House of Representatives; and *believes* that the parliamentary authorities' failure to provide detailed information on the investigation fuels suspicions that they are unwilling to help establish the truth about Ms. Sergiwa's abduction; *underlines* that, as the guardian of the human rights of parliamentarians, the House of Representatives is entitled to ask the competent authorities questions on the status and outcome of a criminal investigation that relates to one of its members; *urges*, therefore, the Libyan House of Representatives to make use of its oversight power to ensure that an effective and thorough investigation had been conducted by the Ministry of the Interior, to request clear answers from the Government on the identity of the perpetrators, and to ensure that this information is made available to Ms. Sergiwa's family; and *wishes* to be kept informed in this respect;

5. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the Ministry of the Interior, the complainants and any third party likely to be in a position to supply relevant information;
6. *Decides* to continue examining this case.