Re: Concerns regarding the killing of Mrs Salwa Bugaighis, a human rights lawyer

Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it also has observer representatives from a further thirteen European countries’ bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE expresses its profound shock over information that we have received that Mrs Salwa Bugaighis, a human rights lawyer, was shot dead inside her home in Benghazi by a group of unidentified men wearing military uniforms. According to reports, on 26 June 2014, five unknown gunmen came to Mrs Salwa Bugaighis’ home, asked about her son Wael, then shot her security guard in the leg before storming the house. Salwa Bugaighis was shot and stabbed multiple times and died of her wounds. The whereabouts of her husband, who was present at the time of the attack, are unknown. It is assumed that her husband was abducted by these gunmen whose identity is still unknown.

The shooting took place shortly after Salwa Bugaighis cast her vote in the national parliamentary elections. She and her husband came to Benghazi from Tripoli to vote and, during a television appearance earlier that day, Salwa Bugaighis spoke about gunfire in her neighbourhood after militants attacked members of the military who were protecting the polling station. In addition, one month before the shooting, Salwa Bugaighis reported that her son was the victim of an assassination attempt while driving her car. She believed that she was the intended target of the attack, her family having been forced to move to Jordan due to death threats she has received in the past.

Salwa Bugaighis was a human rights lawyer, advocating for women’s rights, and a former member of the National Transitional Council (NTC). She also played an active role in the 2011 uprising against Colonel Gaddafi. She was known for opposing armed militias and radical Islamic extremists.

In this context, the CCBE wishes to draw to your attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

1. Lawyers shall be devotees of the advance of their client’s cause, bearing in mind the importance of a just and efficient legal system.
2. Lawyers shall be committed to the ethical and professional standards of their profession.
3. Lawyers shall act in the best interest of their clients, within the parameters of the law, and shall protect the rights and interests of their clients.
4. Lawyers shall not engage in any activity that might impair their professional judgment or their ability to provide effective representation.
5. Lawyers shall be held accountable for their actions and shall be subject to discipline for violations of the ethical and professional standards of their profession.
6. Lawyers shall be bound by the rules of professional ethics and shall be subject to disciplinary action for violations of those rules.
7. Lawyers shall be committed to the protection of the rights of their clients, including their right to a fair trial, and shall take all necessary steps to ensure that their clients receive fair treatment in the legal process.
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In conclusion, the CCBE wishes to express its deepest condolences to the family of Mrs Salwa Bugaighis and to all those who have been affected by this tragic event. The CCBE calls for a thorough and impartial investigation into the circumstances of this killing, and for justice to be done for Mrs Bugaighis and her loved ones.

Yours sincerely,

[Signature]

President Nouri Abusahmain
General National Congress of Libya
Tripoli, Libya

Brussels, 4 July 2014
Article 16 states that:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Moreover Article 17 states that:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

In view of the above, the CCBE condemns in the strongest terms the killing of Mrs Salwa Bugaighis and respectfully urges your Excellency to launch a full and impartial investigation into her killing with a view to bringing those responsible to justice in accordance with international standards. The CCBE also asks you to take all necessary measures to guarantee in all circumstances that lawyers in Libya are able to carry out their legitimate activities without fear of reprisal and restrictions.

Yours sincerely,

Aldo BULGARELLI
CCBE President