

112TH CONGRESS
1ST SESSION

S. RES. 85

Strongly condemning the gross and systematic violations of human rights in Libya, including violent attacks on protesters demanding democratic reforms, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2011

Mr. MENENDEZ (for himself, Mr. KIRK, Mr. LAUTENBERG, Mr. DURBIN, Mrs. GILLIBRAND, Mr. SANDERS, Mr. WHITEHOUSE, Mr. SCHUMER, Mr. CASEY, Mr. WYDEN, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to

RESOLUTION

Strongly condemning the gross and systematic violations of human rights in Libya, including violent attacks on protesters demanding democratic reforms, and for other purposes.

Whereas Muammar Gadhafi and his regime have engaged in gross and systematic violations of human rights, including violent attacks on protesters demanding democratic reforms, that have killed thousands of people;

Whereas Muammar Gadhafi, his sons and supporters have instigated and authorized violent attacks on Libyan protesters using warplanes, helicopters, snipers and soldiers and continue to threaten the life and well-being of any person voicing opposition to the Gadhafi regime;

Whereas the United Nations Security Council and the international community have condemned the violence and use of force against civilians in Libya and on February 26, 2011, the United Nations Security Council unanimously agreed to refer the ongoing situation in Libya to the International Criminal Court, impose an arms embargo on the Libyan Arab Jamahiriya, including the provision of mercenary personnel, freeze the financial assets of Muammar Gadhafi and certain family members, and impose a travel ban on Gadhafi, certain family members and senior advisors;

Whereas Muammar Gadhafi has ruled Libya for more than 40 years by banning and brutally opposing any individual or group opposing the ideology of his 1969 revolution, criminalizing the peaceful exercise of expression and association, refusing to permit independent journalists' and lawyers' organizations, and engaging in torture and extrajudicial executions, including the 1,200 detainees killed in Abu Salim Prison in June 1996;

Whereas Libya took formal responsibility for the terrorist attack that brought down Pan Am Flight 103 over Lockerbie, Scotland, killing 270 people, 189 of whom were U.S. citizens and high-ranking Libyan officials have indicated that Muammar Gadhafi personally ordered the attack; and

Whereas Libya was elected to the United Nations Human Rights Council on May 13, 2010 for a period of 3 years, sending a demoralizing message of indifference to the families of the victims of Pan Am flight 103 and Libyan citizens that have endured repression, arbitrary arrest, enforced disappearance or physical assault in their strug-

gle to obtain basic human and civil rights: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) applauds the courage of the Libyan people
3 in standing up against the brutal dictatorship of
4 Muammar Gadhafi and for demanding democratic
5 reforms, transparent governance, and respect for
6 basic human and civil rights;

7 (2) strongly condemns the gross and systematic
8 violations of human rights in Libya, including vio-
9 lent attacks on protesters demanding democratic re-
10 forms;

11 (3) calls on Muammar Gadhafi to desist from
12 further violence, recognize the Libyan people's de-
13 mand for democratic change, resign his position and
14 permit a peaceful transition to democracy governed
15 by respect for human and civil rights and the right
16 of the people to choose their government in free and
17 fair elections;

18 (4) calls on the Gadhafi regime to immediately
19 release persons that have been arbitrarily detained,
20 to cease the intimidation, harassment and detention
21 of peaceful protestors, human rights defenders and
22 journalists, to ensure civilian safety, and to guar-
23 antee access to human rights and humanitarian or-
24 ganizations;

1 (5) welcomes the unanimous vote of the United
2 Nations Security Council on resolution 1970 refer-
3 ring the situation in Libya to the International
4 Criminal Court, imposing an arms embargo on the
5 Libyan Arab Jamahiriya, freezing the assets of
6 Gadhafi and family members, and banning inter-
7 national travel by Gadhafi, members of his family,
8 and senior advisors;

9 (6) urges the Gadhafi regime to abide by
10 United Nations Security Council Resolution 1970
11 and ensure the safety of foreign nationals and their
12 assets, and to facilitate the departure of those wish-
13 ing to leave the country as well as the safe passage
14 of humanitarian and medical supplies, humanitarian
15 agencies and workers, into Libya in order to assist
16 the Libyan people;

17 (7) urges the United Nations Security Council
18 to take such further action as may be necessary to
19 protect civilians in Libya from attack, including the
20 possible imposition of a no-fly zone over Libyan ter-
21 ritory;

22 (8) welcomes the African Union's condemnation
23 of the "disproportionate use of force in Libya" and
24 urges the Union to take action to address the
25 human rights crisis in Libya and to ensure that

1 member states, particularly those bordering Libya,
2 are in full compliance with the arms embargo im-
3 posed by United Nations Security Council Resolu-
4 tion 1970 against the Libyan Arab Jamahiriya, in-
5 cluding the ban on the provision of armed mercenary
6 personnel;

7 (9) welcomes the decision of the United Nations
8 Human Rights Council to recommend Libya's sus-
9 pension from the Council and urges the United Na-
10 tions General Assembly to vote to suspend Libya's
11 rights of membership in the Council;

12 (10) welcomes the attendance of Secretary of
13 State Clinton at the United Nations Human Rights
14 Council meeting in Geneva and 1) urges the Coun-
15 cil's assumption of a country mandate for Libya that
16 employs a Special Rapporteur on the human rights
17 situation in Libya and 2) urges the U.S. Amba-
18 sador to the United Nations to advocate for improv-
19 ing United Nations Human Rights Council member-
20 ship criteria at the next United Nations General As-
21 sembly in New York City to exclude gross and sys-
22 tematic violators of human rights; and

23 (11) welcomes the outreach that has begun by
24 the United States Government to Libyan opposition

- 1 figures and supports an orderly, irreversible transi-
- 2 tion to a legitimate democratic government in Libya.

