

ANNEX 3

Public

Statement by Justice Minister of Libya Salah Marghani

about Libya Chapter of HRW World Report 2013

06 February 2013

The Ministry of Justice acknowledges receipt of the HRW 2013 World Report and specifically the Libya chapter thereof. The Ministry is very grateful for HRW's observations.

The Ministry expresses grave concern about the recorded human rights abuses in 2012 and unequivocally condemns such evil practices. The Ministry feels very saddened that the new Libya has so far failed expectations of the Libyan people who revolted against the tyranny of the Gaddafi regime in the hope that the new Libya would never allow Human rights abuses unchecked. The Ministry still hopes that this will change and change soon.

The Ministry of Justice does not contest the report's findings, but it wishes to highlight a number of points that aim at ending or drastically reducing such unacceptable practices through a number of measures under the government work plan that sets a goal of having Libya as a country of the rule of law, justice and respect of human rights. Such measures consists, *inter-alia*, of:

- a. Raising awareness amongst the rebels, security forces and other armed groups, as well as the general public and organizations, of the grave consequences of such violations of human dignity, body and basic human rights.
- b. Recording and investigating abuses leading to prosecution and accountability of serious abuses in the future. The Ministry admits that the level of prosecution and holding perpetrators accountable currently are still at a level that is too low and unacceptable and declares its intention to change that.
- c. The Ministry has embarked on a policy that includes taking the necessary measures to end all violations and bring detention places under actual and full control of the judicial police. In this regard, the Ministry aims to (i) take control of all detainees in Misurata through a special arrangement that involves the creation of a new correction facility at the Aviation Academy, which will be under the full control of the judicial police. This exercise should be completed by May 15th 2013. The model of Misurata shall be applicable in all other areas, as

well as transferring 24 prosecutors from Eastern Libya to Misurata. (ii) Training thousands of new recruits to the judicial police to allow for using the judicial police to control judicial facilities. (iii) Taking over all detention centers in Libya and criminalizing detentions outside the control of the Ministry of Justice. The model of Misurata shall be applicable in all other areas.

d. Issuing laws on transitional justice, prohibiting trials of civilians in front of military courts and preventing torture, which would promote reconciliation. This would allow fact-finding reparations and trials in relation to the grievances suffered by the Libyan people during the tyranny of Gaddafi and other sufferings and injustices during the transitional period, as well as trials without compromising international standards.

e. The Ministry is following its work plan from Dec 2012 to Feb 2014 as published on the Ministry website.

Cooperating with activists and human rights societies is central to the Ministry's policies and giving them open authorizations to visit prisons any time.

Finally, we assure you that the Libyan government in general and the Ministry in particular have no illusions about the challenges of its declared mission to turn Libya into a country with the rule of law and respect for human rights. We firmly believe that this is achievable due to the support that the government enjoys among the Libyan people, as evidenced by the drop of reported torture and deaths under torture in the first month of 2013, as well as the gradual taking over of detention centers.

Salah Marghani

Minister of Justice