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## **Libya: NTC must not curtail freedom of expression in the name of protecting ‘revolution’**

The Libyan authorities must not suppress freedom of expression in the name of protecting the “17 February Revolution”, Amnesty International said today following the adoption of a law criminalizing the “glorification” of deposed leader, Mu’ammar al-Gaddafi.

On Wednesday, the ruling National Transitional Council (NTC) approved “Law 37 of 2012 on the Criminalization of the Glorification of the Dictator”.

The law prescribes prison sentences for spreading false rumours, propaganda or information with the aim of harming national defence or “terrorizing people” or “weakening citizens’ morale” during war time. Law 37 of 2012 imposes life imprisonment if such actions “harm the country”.

The law states that Libya is undergoing circumstances similar to a “state of war”.

Glorifying “al-Gaddafi, or his political system, or his ideas, or children” is considered to be an act of “sensationalist propaganda” according to the new law.

Law 37 of 2012 also includes vague provisions punishing anyone harming “the 17 February Revolution” with prison terms. The same punishment is applied for those “offending” Islam, the state and its institutions, or for “publicly offending the Libyan people”. The law does not specify the length of prison terms, but Libya’s Penal Code indicates that they would range between three and 15 years.

“This new legislation is an eerie reminder of draconian legislation that was used to stamp out dissent during al-Gaddafi’s brutal four-decade rule. Libyans took to the streets in February of last year and paid a heavy price to get rid of such repressive practices, not to see them reintroduced,” said Philip Luther, Amnesty International’s Director for the Middle East and North Africa.

An NTC official told Amnesty International that the law aims to protect the sensibilities of victims of al-Gaddafi’s crimes, and to promote national reconciliation. Another official pointed out that the law was needed because some teachers continued to glorify al-Gaddafi’s rule in schools, threatening the “17 February Revolution”.

Not only does the law run counter to Libya’s international obligations, but it is also not compliant with Libya’s Constitutional Declaration, adopted on 3 August 2011, which guarantees freedom of expression.

“The adoption of a law criminalizing activities merely amounting to peaceful freedom of expression is a step backwards on the road to building a new Libya on the foundations of respecting human rights. Free speech must be guaranteed for all, not only supporters of the new government,” said Philip Luther. “We fear that this law will have a chilling effect on the emerging media in Libya and may lead to the imprisonment of prisoners of conscience.”

While there may sometimes be legitimate grounds for restricting expression, such as the protection of public order or protecting the rights of others, any such restriction may only be imposed if absolutely necessary, and even then the least restrictive measure possible should be taken.

Imprisonment for peaceful expression would never be acceptable.

Article 19 of the International Covenant on Civil and Political Rights to which Libya is a state party protects peaceful expression, including of ideas and views which might be considered offensive by some.

Since the fall of al-Gaddafi, his alleged loyalists have faced reprisals and revenge attacks in a climate of impunity. Thousands of people continue to be detained outside the framework of the law, on accusations of supporting or fighting for al-Gaddafi. To date, none have been charged.

The right to freedom of expression was tightly restricted under al-Gaddafi's rule in both law and practice and Libyan legislation prescribed harsh punishments including the death penalty and life imprisonment for those criticizing or harming al-Gaddafi's political system.