

**Mandates of the Working Group on the issue of discrimination against women in law and in practice; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on violence against women, its causes and consequences.**

REFERENCE: AL  
LBY 2/2014:

10 July 2014

Dear Mr. Elgannas,

We have the honour to address you in our capacity as Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 23/7, 24/5, 25/18, 17/5, and 23/25.

In this connection, we would like to bring to the attention of your Government information we have received concerning Ms. **Salwa Bugaighis**. Ms. Bugaighis was the co-founder of the Libyan Women's Platform for Peace and was the vice-chair of the Preparatory Commission for the National Dialogue. As a female member of the National Transitional Council, Ms. Bugaighis also advocated for the inclusion and participation of women in all sectors of society and all aspects of life.

According to the information received:

On 25 June 2014, Ms. Salwa Bugaighis was shot in the head and stabbed multiple times by unknown assailants in her home in Benghazi. Ms. Bugaighis was brought to a hospital where she died of her wounds.

In addition the husband of Ms. Salwa Bugaighis, Mr. Issam Bugaighis, who was reportedly with his wife when she was assaulted, has been missing since this attack. He is thought to have been abducted by the perpetrators. Mr. Bugaighis is a member of the Benghazi municipal council.

The assassination of Ms. Bugaighis happened on the day of the country's second parliamentary election since the revolution. It is reported that since the 2011 revolution, the east of Libya, and in particular the major city of Benghazi, has

been the scene of increasing attacks targeting notably human rights defenders and political figures.

Grave concern is expressed that the killing of Ms. Salwa Bugaighis may be directly related to her peaceful and legitimate human rights activities. Further concern is expressed about the security and physical and psychological integrity of Mr. Issam Bugaighis, and more generally, of other human rights defenders and political activists in Libya.

In connection to the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Has a complaint been lodged on behalf of Ms. Bugaighis?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide the full details of any prosecutions which have been undertaken in relation to this case.
5. In connection with the above, please provide information about what measures have been taken to ensure the physical and psychological integrity of human rights defenders in Libya.
6. Please indicate whether compensation will be provided to the family of the victim.

We would appreciate a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Mr. Elgannas, the assurances of our highest consideration.

Frances Raday  
Chairperson-Rapporteur of the Working Group on the issue of discrimination against  
women in law and in practice

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst  
Special Rapporteur on the situation of human rights defenders

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Rashida Manjoo  
Special Rapporteur on violence against women, its causes and consequences

**Annex**  
**Reference to international human rights law**

In connection with above, and without prejudice to the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards.

We would like to refer to article 3 of the Universal Declaration of Human Rights and article 6 (1) of the International Covenant on Civil and Political Rights (ICCPR), acceded by Libya on 15 May 1970, which provides that every individual has the right to life and security of the person, that this right shall be protected by law, and that no person shall be arbitrarily deprived of his or her life. Additionally, in its General Comment No. 31, the Human Rights Committee recalls the responsibility of State parties to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice or redress the harm caused by non- state actors (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18). Moreover, the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 9, stress the obligation to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions.

Moreover, we would like to refer to the rights to freedom of peaceful association as set for in Article 20 of the Universal Declaration of Human Rights and in article 22 of the ICCPR.

We would also like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to highlight articles 1, 2, and 12.

We would also like to refer your Excellency's Government to the relevant provisions of the Convention on All Forms of Discrimination against Women (CEDAW), ratified by Libya on 16 May 1989, including article 2, which condemns all forms of discrimination against women; and article 7, which requires the adoption of all appropriate measures to eliminate discrimination against women in all matters relating to the political and public life of the country.

In addition, we consider pertinent to make reference to article 4 (c &d) of the United Nations Declaration on the Elimination of Violence against Women, on the responsibility of States to exercise due diligence to prevent, investigate and, [...] punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. In this sense, we also refer to General Recommendation No. 19 (1992) by the Committee on the Elimination of Discrimination against Women.

In this context, we would also like recall paragraph 65 of the thematic report of the Working Group on Discrimination against Women in Law and Practice on

participation in public life (A/HRC/23/50), where the Working Group has noted that “women defenders are often the target of gender-specific violence” which “is sometimes condoned or perpetrated by State actors.”

We further recall paragraph 23 of the Agreed Conclusions of the Commission on the Status of Women adopted in March 2013 (E/2013/27- E/CN.6/2013/11), where the Commission has also expressed its deep concern about violence against women and girls in public spaces, when it is being used to intimidate women and girls who are exercising any of their human rights and fundamental freedoms.