

# Annex I: Letter to Libya's General Prosecutor

## HUMAN RIGHTS WATCH

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May 5, 2025

al-Siddiq al-Sur  
General Prosecutor  
Libya

Delivery by email:

Reference #: L/102/050525

Subject: State of the Judiciary in Libya

Dear Mr. Al-Sur,

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 Misrata, 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 Justice Minister of the Government of National Unity and with lawyers and judges in Western Libya. They also reviewed and analysed relevant Libyan laws and practices and open-source information.

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

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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 Libya's penal code and other legislation do not adequately address international crimes and reform of outdated and abusive laws remains elusive.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 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 will endeavor to reflect timely responses in our published findings and may publish your response in whole or in part.

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

- 1) In the absence of a comprehensive legislative reform, has your office taken any measures to suspend application of laws, or parts of laws, that violate international law or the 2011 Libyan Constituent Covenant?
  - a. If so, please provide details of any laws for which your office has suspended application thereof.
- 2) Has your office taken any measures to ensure fair trial standards and due process rights in line with international law are being applied?
- 3) Has your office taken any action to ensure the release all those held in arbitrary detention without a legal basis?
  - a. If so, please provide details of steps taken and anyone released as a result.
- 4) Has your office taken any action to end military trials of civilians?
- 5) Has your office taken any action to issue a moratorium on court-issued death sentences or corporal punishments, including floggings?
  - a. If so, please provide details of any moratoriums issued.
- 6) Has your office taken any action to ensure international humanitarian organizations with a detention mandate have regular and unfettered access to all places of detention?

- 7) How is your office ensuring compliance with Libyan authorities' obligation to fully cooperate with the ICC?
- 8) Please provide details on any steps taken by your office to promptly arrest and surrender to the ICC all individuals on Libyan territory subject to ICC arrest warrants.

Thank you for your attention to this important matter. We would be grateful if you could provide us with a response to these questions by May 18, 2025. 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]