

دولة ليبيا
حكومة الإنقاذ الوطنى
وزارة العدل



التاريخ : 2016/12/16

الرقم الإشاري : 653.48.4

A memorandum of protest regarding the work of the Commission of inquiry on Human Rights Council at its twenty-eighth session to investigate human rights violations in Libya starting from 2014 in which operated its work in Republic of Tunisia

Mr. Secretary-General of the United Nations .

Mr. President of the United Nations Security Council.

Gentlemen - The Human Rights Council of the United Nations.

Mr. -The High Commissioner for Human Rights, UN.

Mr. Head of the UN team to support in Libya.

Mr. President of the Human Council of the European Union.



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Follow through the Ministry of Justice in the Government of National Salvation Committee investigation of the Human Rights Council, which was formed throughout the recommendations issued at the twenty-eighth session of the Human Rights Council, which is mandated to investigate violations in Libya since 2014, as the Ministry had earlier continued with the Committee referred to by e-mail reassure and willingness to communicate with and provide services by the Ministry that would facilitate their work and help them to be successful in this task in appropriate way that Identified by the Committee without interfering in the work of the Ministry, but our message did not find a response from the Committee due to the negative attitude toward working and dealing with the Ministry of Justice, not to mention what proposed by many civil society organizations reports to the Ministry of Justice regarding the work of the Commission and its mechanisms and lack of impartiality and lack of necessary means to disclose the facts in order to achieve their objectives, these organizations have revealed many charge adaptor on the work of the Committee which existed in the Republic of Tunisia, which has done its work in accordance with useless and ineffective mechanisms, and that's according to the followings:

- 1- Due to the lack of communication with the Government of national salvation and to cooperate with it, and the lack to communicate with many civil society organizations working in the field of human rights, which has a lot of files and documents which considered as an important source and assist for the expected outcome.
- 2- Despite the extension of the work of the Committee on the Human Rights Council of memorandums of protest, this was not enough time to monitor and collect and complaints concerning violations of human rights, we believe that this time is insufficient to monitor and complaints of human rights violations.
- 3- Note the lack of seriousness of the Commission's work and that's due to the existence of the committee at the territory of the Republic of Tunisia and claim the assignment of files and witnesses and documents to its location in Tunisia gives the impression that the Committee will communicate the results and concrete reality of the human rights situation



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in Libya and the violations concerned the Committee monitored, It would be more useful and logical to present on Libyan soil in the cities of the East and West and South for direct communication with victims and monitor the devastation of some acts that are in violation of international human rights law and international humanitarian law, in particular And constitute crimes against humanity and war crimes.

4- The mechanisms established by the Commission to communicate with victims and witnesses through the adoption on the Web is not the right way to be followed to establish the facts so that these means are also obstacles to access to the fact a lot of violations, where most of the victims do not know how to use the technical means and also the difficulty of guidance for how to use them, and that many victims do not have full confidence in dealing with such means for sensitive files and violations of secrecy and fear of leaks, such as sexual violence and violations that are The reason for the illegal actions towards them, it was incumbent on the Committee to communicate directly with victims and witnesses over the Libyan soil in places of violations .

5-The Commission did not contribute to the access of victims and witnesses to its headquarters in Tunisia of travel and accommodation and other and insisting that all at the expense of those persons, which facilitate and bear the costs of travel and accommodation to victims and witnesses of the files chosen selective non-objective under systematic focus of files without the other, so refrained from communicating with certain witnesses and victims and opened its doors to some but not others , So refrained from communicating with certain witnesses and victims and opened its doors to some of the other, which lose their neutrality and impartiality and transparency and exceeded the basis of which the Commission found for of the recommendations issued at the twenty-eighth session of the Human Rights Council in operative paragraphs18- 19- of th25 January 2015.

6- To request transfer of victims and witnesses to the Commission's headquarters in Tunisia and they abound, despite security problems and the failure of the Commission to be in Libya despite security assurances from the stakeholders responsible for the



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Committee's work in Libya put in doubt and suspicion of indifference to the safety of victims and witnesses, noted that many witnesses and victims did not communicate with the Committee for the fear of being targeted from working on non-arrival testified and testified to the Committee before the lack of a responsible party to secure their lives and protect them from any danger threatened Thereby stigmatizing the palaces, note that several human rights organizations have come to Libya and conducted investigations over Libyan soil during the same duration as the organization Human Rights Watch, as well as the presence of numerous personalities representing the United Nations Libyan soil as its Secretary General and head of its mission in Libya, which demonstrates the invalidity Committee's claim that the poor security situation was an impediment to their presence on Libyan soil.

7- The Government of national salvation, in the framework of transparency and in order to monitor human rights violations and stop them and expose all the persons and groups who, by whoever, as part of its commitment to international conventions on human rights and effective participation with the United Nations Human Rights Council-Libya, State service and the establishment of the rule of law and justice, had hoped to cooperate with the Committee and create all possible ways for the Committee to function properly , But that the Committee had been unhappy with all of that which will make its reports to the Security Council are inconvenient.


Mustafa E.M. Elgelaib

The Minister of justice in the Libyan Government



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Copy to:

Mr. President of the General National Congress

Mr. President of the Legislative Committee and Human Rights

Mr. President of the Government of National Salvation

Mr. Minister of Foreign Affairs in the Government of National Salvation

Mr.- Minister of Interior in the Government of National Salvation

Mr. Minister of Defense in the Government of National Salvation

Mr. Minister of culture in the Government of National Salvation

Mr. President of the National Council for civil liberties and human rights

Mr. Commission of inquiry on human rights violations in Libya beginning from 2014 and of the United Nations Human Rights Council.

