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Report of the Working Group on the Universal Periodic Review

Libya

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review***

* The present document was not edited before being sent to the United Nations translation services.

1. Libya should like to express its profound appreciation to the Working Group, the troika and the Human Rights Council secretariat for their efforts. It should also like to thank the Human Rights Council and the Universal Periodic Review Unit for demonstrating considerable flexibility and understanding with regard to the situation in Libya last year. The Libyan people staged a revolution that sent shockwaves throughout the land, and that succeeded, by the grace of God, thanks to the sacrifices of Libyan youth and with the help of the international community, in toppling a tyrannical dictatorship that had violated human rights and trampled upon human dignity for 42 terrible years.
2. Libya participated in the universal periodic review on 9 November 2010; at the time, the country was still under the heel of the dictatorial regime.
3. The review yielded the following results:
 - (a) Sixty-six recommendations were accepted;
 - (b) Thirty recommendations were forwarded for consideration by the authorities;
 - (c) Twenty-four recommendations were rejected.
4. Following on from the success of the glorious revolution of 17 February, Libya has taken meaningful action to promote and protect human rights and fundamental freedoms. In order to prepare the replies of Libya to the Working Group's report (A/HRC/16/15), a committee was set up under the chairmanship of the Ministry of Foreign Affairs with members representing relevant ministries, notably the Ministry of Justice and the Ministry of the Interior. Consultations were held with the recently established National Council for Human Rights and Fundamental Freedoms and with members of civil society to review the Working Group's recommendations as contained in paragraph 95 (pending) and paragraph 96 (rejected by the former regime) of the report.
5. The present report, which is being submitted to the Human Rights Council for adoption at its nineteenth session, is based on the work and consultations carried out by the committee. The report marks a singular transformation, inasmuch as the largest possible number of recommendations, including those rejected by the dictatorial regime, are now accepted. This is evidence that the new Libya is committed to promoting and protecting human rights, fundamental freedoms and human dignity.
6. Based on the foregoing, Libya should like to submit herewith its replies concerning the recommendations of the Working Group on the Universal Periodic Review as contained in document A/HRC/16/15.
7. Recommendations in paragraph 95 of the document:

- Recommendations 95.1–95.6

These recommendations were made by the delegations of Egypt, Iraq, Chad and Japan. In this connection, article 7 of the Constitutional Declaration of 3 August 2011 provides that the State is required to accede to all international and regional human rights treaties and charters. Libya therefore accepts these recommendations, pending the election of a national parliament, the adoption of a constitution and the establishment of constitutional institutions. The Constitutional Declaration already recognizes the legal right of asylum and states that it is prohibited to extradite political refugees.

- Recommendation 95.7

Libya accepts this recommendation by the delegation of Algeria. The National Council for Human Rights and Public Freedoms, which was established by Act No. 5 of 2011, has legal personality and enjoys financial independence. Its members must be independent and actively involved in the human rights domain. These requirements are consistent with the Paris Principles. The Council has held several meetings to develop a

future vision and a plan of action for the institution. It is now entering into cooperation arrangements with its counterparts in other countries to provide for exchanges of experiences and information that will help it to carry out its work. This work requires it to advise the Government, encourage it to strengthen human rights and to accede to relevant international treaties, and to organize seminars and training courses to raise awareness of human rights. The Council will submit an accreditation application to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) once it has met the Committee's eligibility conditions. The Council hopes to receive accreditation "A" status.

- Recommendation 95.8

Libya accepts this recommendation from the delegation of Mexico but without prejudice to the provisions of the sharia on divorce and inheritance. Article 11 of Act No. 24 of 2010 recognizes the right of women to transmit their nationality to their children. As for the role of women, article 6 of the Constitutional Declaration issued on 3 August 2011 states that all citizens, both women and men, have equal civil and political rights and enjoy equality of opportunity without discrimination on grounds of sex. Women play a major role in Libyan society, a role that is no less important than that of men. Women supported the 17 February revolution and assisted the revolutionaries in the battle to rid Libya of the dictatorship. Libyan women have taken up positions in the Interim National Council and in the interim Cabinet of the new administration. Efforts are under way to devise a national strategy to secure the advancement of women in the political, social, economic and cultural spheres and to enable women to play their part in society on the basis of equality with men.

The Ministry of Social Affairs is furthermore developing a rehabilitation programme for women who were subjected to violence, forced displacement and rape during the 17 February revolution in which the Libyan people toppled the tyrannical and dictatorial regime. A committee chaired by the Ministry of Social Affairs was set up to oversee the programme, and proposals were made on legal measures that could be adopted to ensure that these women can enjoy a dignified and normal life.

- Recommendations 95.9–95.12

Libya accepts these recommendations from the delegations of Brazil, France, Switzerland and Slovakia. It is committed to promoting human rights at home and to working with the United Nations and its various bodies, particularly the General Assembly and the Human Rights Council through its various mechanisms. Thus, just as soon as a national parliament is elected next June, a constitution has been adopted and constitutional institutions have been established, Libya will issue an open invitation to all the special procedures mandate holders to come and visit the country. Indeed, invitations have been sent to some of the special procedures already.

- Recommendations 95.13–95.21

Libya accepts in principle these recommendations from the delegations of Mexico, Brazil, the Czech Republic, Slovakia, France, Australia and Switzerland. It will endeavour to curb the use of the death penalty outside the framework of the sharia. It accepts in principle the first part of recommendation 95.19, submitted by the United Kingdom delegation. However, the second part refers to a subject that is a thing of the past. The Libya that emerged from the 17 February revolution disavows false claims of the tyrant in the Great Green Document on Human Rights, which, it would be more accurate to describe as the document on infringing people's rights, a document that the defunct regime used to mislead the world. Under cover of this document, human rights were violated in Libya, Libyans were executed throughout the 1980s and 1990s and all through the past 10 years. No fewer than 1,270 persons who were the flower of Libyan youth were killed in the notorious massacre at Abu Salim prison of which the Human Rights Council and the

international community are well aware. The dictatorship used the document to mask the war that it waged against the defenceless Libyan people who came out on to the streets to peacefully demand their rights in the second half of February 2011.

- Recommendation 95.22

Libya accepts this recommendation by the delegation of Australia. The doors of Libyan prisons have been opened for visits from international humanitarian agencies. Several agencies have been able to conduct regular prison visits and have seen for themselves the scale of the crimes that the dictatorship perpetrated against the Libyan people over a period of more than four decades.

- Recommendations 95.2 and 95.23

Libya accepts in principle these two recommendations from the delegations of Iraq and the United Kingdom. Pending the election of a national parliament next June, the adoption of a constitution and the completion of work on the establishment of constitutional institutions, the authorities will consider possible accession to international human rights treaties and other instruments to which Libya is not yet a party. The new Libya will make sure that all those who committed crimes against the Libyan people during the time of the defunct regime and who committed violations against Libyans' human rights, dignity and right to a life of freedom such as God intended are brought to court where they will receive a fair trial conducted in accordance with international norms, international human rights law and the applicable domestic laws.

- Recommendations 95.24 and 95.25

Libya has no objection to either of these two recommendations by the delegations of the Czech Republic and of Switzerland. In fact, the Libyan Criminal Code does not allow for the use of any form of corporal punishment.

- Recommendation 95.26

Libya fully accepts and endorses this recommendation from the delegation of Australia. One of the priorities for Libya in this post-revolutionary phase is to reveal the facts about the terrible crime that the defunct regime committed at Abu Salim prison, a crime that is an affront to humanity and a flagrant violation of human rights. It is our duty to inform the world about this episode so that everyone will understand the magnitude of the heinous crimes by the dictatorship against the Libyan people. In this connection, one of the priorities for the newly established Ministry for Martyrs and the Wounded will be to address this human tragedy. All the victims have been registered and a number of mass graves containing the remains of victims have been discovered. The courts will look into the matter and will dispense justice transparently, impartially, honestly and independently.

- Recommendation 95.27

With regard to this recommendation from the delegation of Canada, Libya should like to explain that marriage, divorce and inheritance are matters that have been regulated by Islam for 1,400 years. These are matters on which there is complete consensus. A marriage can only be concluded with the freely given consent of both parties and on the basis of a mutually acceptable contract. According to the Koran, a divorce may only be pronounced twice; thereafter (a woman) must be retained in honour or released in kindness. What fine words these are! It should be noted that Libyan law affords women rights that many women in other parts of the world do not enjoy.

- Recommendation 95.28

With regard to this recommendation from the delegation of the Czech Republic, Libya should like to underscore its commitment to meeting its obligations under all the

international instruments to which it is a party and to fulfilling their requirements. We live in a diverse world and it is diversity that enriches human civilization. In a Muslim country like Libya, which has its own culture, traditions and customs and which respects the culture of others, marriage is regulated by the sharia and domestic legislation and engagement in sexual relations outside of these two frameworks is prohibited.

- Recommendation 95.29

Libya accepts this recommendation from the United States delegation and thanks it for submitting it. Libya wishes to highlight that it has already taken action to follow up on this recommendation on the ground. The door is now open for the establishment of a free and independent press. More than 300 weekly and daily newspapers have been established in Libya since the revolution and they are able to discuss political, economic and social affairs independently and freely. The laws that muzzled the press are now a thing of the past; they have gone the same way as those who created them and used them to curb the freedom of the Libyan people for decades.

- Recommendation 95.30

Libya accepts this recommendation by the delegation of Brazil and should like to explain that article 15 of the Constitutional Declaration of 3 August 2011 recognizes the freedom to establish political parties, freedom of association and freedom of peaceful assembly. Libya has seen an unprecedented level of activity in this area, compared to the situation that obtained under the dictatorship when it was considered a crime to exercise these legitimate rights and anyone who even referred to them was arrested, imprisoned and, in many cases, executed.

8. Determined as it was, following the victorious 17 February revolution, to promote respect for human rights and fundamental freedoms and to provide the means for the enjoyment of these rights in keeping with the Charter of the United Nations, the Universal Declaration of Human Rights, international human rights law and the Libyan Constitutional Declaration, Libya reviewed the recommendations contained in paragraph 96 of the Working Group's report that were rejected by the defunct regime. The outcome of the review was as follows:

- Recommendations 96.1-96.5

Libya accepts these recommendations from the delegations of Iraq, France, the Republic of Korea, the United States and Canada. The Constitutional Declaration recognizes the right of asylum, in accordance with the law, and prohibits the extradition of political refugees. As mentioned above, Libya will furthermore consider the possibility of acceding to the international human rights instruments to which it is not yet a party once a national parliament has been elected next June, a constitution has been adopted and constitutional institutions have been established. This is a voluntary pledge by Libya.

- Recommendations 96.9-96.11

Libya agrees with these recommendations by the delegations of Canada, the United Kingdom and Switzerland. As stated above, all those who infringed the fundamental rights of the Libyan people over the past four decades will be prosecuted and duly punished in the framework of a fair trial conducted by an independent and impartial court, in which all international due process guarantees will be afforded. One of the main priorities for the new Libyan State is to throw light on the events surrounding the massacre at Abu-Salim in 1996 and to identify the culprits. The international community and the United Nations will be informed about the developments in this case. As for the recommendation by the Swiss delegation, the authorities in the new Libya are aware of the violations committed by the former regime against two Swiss citizens in the case involving the dictator's son. This whole episode illustrates just how brutal and arrogant the person who headed the regime

and his sons were and the contempt that they showed for human rights not just in Libya but also in other countries.

- Recommendation 96.12

Libya accepts this recommendation from the delegation of Canada, which it should also like to thank. The special courts that the dictatorship used to curb the freedoms of the Libyan people no longer exist; they were abolished pursuant to article 32, paragraph 2, of the Constitutional Declaration. Libya has also abolished the so-called State Security Court and the People's Prosecution Service and has repealed all the laws on the establishment of special courts.

- Recommendations 96.14 and 96.15

The circumstances that prompted the delegations of the United States and the Czech Republic to make these recommendations disappeared with the fall of the tyrannical and oppressive regime which kept the Libyan people down for over 40 years. The Libya that emerged from the 17 February revolution is determined to establish a good reputation for itself on the regional and international stage and to gain the confidence of the international community by demonstrating its respect for human rights, its willingness to cooperate with the Human Rights Council and its procedures and with the United Nations, its agencies and programmes and international and regional organizations. It hopes to establish constructive dialogue with all States on the basis of mutual respect, shared interests, non-interference in the internal affairs of States and respect for national sovereignty.

- Recommendation 96.16

Libya accepts this recommendation by the delegation of France. Freedom of expression is guaranteed pursuant to the Constitutional Declaration, as is freedom of association. All the restrictions on freedom of the press that were imposed by the former dictatorial regime have now been lifted. The use of the Internet, which the defunct regime attempted to curb, has greatly increased since the 17 February revolution.

- Recommendations 96.17–96.20

Libya accepts these recommendations by the delegations of Mexico, Australia, Canada and Slovakia. The recommendations refer to matters covered in voluntary pledges made by Libya. A bill regulating the establishment of civil society associations and organizations has been submitted for consideration. All the restrictions that the former regime imposed on civil society have been removed. A special committee was set up at the Ministry of Labour to draft a bill on the establishment of trade unions in keeping with the international instruments to which Libya is a party. The laws of the dictatorial regime which criminalized membership of a political party and the establishment of associations have now been abolished.

- Recommendations 96.21–96.24

Libya accepts in principle these recommendations from the delegations of Mexico, Poland, France and Brazil. The State will have to examine them after constitutional institutions have been put in place.
