



PRESS RELEASE

For immediate release
April 25, 2013

The New Libyan Law Criminalising Torture, Enforced Disappearances and Discrimination: A first step, but more is needed

The Libyan General National Congress (GNC) adopted the Law Criminalising Torture, Enforced Disappearances and Discrimination on 9 April. Lawyers for Justice in Libya (LFJL), REDRESS, DIGNITY – Danish Institute Against Torture (DIGNITY), and the World Organisation Against Torture (OMCT) welcome the GNC’s initiative to provide a legislative framework for the prohibition and criminalisation of some of the most serious crimes, including torture and enforced disappearances. However, the organisations remain concerned that the provisions of the new law do not fully conform with Libya’s international obligations.

LFJL, REDRESS, DIGNITY, and OMCT submitted their preliminary comments on an earlier draft of this law to the GNC on 26 March, where they raised detailed concerns with regard to the torture aspects of the draft legislation (a full version is available [here](#)). The organisations recognise that the draft has since undergone some changes resulting in the enacted version, without, however, addressing the principal concerns. Whilst the intention of the draft law to tackle the three categories of human rights violations was encouraging, their inclusion in the same piece of legislation fails to reflect their distinct characteristics and risks confusing or oversimplifying the specific obligations they impose.

More specifically, the organisations are concerned that several aspects of the definition of torture under Article 2 of the new law are not aligned with the definition provided for under Article 1 of United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), to which Libya is a State Party. This results in a narrowing of the scope of its application, such as by restricting torture to acts committed against detainees. It therefore fails to provide a sound basis on which to build a comprehensive anti-torture framework. The new law also does not enshrine the prohibition of deporting, extraditing or otherwise transferring a person to a state where there are substantial grounds for believing that he or she would be subject to torture.

The organisations welcome the amendments made to the draft law, particularly the removal of “collateral sanctions” in the form of “disenfranchisement of his civil political rights”, but urge Libyan lawmakers to consult further with relevant stakeholders and to consider comparative worldwide experiences whilst drafting legislation.

LFJL Director Elham Saudi noted, “Whilst the law is a valuable first step, the complexity, on-going, and endemic nature of these human rights violations means that there can be no quick fixes to these problems. The adopted legislation may be ineffective in combating torture and result in uncertainties regarding its applicability.” She added, “Care must be taken to ensure that such legislation forms an integral part of existing laws recognising torture as a criminal offence in the penal code. It should also be unequivocal in stipulating its legal effect including the repeal of the amnesty granted under Article 4 of Law 38 of 2012.”



LFJL, REDRESS, DIGNITY, and OMCT urge the GNC to continue its efforts towards creating a comprehensive anti-torture framework. They recommend that the GNC addresses the issues detailed in the formerly submitted preliminary comments, and express their readiness to engage constructively with the GNC in order to progress these changes.

Contacts for media queries:

LFJL: Mariam Elhadri, Coordinating Officer / Phone: +44 (0) 20 7242 5071
Email: info@libyanjustice.org / Languages: Arabic, English

DIGNITY: Anders Bernhoft, Head of Press / Phone: + 45 2252 8657
Email: ab@dignityinstitute.dk / Languages: English, Danish

REDRESS: Eva Sanchis, Communications Officer / Phone: +44 (0) 20 7793 1777
Email: eva@redress.org / Languages: English, Spanish

OMCT: Currun Singh, MENA Advisor / Phone: +216 7132 2561 /
Email: cs@omct.org / Languages: English, French, Arabic