



Inter-Parliamentary Union
For democracy. For everyone.

Libya

*Decision adopted unanimously by the IPU Governing Council at its 211th session
(Manama, 15 March 2023)*



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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 the 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 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: March 2022

Recent IPU mission(s): - - -

Recent Committee hearing: Hearing with the Libyan delegation to the 146th IPU Assembly (March 2023)

Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the House of Representatives (July 2020)
- Communication from the complainants: December 2022
- Communication to the authorities: Letter to the Speaker of the House of Representatives (February 2023)
- Communication to the complainants: February 2023

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 Libyan 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 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.

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 Ms. Sergiwa's case and called on the "concerned authorities to provide information on her whereabouts".

During a hearing with a delegation led by the First Deputy Speaker of the House of Representatives at the 146th IPU Assembly in March 2023, the Committee on the Human Rights of Parliamentarians gathered the information summarized below on the situation of Ms. Seham Sergiwa and the steps taken by the Libyan authorities concerning her case:

- After requesting the Minister of the Interior to promptly examine the case, the latter provided his initial findings to the House of Representatives on 18 July 2019 and, on 29 July 2019, the Speaker assigned the Internal Affairs Committee to following up the case with the Minister of the Interior. On 1 August 2019, the report on evidence collected was forwarded to the Attorney General. As a result, an investigation was opened (No. 2254/2019) and the victims and witnesses of the incident were summoned;
- On 8 September 2019, the Attorney General sent a letter to the Chief of Judicial Expertise and Research in Benghazi, instructing him to assign a fingerprint expert to identify the fingerprints on both the spent cartridge and shotgun found at the crime scene. The Chief of Judicial Expertise and Research was also called to appear before the Attorney General's office to provide his testimony. On 11 October 2019, the district prosecutor in charge of the investigation requested the Head of the Criminal Investigation Department to issue a circular within the prison administration and the military police and to reveal the identity of the drivers identified in the incident, so that they could be investigated;
- On 7 December 2020, the Minister of the Interior briefed the House of Representatives, and on 22 December 2020 the Attorney General was requested to communicate the findings of the investigation into the disappearance of Ms. Sergiwa to the House. As a result, the Attorney General sent a copy of the memorandum from the district prosecutor in charge of the investigation, as well as copies of all the correspondence and steps taken concerning the case to the House of Representatives;
- On 30 June 2021, the Attorney General's office in Benghazi reported to the House of Representatives on the steps taken concerning Ms. Sergiwa's case. These included appointing a fire expert to prepare a report on the incident; instructing the district prosecutor to widen the scope of evidence search and collection; swiftly investigating the incident and identifying, arresting and prosecuting the culprits; collecting testimonies from victims and witnesses; and checking through the video surveillance footage taken on the day of the incident to trace the culprits' vehicles back to their original location. Everything was then to be recorded in a memorandum;

- Ms. Sergiwa's case is a criminal offence and is still under criminal and judicial investigation by the Attorney General. The House of Representatives is monitoring the case through its Legal Affairs Committee to the best of its ability, considering that parliament cannot interfere with the public prosecution's work, as it is an independent body in Libya. The lack of progress could be attributed to the fact that the Ministry of Justice does not have executive power.

During the hearing with the Committee, the delegation also deplored the fact that Ms. Sergiwa's case was not an isolated incident. In fact, on 2 March 2023, another Libyan member of parliament, Mr. Hassan Al-Ferjani from the Tarhuna district, was allegedly abducted. The delegation also emphasized that women parliamentarians in Libya were particularly targeted because of their political affiliation, with serious threats made against them through social media, which have been increasingly used to undermine their work and that of all members of parliament and to incite hatred and violence against them and members of their families. The delegation added that the enforced disappearance of Ms. Sergiwa was also the result of an online hate campaign initiated against her by her political opponents and the other individuals present during the telephone interview she gave on the day of her abduction.

The Libyan delegation reiterated that the House of Representatives had done everything possible to find out what had become of Ms. Sergiwa. They also explained that they had no indication as to whether she is still alive or not. Furthermore, and based on the preliminary findings of the investigations, it appears that the 106th Brigade, which, according to the delegation, is not under the command of the LNA, is the primary suspect in this case. This rogue brigade took advantage of the fragile security situation in Libya between 2018 and 2019 to carry out several crimes that have remained unpunished. The delegation hopes that the improved security situation in the country will lead to new developments in the case.

The delegation thanked the Committee for its work and called on it to continue examining Ms. Sergiwa's case to find out what had become of her. The delegation also explained that the work of the House of Representatives and the safety of its members were severely challenged by the ongoing conflict and division in Libya and the profusion of weapons, which encouraged violence in the country. The delegation called on the Committee, the Inter-Parliamentary Union and the entities of the United Nations system, including its Independent Fact-Finding Mission and the United Nations Secretary-General's Special Representative for Libya, to denounce and condemn similar violations and to scale up their efforts to end division and violence in Libya and protect the lives of all Libyans, including members of parliament.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the Libyan authorities for meeting with the Committee on the Human Rights of Parliamentarians during the 146th IPU Assembly to discuss Ms. Sergiwa's case and for the information provided on the steps taken by the House of Representatives and the Libyan authorities with regard to this case;
2. *Recognizes*, once again, the exceptional situation prevailing in Libya and the formidable challenges to law and order in the country, and *expresses its support* to all members of the House of Representatives in Libya, in particular women parliamentarians who are primarily targeted because of their gender and their political work, both online and offline; *emphasizes*, that the human rights of a member of the Libyan House of Representatives should be upheld at all costs; and *urges* the executive authorities in Libya to take the appropriate measures to hold those responsible for Ms. Sergiwa's abduction to account and provide information on what has become of her;
3. *Expresses its concern* about the fresh allegations that Ms. Sergiwa was targeted as a result of an online hate campaign inciting physical violence against her, waged by her political opponents; *notes with concern* that such online harassment and hate campaigns are routinely used to undermine the work of parliamentarians in Libya, particularly women parliamentarians, because of their political affiliation and for expressing their political views; *reaffirms* that Libyan women should be able to exercise their civil and political rights without hindrance, intimidation or fear for their lives; and, to that end, *calls on* the competent authorities to ensure that social

media is not used to circulate hateful messages against members of parliament, particularly women parliamentarians;

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; *stresses* that, when they go unpunished, crimes of this nature are bound to recur as their perpetrators are decisively encouraged to continue violating the rights of women parliamentarians; and *urges* the Libyan authorities to establish the truth in Ms. Sergiwa's case to send a strong message to those responsible for committing serious human rights violations that impunity cannot prevail in Libya;
5. *Takes note* of the appeal made by the Libyan parliamentary delegation to pursue the examination of Ms. Sergiwa's case and other cases of human rights violations affecting other members of parliament; and *underlines* in this regard that a formal complaint regarding the case of member of parliament Al-Ferjani, and any other member of parliament whose rights have been violated, would give the Committee on the Human Rights of Parliamentarians the mandate to examine their situation;
6. *Reiterates* its wish to learn further about the work of the United Nations Independent Fact-Finding Mission and the United Nations Secretary-General's Special Representative for Libya with a view to exploring avenues of cooperation to help resolve Ms. Sergiwa's case;
7. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the Attorney General in Libya, the Minister of Justice, the United Nations Independent Fact-Finding Mission, the United Nations Secretary-General's Special Representative for Libya, the complainants and any third party likely to be in a position to supply relevant information;
8. *Requests* the Committee to continue examining this case and to report back to it in due course.