

10 STEPS FOR HUMAN RIGHTS

AMNESTY INTERNATIONAL'S HUMAN RIGHTS MANIFESTO FOR LIBYA

Much rests on the shoulders of the 200-member General National Congress (GNC), elected on 7 July 2012 in Libya's historic first post-Gaddafi national elections. The GNC and the government it appoints face a monumental task to fulfil the hopes and aspirations of Libyans, who took to the streets in February 2011 to demand an end to injustice and human rights violations.

Libya's uprising and conflict cost many lives and caused tremendous suffering among the population, adding to the 42 years of repression and abuse under the rule of Colonel al-Gaddafi. However, nearly a year after the fall of Tripoli, when most of the country came under the control of forces loyal to the National Transitional Council, the much-needed human rights reform is stalled.

Armed militias continue to act above the law and are not held to account. Thousands of people are detained without charge or trial – some have been detained for over a year. Armed militias still abduct individuals and hold them in unofficial places of detention. Torture and other ill-treatment are rampant; tens have died as a result of torture. Public institutions including the judiciary remain weak and lack public trust after being used as tools of repression under al-Gaddafi's rule.

Tens of thousands of people have been driven out of their homes and continue to be scattered across the country, including in poorly resourced camps for internally displaced people. They are prevented from returning home and rebuilding their lives by militias seeking revenge. Many have lost their properties and livelihoods.

Militias, who have refused to lay down their arms and join the national army and police, frequently clash using weapons like machine-guns and mortars in residential areas – leading to casualties among the population and widespread property damage. The judicial system remains crippled and unable to provide justice and redress to the many victims of human rights abuses – whether committed by al-Gaddafi's government and armed forces or their opponents. Promises to respect human rights have rung hollow.

The GNC has an opportunity to break with the cycle of human rights abuse and impunity that characterized four decades of systematic human rights abuses, impunity for the government's supporters and security forces and repression of any form of dissent. The task facing the GNC is enormous. The Libyan authorities must ensure that armed militias are reined in and that the rule of law prevails in Libya. Here, Amnesty International sets out 10 steps that GNC members need to take to show their true commitment to fight for human rights for all.



Poster in Benghazi: "Yes to a country of law and institutions"

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AMNESTY INTERNATIONAL CALLS ON THE GENERAL NATIONAL CONGRESS TO:

1. REIN IN ARMED MILITIAS

A disarmament, demobilisation and re-integration process must be established and implemented without delay. It must include an independent vetting mechanism to prevent the integration into the army, police and security forces of militia members – or other individuals – reasonably suspected of involvement in serious human rights abuses, pending investigation and prosecution.

2. END ARBITRARY ARREST AND DETENTION

Armed militias must not be allowed to arrest, detain and interrogate people. No one should be arrested except in accordance with procedures and on grounds prescribed by law. Detainees must be granted access to their families, lawyers and any required medical assistance.

In this regard, Libyan legislation should be brought in line with international law and standards. Without any further delay, all detainees must be transferred to detention centres under the oversight of the General Prosecution and the Ministry of Justice, with provisions for independent monitoring.

3. COMBAT TORTURE OR OTHER ILL-TREATMENT

Torture must not be tolerated in any circumstances. All reports of torture or other ill-treatment must be investigated, and perpetrators must face justice. All places of detention must be publicly listed, and subject to unannounced, but regular, visits by independent bodies.

All those reasonably suspected of torturing or otherwise abusing detainees must be removed from their posts, pending investigation and prosecution. Libyan law in this regard must be brought in line with international law.

“Confessions” extracted under torture or duress should never be used as evidence in proceedings. Article 2 of Law 38 of 2012, which gives legal weight to interrogations by armed militias and other bodies, must be abolished.

4. REFORM THE JUDICIARY AND GUARANTEE FAIR TRIALS

Ensure the independence of the judiciary, enshrining in law judges' security of tenure, with effective safeguards against political interference. Those appointed must be individuals of integrity and ability with appropriate qualifications.

Establish a fair and transparent process to screen members of the judiciary with the view of removing judges involved in arbitrary detention, unfair trials and other serious human rights violations.

Everyone charged with an offence must have a fair trial by a competent, independent and impartial tribunal established by law. The thousands of detainees held without charge or trial must either be immediately released, or else charged with recognizable criminal offences and granted fair trials. They must have effective access to lawyers.

5. REFORM SECURITY AND LAW ENFORCEMENT BODIES

The policies, procedures and practices of all security and law enforcement bodies must comply with international law and standards, including the UN Code of Conduct for Law Enforcement Officials. Clearly defined criteria for the recruitment and training of members of the security and law enforcement agencies must be rigorously followed. There must be an independent body with the right to investigate reports of abuse.

6. END IMPUNITY

Law 38 of 2012 must be amended to lift the blanket immunity granted to members of armed militias responsible for human rights abuses. Establish the truth regarding all serious human rights abuses and war crimes committed since 1969 and during the armed conflict regardless of whether they were committed by the former government or its opponents. Such investigations should be conducted by a body with the power to obtain all the information necessary to the inquiry and have at its disposal all the necessary budgetary and technical resources for effective investigation including the authority to summon those involved and witnesses to testify and to demand the production of evidence.

Suspected perpetrators – where there is sufficient admissible evidence – must be prosecuted and victims and their families should receive adequate reparation including but not limited to financial compensation.

7. GUARANTEE FREEDOMS OF EXPRESSION, ASSOCIATION AND ASSEMBLY

All legal provisions which criminalize activities amounting to the peaceful exercise of freedoms of expression, association and peaceful assembly, including articles within the Penal Code relating to offences “against the State” (for example 178, 195, 206, 207 and 208), should be repealed.

Measures to protect journalists, activists and others who speak out about ongoing violations committed by armed militias should be implemented.

8. ENSURE THAT DISPLACED COMMUNITIES CAN GO HOME

Immediate action must be taken to ensure that all those who have been forcibly displaced, including Tawarghas and Mashashiyas, are allowed to return to their homes; that their safety is guaranteed; and that they receive redress, including compensation and assistance to rebuild their homes and their lives.

Those who forced them out and who carried out revenge and reprisal attacks against them must be brought to justice.

9. PROMOTE WOMEN'S RIGHTS AND END DISCRIMINATION

All laws and practices that discriminate on the basis of gender should be reviewed and brought in line with international law and standards.

Discriminatory legislation with regard to marriage, divorce and inheritance should be amended. All appropriate measures should be taken to increase women's representation in the public life of the country, including the executive and future legislative branches of government.

Any legal provisions and practices discriminating against individuals on any grounds articulated under international law must be brought in line with international law and standards or abolished.

10. COMBAT RACISM, XENOPHOBIA AND DISCRIMINATION

Steps to counter racism and discrimination against individuals with dark skin, whether Libyan or foreign, must be taken.

A strategy to celebrate the diverse ethnic make-up of Libya and the positive contribution of migrants, including from Sub-Saharan Africa, should be developed and implemented.

The cultural and linguistic rights of all minorities in Libya, including the Amazigh, should be upheld.

The right to seek and to enjoy asylum from persecution must be upheld.



top, left: Former detainee shows Amnesty International his scars as a result of beatings, Libya, May 2012. He was released without charge after three days in the custody of armed militias.

top, right: Man shows Amnesty International his burnt home in Nasriya, Libya, May 2012. The damage followed an assault by armed militias in March 2012.

bottom: Detention centre in Misratah where Amnesty International interviewed victims of torture.

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Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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