



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/LBY/Q/4
16 August 2007

Original: ENGLISH

HUMAN RIGHTS COMMITTEE
Ninetieth session
Geneva, 9-27 July 2007

**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE
CONSIDERATION OF THE FOURTH PERIODIC REPORT OF LIBYAN
ARAB JAMAHIRIYA (CCPR/C/LBY/4)**

**Constitutional and legal framework within which the Covenant is implemented
(art.2)**

1. Please clarify whether the provisions of the Covenant prevail over those of domestic legislation, including the constitutional provisions and the Green Document on Human Rights adopted in 1988 (State party's report, paras. 4 and 5).
2. Please indicate what mechanisms are in place to give effect to the Committee's Views, including its Views regarding Communication No. 1107/2002 (*Loubna El Ghar v. Libyan Arab Jamahiriya*) and Communication no. 440/1990 (*Youssef El-Megreisi v. Libyan Arab Jamahiriya*).

**Equal rights of men and women, privacy and measures to prevent discrimination
(arts. 3, 17 and 26)**

3. Please indicate what measures have been adopted to address violence against women, including domestic violence and rape. Please provide recent statistics on violence against women, including the rates of prosecution and conviction, and the average sentences, penalties and compensation to the victims.
4. In the light of reports that women and girls are accused or have been convicted of having violated Law 70 of 1973 criminalising extramarital sexual relations, does the State party envisage abolishing this law? Under this law, please explain why women are detained in so-called social rehabilitation facilities and provide information on the detention conditions of these women. How does the State party justify that the practice

under Law 70 of 1973 is compatible with the Covenant? Would the State party envisage abolishing the practice of forcing detained women and girls to undergo virginity examinations?

5. Please indicate if any steps have been taken to ensure the equal rights of men and women in the area of inheritance (previous concluding observations of the Human Rights Committee (CCPR/C/102/Add.1), para.17).

6. Please indicate if any steps have been taken to ensure the equal rights of men and women in the area of divorce (previous concluding observations of the Human Rights Committee, para.17).

Counter terrorism measures and respect of Covenant guarantees

7. Please provide information on existing counter -terrorism related laws in the State party and their compatibility with the Covenant. Information should include, inter alia, the definition of terrorism, any derogations from ordinary law which are enacted in existing counter-terrorism legislation or may otherwise raise issues under the Covenant.

Right to life, prohibition of torture and cruel, inhuman or degrading treatment and protection against arbitrary expulsion (arts. 6, 7 and 13)

8. Please provide information on the number of executions which have taken place in the last five years, the type of offences for which the death penalty has been imposed, and the manner in which the execution has been carried out (previous concluding observations of the Human Rights Committee, para. 8). Please provide information on the precise list of offences for which the death penalty can be imposed under the draft penal code (State party's report, para. 7).

9. As envisaged by the eighth principle of the Great Green Document (State report, para.7), when does the State party intend to abolish the death penalty in its legislation? In addition, is the State party considering the ratification of the Second Optional Protocol to the Covenant?

10. Please provide statistics for the last five years about disappeared persons, cases of extrajudicial, arbitrary or summary executions and about persons kept under detention without charge, in situations of indefinite detention without trial or following acquittal by courts (previous concluding observations of the Human Rights Committee, para.7).

11. How does the State party monitor the treatment of all prison detainees and ensure that all cases of alleged torture or ill-treatment are investigated by an impartial body, that the results of such investigations are published, that officials responsible for torture and ill-treatment are prosecuted and, if convicted, severely punished, and that compensation is given to the victims (previous concluding observations of the Human Rights Committee, para.10)?

12. Please provide information on steps taken to abolish the imposition of flogging or amputation as a penalty for certain criminal offences (previous concluding observations of the Human Rights Committee, para.11).

13. Please provide information on the conditions of foreigners, especially refugees and asylum seekers, including on steps to monitor conditions in all migration detention facilities. Please also indicate what steps are envisaged to establish mechanisms allowing foreign nationals to challenge the legality of their detention and/or expulsion decision.

14. Please specify if and to what extent the *qisas* and the *diyah* are compatible with the Covenant.

**Security of the person and the right not to be subjected to arbitrary detention
(art.9)**

15. In the light of reports that the average length of pre-trial detention is often protracted, please indicate what steps have been taken to reduce the length of such detention and improve judicial oversight of the lawfulness and necessity of their detention (previous concluding observations of the Human Rights Committee, para.13).

16. In the light of reports that some detainees have been held incommunicado for long periods of time, please indicate what steps have been taken to ensure that all detainees be given prompt and regular access to relatives and lawyers of their own choosing. Under what conditions do detainees have access to doctors?

17. Please provide information on the steps taken to repeal the law enacted in 1997 known as the “Charter of Honour” which authorises collective punishment (previous concluding observations of the Human Rights Committee, para.12). Please provide information on any such collective punishments which have been imposed since 1997.

Right to a fair trial (art.14)

18. Have the new penal and criminal procedure codes been adopted? Have they entered into force? How far have the new codes contributed to the protection of human rights?

19. Please provide further information on the mandate and activities of the Judicial Inspectorate and more generally on the status of judges and on the conditions which ensure their independence (State party's report, paras. 19 and 20).

20. Please indicate how many individuals are still in prison based on convictions by the People’s Court (which was abolished on 12 January 2005). Does the State party intend to review all cases of prisoners who were convicted by that Court with a view to identify any trial which has been unfair?. Please also provide information on the “special tribunals” set up by Law 6 of 2006 to hear special cases which are designated as such by the General Attorney.

Freedom of thought and expression (art.19)

21. Please indicate what steps have been taken to remove the numerous restrictions, in law and in practice, on the right of freedom of expression, and in particular on the right to express peaceful opposition to or criticism of the Government, of the established political, social and economic system and of the cultural values prevailing in the Libyan Arab Jamahiriya (previous concluding observations of the Human Rights Committee, para.15).

22. Following the announcement in March 2006 that 131 prisoners convicted of offences against the State were released, please indicate what steps are envisaged to release all remaining such prisoners.

23. Please provide information on the ongoing process of amendment of the Law on Publications 76 of 1972, as modified by Law 120 of 1972 and Law 75 of 1973 (State party's report, para.23).

Freedom of association (art. 22)

24. Please indicate how many people have been sentenced to death or are in prison for having violated Law 71 of 1972 which bans any form of group activity based on a political ideology opposed to the principles of the 1969 Revolution, and/or article 206 of the Penal Code which provides for the death penalty for those who call for establishment of any grouping, organization or association proscribed by law. Please also indicate what steps are envisaged to review these provisions in the light of the Covenant.

25. Under the current law, if the competent authorities do not issue a decision on a group's application for registration within 60 days, the application is deemed refused and there is no right to appeal a decision denying a group's application. Please indicate what steps have been taken to amend Law 73 of 2002 in order to make it compatible with the Covenant.

Protection of children (art. 24)

26. Please indicate what steps have been taken to combat discrimination, in law and practice, against children born out of wedlock (previous concluding observations of the Human Rights Committee, para.18).

Dissemination of information regarding the Covenant (art. 2)

27. Please indicate what steps the State party has taken to disseminate information about the submission of its fourth periodic report, its examination by the Committee and the Committee's previous concluding observations on the third periodic report. Please also provide information about steps currently being taken to raise public awareness of the Covenant and its Optional Protocol among judges, public officials, police and law enforcement officers, legal advisers and the public at large.