

Workshop on Missing Persons in Libya

Tunis, 14 March 2018

Statement and recommendations

Within the framework of the project entitled “Towards National Reconciliation in Libya”, implemented by UNSMIL under the supervision of the technical committee in charge of developing a national reconciliation strategy,

We, experts, academics, human rights activists and official authorities concerned with the issue of missing persons, as well as civil society organizations and families of missing persons, have convened in Tunis on 13 and 14 March in a workshop on “Knowing the fate of missing persons in Libya: a condition for national reconciliation”.

In light of the discussions that took place during these two days, we stressed the need to urge all concerned authorities to support the rights of families of the missing, to find the truth about the fate of their loved-ones and to apply all relevant laws and legislations in that regards.

We reiterate the need to protect the file of missing persons from any attempt at political recuperation, considering it as a purely humanitarian matter, and asserting the rights of the families of the missing to know the fate of their loved-ones.

Furthermore, we stress the need for civil society organizations working on the file of missing persons to raise awareness and support the families in their endeavours. UNSMIL and international organizations concerned the file of missing persons in Libya must give their utmost attention to it and provide technical and logistical support to that end.

We, therefore, propose the following list of recommendations:

1. A comprehensive strategic plan and vision for the missing persons file must be developed to include the technical committee, the Department of Care for Missing Families, the Ministry of Social Affairs, the Ministry of Interior (through its criminal investigation and laboratories and criminal evidence departments), the Ministry of Justice (through the forensic medicine department), and the Attorney General office in order to address all aspects of this file and to benefit from the expertise of all sectors.
2. The missing persons’ file must be separated from all others and dealt with independently, while ensuring that the institutions working on the file are administratively and financially independent and able to work on all technical aspects without having to go through the matters related to providing care and other benefits.
3. International and national financial support should be provided to address the file of missing persons, and distributed equally across Libya because of the lack of infrastructures, database or DNA laboratories in the east and south.

4. Pressure must be exerted on decision makers to consolidate their efforts under one legislative authority, for the interest of the missing persons' file and in order to promote accountability.
5. The role of international organizations specialized in training Libyans must be reinforced, employing local experts and providing working teams with the necessary state-of-the-art techniques.
6. A time and a date for a meeting of the technical committee with the competent international organizations should be set, for further cooperation and support, and to revive the previously signed agreements and to sign new partnerships.
7. Urging the legal authorities, the Public Prosecutor's office and human rights organizations should go through all the cases registered by families of the missing, visit prison facilities (formal and secret detention centres), to check the names of the inmates and verify the legality of the action taken against each of them.
8. The legislative authorities should thoroughly assess the international convention on the protection of all persons from enforced disappearance, and consider the possibility for Libya to become a signatory state.
9. Awareness raising campaigns should be led by civil society organizations to promote solidarity among the families of the missing, the government and other NGOs. Advocacy and capacity building for these organizations should be provided too, to help them to further contribute to the file.
10. Awareness raising of the competent authorities and CSOs working on the missing persons' file should be enhanced through the following activities:
 - Raising awareness on the legislation related to missing persons.
 - Raising awareness of the families of the missing, in Libya and abroad, on the importance of reporting their missing family members and following the required administrative measures to search for them.
 - Establishing mental and social support programs and activities for the families of the missing, including through the establishment of social centres and clubs where they could come together.
 - Training and empower the families of missing persons, and engaging them with the competent authorities to come up with concrete solutions and remedies, in a manner that supports and introduces them to similar cases in other parts of the world.
 - Training staff working in offices concerned with the missing persons' file on the appropriate means to deal with the families of the missing and their issues.
 - Initiating communication channels among the authorities concerned with the portfolio and families of missing persons associations.

11. The Criminal Investigations Department of the Ministry of Interior should gather evidence and conduct the necessary investigations on the missing person and the facts surrounding his/her disappearance, in order to promote accountability.
12. The international community must support the Libyan authorities in their efforts to address the file of missing persons.