

# Annex II: Letter to the GNU Justice Minister

## HUMAN RIGHTS WATCH

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May 5, 2025

Halima Ibrahim  
Justice Minister  
Ministry of Justice  
Government of National Unity  
Libya

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**Subject:** State of the Judiciary in Libya

Your Excellency,

After greetings,

We write to express our appreciation for the ongoing constructive dialogue with Human Rights Watch and for meeting with researchers in September 2024, in Tripoli, to discuss the state of the judiciary in Libya and challenges to judicial staff. We further write to share key findings of our research and to request additional information.

As you know, Human Rights Watch is an independent nongovernmental organization that monitors and reports on the human rights situation in more than 100 countries. We have conducted extensive research and advocacy on a range of rights issues in Libya for many years, including on conditions in detention, the state of the judiciary, and the need for legislative reform.

Between April and September 2024, Human Rights Watch conducted interviews with officials and judicial personnel in Tripoli, Zawiya, and Misrata. In addition to the meeting with your office, researchers met with the General Prosecutor and with lawyers and judges in Western Libya. They also reviewed and analysed relevant Libyan laws and practices and open-source information.

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Our preliminary research has found that Libya's justice sector is fragmented, and many serious violations and crimes are currently going unpunished. Military courts continue to prosecute civilians while many detainees are held in long-term arbitrary detention and government authorities have only nominal control over many prisons. Libya's penal code and other legislation do not adequately address international crimes and reform of outdated and abusive laws remains elusive. Fair trial rights are not being fulfilled, particularly the right of defendants to meet with lawyers throughout the course of their judicial procedures. Legal professionals, including judges, prosecutors and lawyers, remain exposed to attacks, intimidation, and harassment by armed groups.

The International Criminal Court (ICC) has a mandate to prosecute perpetrators of serious international crimes committed in Libya, and eight individuals are subject to public ICC arrest warrants in the Libya situation. All of them remain at large. The office of the ICC prosecutor further announced in November 2023 its intent to complete investigative activities in Libya by the end of 2025.

It is our practice to give relevant authorities the opportunity to provide information and respond to questions prior to publishing our research. We would appreciate your response to our questions, annexed to this letter. We would be grateful if you could provide us with a response to the questions we raise by May 18, 2025. We will endeavor to reflect timely responses in our published findings and may publish your response in whole or in part.

Thank you for your attention to this important matter. We would also welcome an opportunity to meet with you to discuss our findings further.

Should you have any questions or comments, please reach out to Hanan Salah at [REDACTED]

Respectfully,

Bassam Khawaja

[REDACTED]  
Deputy Director  
Middle East and North Africa Division  
Human Rights Watch  
[REDACTED]

## Annex

### We would appreciate your response to the following questions:

#### Detention

- 1) Has the Ministry of Justice taken any steps to ensure all detention facilities are brought under the direct control of the ministry? If so, please provide details of the steps taken.
- 2) Has the Ministry of Justice taken steps to end long-term, arbitrary detention?
- 3) Has the Ministry of Justice taken any steps to end serious abuses in detention and ensure that viable complaint mechanisms are available in detention centers?
  - a. If so, please provide details regarding the complaint mechanisms provided, the extent of their use, and the outcomes of complaints.
- 4) Has the Ministry of Justice taken any steps to reduce overcrowding and inhumane detention conditions?
- 5) Please provide details of how the Ministry of Justice coordinates release, transfer, and hearings appearances for individuals detained by authorities in the east and south of the country, given such facilities are not under the ministry's direct control.

#### Accountability

- 1) Has the Ministry of Justice taken any steps to ensure that members of the Judicial Police responsible for serious violations are removed from active duty and are held accountable for their crimes?
  - a. If so, please provide details of the number of Judicial Police members removed from active duty, and the outcomes of any investigations or accountability measures taken.
- 2) Has the Ministry of Justice taken any steps to communicate publicly that inhumane treatment and torture will not be tolerated and seek accountability for abuses?
  - a. If so, please provide details of any accountability measures as well as any officers and guards found to have committed abuses or removed from active duty.

#### **Due Process**

- 1) Has the Ministry of Justice taken any steps to ensure fair trial standards and due process rights in conformity with international law? In particular, defendants' right to an adequate defense, to private and unfettered access to legal counsel, to know the charges levied against them, to defend themselves in court, and to access their case file.
- 2) Has the Ministry of Justice taken any steps to ensure a safe work environment for legal professionals including judges, defense lawyers, and prosecutors?

#### **International Criminal Court**

- 1) How is your office ensuring compliance with the obligation of Libyan authorities to fully cooperate with the ICC?
- 2) Please provide details on steps taken by the Ministry of Justice to ensure Libya abides by its obligation to promptly arrest and surrender to the ICC all individuals on Libyan territory subject to ICC arrest warrants.