

## **Firstly: The Geographical and Population Features of the Jamahiriya:**

### **A – The Geographical Situation and the Area:**

The Libyan Arab Jamahiriya is situated in the north of the African continent between the two latitudes (18 & 23) and longitudes (9 & 25) to the East. The country is therefore due to its privileged geographical situation is regarded as the northern gateway to Africa. It is bounded to the north by the Mediterranean sea, to the south by Chad and Niger, to the east by Egypt and Sudan and to the West by Tunisia and Algeria. The Libyan coast extends to 1950km long, along the southern coast of the Mediterranean sea, thereby making it the longest African coast on the Mediterranean sea. The gross land area of the Great Jamahiriya is (1775500)<sup>2</sup> km. It is accordingly, the fourth largest African country in terms of the area after Sudan, Congo and Algeria.

### **B - The Components of Population:**

The Jamahiriya's population is estimated at 4389739. Women constitute almost half the population of the Libyan society. According to the available research and statistical studies as well as the results of the general census of the population, conducted in the last four decades the female percentage increased from) 0.48% in 1954 to 5.48% in 1992. It has also increased with respect to the overall population from 1.48% to 9.48% during the period under review. The people of the Libyan Arab Jamahiriya are considered to be united and homogeneous due to common Arab roots to which they belong. They are of a deeply rooted Arab origin who exist on the Libyan land just as is the case in the other countries of north Africa – through ancient and recent Arab migrations which can be traced back to three factors as follows.

1. - The ancient Arab migrations.
2. - Migrations as a result of Arab Islamic conquest.
3. - Migrations after the conquest. The oldest migration could be traced far back to over ten thousand years, the original source of which is precisely the Arabian peninsula and Yemen.

The region was also subjected to the factors of a great deal of human travails, counter-migrations and the intermingling of the Negroes with the ancient Arab race in a form of a blood mixture in which the geographical and climatic factors played a great role and continue to manifest itself in the origins of, the populations up to itself in the origins of, the population up to date. The borders of Sudan, Niger, Mali, Chad and Northern Nigeria are characterised by the existence of the ethnic, linguistic, religious and cultural factors of intermingling, throughout the centuries between Libya and the rest of the countries of Arab Maghrib on the one hand and the bordering African countries on the other.

From this social composition of the population in Libya, it has become clear that in the Jamahiriya there exist no ethnic or religious minorities. Therefore, ethnic or religious

conflicts are non-existent in Libya. Indeed, the people continue to co-exist in harmony with no form of injustice or persecution against any section of the population.

Secondly: The organisational structure of the Great Socialist Peoples' Libyan Arab Jamahiriya.

### **A - The Political System:**

The political system of the Libyan Arab Jamahiriya is based on a direct popular democracy under which the people assume directly the political, economic and social responsibilities, taking decisions and enact laws, affecting various activities of the public and private lives.

The direct popular democracy in the Jamahiriyan system is rested on two basic foundations:

- **The Peoples' Congresses** and - **The Peoples' Committees**

At the peoples' congresses, the power of political decision is assumed by the people through the basic popular congresses. The people as a whole take decisions of their own choice through the peoples' congresses.

The organ of implementation is the peoples; committees which are selected directly by the people, starting from the peoples' committees at the level of the basic congress up to the general peoples' committee (cabinet) which implement the decisions, taken by the people at the peoples' congresses. The rule in the Jamahiriya system is the system of the peoples' power, namely: (Peoples' congresses decide and peoples' committees implement). The practical exercise of power in the system of peoples' power, means the people, taking control of themselves and doing away with any form of intermediary, instituting its self between the political reality constituted in the power and the social reality.

It is the people who decide with respect to dealing with all the matters such as foreign policy, planning, justice, public security, defence etc. The people also legislate the laws and select a peoples' committees with respect to any area of the above named to implement the decisions taken by them.

### **B - The Organ of Legislation**

The instrument of legislation is constituted as stated above only in the basic peoples' congresses, and these congresses include as members, all the adult Libyans aged eighteen and above male and female alike.

The mechanism of legislation and the laws can be clarified as follows: when the masses feel a need for a law to be passed with a view to organising aspects of activities, affecting their lives, they would initiate it through the peoples' congresses guidelines for the enactment of the law. Then such a proposed law will be presented to

the basic people' congresses to enact or amend it or otherwise, then, this proposal will be submitted to the general peoples' congress which in turn will put together different views and will draft the law which is to be binding with effect from the date it will be published in the official gazette.

Alternatively, the general peoples' committee or one of the authoritative peoples' committees within its competence will submit draft laws for consideration by the peoples' congresses which discuss the draft law and effect appropriate amendments. They however, have the power to turn down the law or send it back to the general peoples' committee which has proposed the law, attaching to it observations for reconsideration, adoption by the peoples' congresses or introducing amendments to it or rejecting it altogether.

There after, the draft laws submitted to the general peoples' congress (it is regarded as the forum for the peoples' committees which include trade unions and the professional associations) which is held as a general drafting committee for these laws as well as the decisions, taken by the congresses, taking into consideration its observations before passing the law to be binding with effect from the date it will be published in the official gazette.

Accordingly, it has become clear that the peoples' congresses are the only legislative organ in Libya. The enactment of laws, their amendments or abolition lie within the jurisdiction of the basic peoples' congresses, regarding all aspects of public and private activities of the society. In the event of a need for legislating a law it is this organ which organises it.

#### **C - The Organ of Implementation:**

The peoples' committees selected by the people administer all the matters such as justice, defence, foreign policy, petroleum, the economy or otherwise. It also implements the decisions taken by the basic peoples' congresses, each within its area of competence and is directly responsible before the peoples' congresses.

No executive power exists in Libya without being subjected to the peoples' power and control in accordance with the basic rule of the Jamahiriya system, namely: the system of peoples' power: (peoples' congresses).

#### **D - The Judiciary (Courts – The Public Prosecution)**

##### **The Courts:**

##### **The courts are divided into four categories:**

The criminal courts - The civil courts – The administrative courts – The personal law courts.

The stage of prosecution passes through three levels: primary, appeal, then comes, the final stage of appeal before the supreme court, considered to be the highest judicial authority on the land. The appeal cases are submitted to this court with regard to the criminal, civil, administrative and the personal laws sentences, passed at the end of the last stage of the prosecution. Its rulings and principles are binding on all courts and the administration in Libya.

### **The Public Prosecution:**

The public persecutor heads this department. In the Libyan judicial system, he has the power to personally handle criminal cases or delegate them to one of the members of the public prosecutions department (article 2 of the law of the criminal proceedings).

The law empowers the public prosecutor to handle the criminal cases by himself, save the cases in which the criminal lawsuit is dependant on the nature of the complaint of the victim or the cases in which the handling of the prosecution is dependant on the request of the secretary of justice (Minister of Justice).

### **The Independence of the Judiciary:**

The Judges enjoy an absolute immunity, an independence, provided for by the law thanks to the independence of the judiciary.

### **The Modality of Selection of Members of the Judiciary:**

Members of the judiciary are selected from among the university degree holders in the law or “Shariah’ and the law. They are appointed by the supreme body of the judiciary which is composed of the Secretary of Justice (Minister of Justice) and the chief justice of the supreme court, the prosecutor General, most senior judges of the appeal court and heads of judicial bodies as well as all those of higher judicial rank. The supreme body of the judiciary is the only authority to appoint all the judges, promote, deploy and discipline them in the event of their breach of the law. The judges also at the time of their appointment and promotion hold privileged ranks. They enjoy greater special financial privileges than any other government officials in the other departments in the country in view of their independence and the nature of the job they perform.

### **The Legislative and Judicial Guarantees with Regard to Human Rights and Basic Liberties in the Great Jamahiriya.**

#### **Firstly The Legislative Guarantees:**

A - The Libyan Arab Jamahiriya acceded to 25 international conventions on human rights and his basic liberties out of its conviction that the inter relationship amongst all civil, economic, social and cultural human rights are intricately cohesive. Being so concerned with human rights and his basic liberties as stipulated in the covenants and charters as well as the implementation of these rights, The Great Jamahiriya adheres to the principle that the international conventions held by the Jamahiriya or organised or

ratified by the basic peoples' congresses and published in the official gazette, shall be binding and implemented. This will be considered to be an internal legislation, binding on the national judges with effect from the date of its publication in the official gazette.

The African charter on human and peoples' rights is one of those conventions. Therefore, it is right for any interested party to advocate through the provisions of the charter before a national judge and that judge will be obliged to act accordingly within his jurisdiction and authority conferred upon him by the law.

**B - The principle of the Legality of the law (the rules of justice and Impartiality).**

This principle guarantees the right for every individual who thinks that his liberties and basic rights have been affected by any given law to challenge the legality of that law, based on the principles of justice and impartiality as provided for by article 8 of the Libyan civil law which regards the principles of justice and impartiality as one of legal sources of the law, based on this principle, any law that does not draw upon the rules of justice and impartiality can be challenged in court up to the highest level of prosecution, namely, the supreme court whose rulings and principles are binding on all courts and the administration.

**C - The Great Green Paper on Human Rights:**

The Green Paper contains all the rights and basic liberties of human rights provided for by the regional, continental, and international conventions and declarations. Added to these, are new rights, not provided for in those mentioned above. It includes the civil, political, economic, social and cultural rights as well as a right to peace, well being and welfare. It calls for the destruction of the atomic, biological and chemical weapons and means of mass destruction. The high-lights of the new concept have brought into the area of human rights ideals which cannot be found in the continental and international declarations and conventions: Non – ownership of the land – Abolition of wages and wagers, the house belonging to its tenant and the struggle for freedom as well as assisting the oppressed people. It also includes the right to self-determination and forbids employment of house servants, regarding it as a form of modern slavery.

The rulings of The Green Paper supercede the other legislations. Every citizen has a right to challenge the legality of any law run counter to the principles of the paper.

**D - The law on The Promotion of Freedom.**

This is the law derived from international charters and covenants on human rights and his liberties and serve as an essential source of this law in accordance with its preamble (after a review of international charters and covenants on human rights and his basic liberties). This law has been guided by The Green Paper on human rights with regard to human principles and values. It has established the basic principles, stipulated in the international charters and covenants on human rights and his basic liberties.

## **E - The Penal Codes:**

The judiciary derives a great deal of importance from the area of the protection of liberties and basic human rights. Therefore, the Libyan legislations show an interest in the independence of the judiciary so as to enable individuals to resort to it with a view to securing and strengthening their rights and liberties whenever they fall victim to injustice and violation of their rights. The Green Paper guarantees the independence of the judiciary in the areas of human rights and the right to bring up cases for prosecution in accordance with the ninth principle of the paper (the Jamahiriya Society guarantees the right to litigation and the independence of judiciary, and every accused person has a right to a fair and honest trial). The law on the promotion of freedom No. 20 issued in 1991 in article 30 and 31 has confirmed this meaning in conformity with article 30 which says: (every person has a right to resort to the judiciary, according to the law and the court has to secure in his favour all the necessary guarantees, including the designation of a lawyer). Article 31 provides: (the judges are independent, responsible to none but the law). The judicial system has itself established the same principles.

The Supreme Court is regarded as the highest level of prosecution in Libya. All the Libyan courts and public administration are bound in-accordance with the law, establishing the supreme court – to carry out the principles and rules laid down by the court in the area of guaranteeing liberties and human rights.

The people's court is one of the basic guarantors of liberties and human rights. Article 1 of the people's courts No.5, issued in 1988 has mentioned precisely the objective of establishing this court: (a court, called people's court shall be established in accordance with this law aimed at promoting freedom and dispensation of justice to the victims, and prevention of injustice, consolidation of justice and security as well as asserting the people's power). The court according to this law is empowered to look into the appeal cases regarding the proceedings and decisions, touching on the freedom of the citizen and his other basic rights. It is also competent to look into the appeal case, the proceedings and the decision, touching on the personal liberties.

## **A Review of Comparative Texts of The Articles of The Charter Vis-avis The Libyan Legislations**

Through this review, we shall make a comparison between the first part of the charter – if we were to divide the charter into three parts. These are the relevant texts, dealing with civil, political, economic, social and cultural rights which responsibility falls on the states, party to it. It is their obligation to include these texts into their local legislations in harmony with the provisions of the charter and the international covenants. This is derived from the first article to the eighteenth article of the charter and relevant Libyan Legislations. The second part of the charter which comprises (the people's rights) which means self-determination for the people, control over their natural resources, the right to peace and security, conservation of the environment and development. The Jamahiriya, since the out break of September El-fateh revolution in 1969 continued to raise a banner of liberation of the people from colonialism or foreign

domination as well as the right of people to self-determination, their right to security and peace, abandoning wars, exploitation and terrorism. It has also forbidden racial discrimination, due to colour, nationality, religion or culture. All these principles have been guaranteed by the internal legislations. Prominent among them, is The Great Green Paper on human rights, regarded as an essential source of legislation in this respect. It is unacceptable to deviate from its principles. It forbids all forms of acts contrary to the principles and rights embodied there-of.

The third part, regarding the obligations towards his society even his personal identity as a member of the society, cannot be achieved without performing his duty and enjoying his rights. Before setting out to make a comparative review between the texts of the African charter of human and people's rights and the relevant Libyan legislations, guaranteeing human rights and his basic liberties, it is worth referring to two basic points:

- **Firstly:**

Despite the fact that the Libyan legislations - as mentioned above guarantee all the rights and basic liberties for a human being as provided for in the charter and other relevant international covenants, regarding human rights to which the Jamahiriya has acceded and added to them new rights which are not yet stipulated in those charters, notwithstanding, the Jamahiriya is committed to the principle that the international conventions to which Jamahiriya has acceded supercede the internal legislations and binding without a need to include its provisions into the internal legislations.

- **Secondly:**

That the source of legislation in Libya is the people's congresses only. Consequently, any law or amendment of the law, the people will be the source of that law through the basic people's congresses. The people's participation in this exercise means providing a basic guarantee in order that any legislation or proceedings shall not restrict human rights and his liberties or their violation, hence the people are the first and last to be responsible for legislation through their congresses.

### **Article 1 of The Charter**

It is a general procedural article by which the countries, party to the charter recognise, the rights and obligations stipulated there-in and under take to implement the necessary legislative measures.

The Jamahiriya has taken all the necessary legislative measures with a view to implementing the provisions of the charter as stated above, which will be dealt with later on.

## **Article 2 of The Charter**

### **The Relevant Libyan Legislations**

Article 17 of The Green Paper on human rights stipulates that (the citizens of the Jamahiriya Society do not accept discrimination against human beings due to colour, nationality, religion or culture).

The law no. 20 issued in 1991 states in its preamble in connection with promotion of freedom as follows:

(having reviewed The Green Paper on human rights, charters and international covenants on human rights and his basic liberties etc). the paper emphasises a total adherence to those charters and covenants in this regard.

Article 13 of the draft constitution also rules as follows: (equality of all citizens before the law without distinction due to nationality, origin, the language, the religion or faith or any other opinion).

## **Article 3 of The Charter**

### **The Relevant Libyan Legislations:**

Article 1 of the law No. 20 issued in 1991 in connection with the promotion of freedom provides that (the Citizens in The Great Jamahiriya, male and female are free, having equal rights which cannot be compromised).

### **Article 7 of The Draft constitution Also Provides:**

(The citizens are free with equal rights and duties whose basic rights and liberties cannot be infringed. Any measure or proceedings contrary to them will be regarded as null and void).

## **Article 4 of The Charter**

### **The Relevant Libyan Legislations**

The Green Paper in article 7 provides: (The Citizens of the Jamahiriya society are free to conduct their private and personal relationship with others without an outside interference except in the event of a complaint by one party of the relationship if detrimental and harmful to the society or incompatible with its values). Article 16 of the law on promotional of freedom stipulates: (a private life has its own sanctity and no one is permitted to interfere with it unless it constitutes a threat to the others and general morality or detrimental to the others one of whom might lodge a complaint against the other) within the frame work of protection of human freedom against any violation. Article 19 of the same law stipulates: (Homes should be given their due respect with no one to enter, or censor or search them except in the event that they are

used to conceal a crime or shelter criminals or to do harm to the others materially morally, or for other purposes clearly contradicting social traditional and moral values. Except for the cases of a suspicion or a search for help, homes shall not be entered without permission by those who legally occupied them).

Article 15 of the same law stipulates: (confidentiality of the correspondence which shall not be censored except in stringent cases which require the security of the society may permit after clearance given by a judicial authority.

The law of the criminal procedures also guarantees the protection of human privacies. It stipulates in article 34, 35, 36, 39, 40 and 41 that entering private residences is forbidden, unless clearly required by the law. It also regulates rules of searching residences of the suspects with a clear purpose of searching as well as the mode of dealing with assets of the residences.

Therefore the Libyan legislations have provided enough guarantees with regard to the freedom of individuals through protection of their private lives, prohibition of trespassing their homes and censoring their correspondence which shall not be infringed unless necessary in stringent and limited cases.

The legislations have also guaranteed respect for human life, his moral and physical person which right he shall not be denied for arbitrary reasons. For article 6 of the law of protection of freedom provides: (Every human has a right to the safety of his body and prohibition of conducting scientific experiments on a living human body without his consent).

Article 4 of the same law stipulates: (life is a natural right for every human, the capital punishment shall not be applied except for a lawful penalty or with regard to those whose life constitutes a jeopardy to the society).

Article 8 of The Green Paper on human rights stipulates: (The citizens of the Jamahiriya society respects and preserve human life. The objective of the Jamahiriya Society is to abolish capital punishment. Until the objective is achieved, capital punishment will continue to exist in case of persons whose lives constitute jeopardy to the society. If a person is sentenced to death he has a right to investigation or pay a ransom in lieu of sparing his life.

The court is empowered to commute the sentence if not detrimental to the society or inconsistent with human feelings. It condemns execution through abhorrent means such as an injection, electrical chair and poisoned gas.

In reviewing the summary of these texts it has become crystal clear that the Libyan legislator respects and preserves the life of human beings and restricts the cases of capital punishment to a very narrow scope, such as those whose lives jeopardise the society.

## Article 5 of The Charter

### The Relevant Libyan Legislations

The Libyan legislation provides the right for every individual to be recognised as a person before the law. It also provides protection for the components of the legal person – The Libyan civil law regulates that in articles 29, 30, 33, 34, 38, 40, 44, 48, 49, 50, and 51 there-of under the Libyan law the legal personality is composed of a name, a surname, a habitat, a nationality and a full capability as a human being to exercise his civil rights. Article 38 stipulates: Every person shall have a name and surname. The surname of a person shall include his children, a home that is the place where the person usually lives in and that person has a right to own at the same time more than one home. Every person has a right of choice as far as the place of work, profession or business is concerned he also has a right of choice to certain legal practice, ability to exercise his civil rights, being an adult enjoying his full mental capacity.

The legal personality in the Libyan law starts with a birth of a human being alive, and ends with his death. The right to the legal personality will not be considered unless the legislator provides for the legal protection. Once, the legal status is proven in regard to an individual no one has a right to take it away from or amend its provisions. The legislator provides necessary protection for the pertinent rights of the person. Every individual whose person is subjected to an unlawful attack on any part of his person, is permitted to take action as to stop such an aggression, with a demand for a compensation for any damages that he may suffer. Such is the case in regard to his name which also must be safeguarded. The Libyan law prohibits exploitation of man of any form. According to article 10 of the law on the promotion of freedom: (Every citizen is free to choose any kind of occupation that fits him as an individual or in partnership with another, having no intention of exploiting each other or causing material or moral damages to the other).

The Libyan legislator includes the crimes of slavery among the crimes against freedom. Article 425 of the penal law stipulates: (Any one who deals in slave trade of any form involving a person held in bondage or semi-bondage shall be imprisoned for a period not exceeding ten years. The terms of imprisonment ranges from three to twelve years in respect of any person involved in slave trade or semi-bondage or surrendering a person or attaching him to himself or acquiring holding onto him in that state).

The Libyan legislator has tackled in articles 415, 416, 417 418, and 419 cases pertinent to human freedom in the context of enslavement: instigation for prostitution and its imposition on others and use of harlots or trading in women on an international scale or facilitating that trade.

The Green Paper on human rights stipulates in article 22 in connection with the home maids, according to the principle establish by the paper are treated as more than slaves serving their employers without any legal frame work to regulate their state. They do

not enjoy adequate rules and regulations to protect them. They live under the mercy of their masters forcing them to perform jobs contemptible to their dignity and human feelings for reasons of need. For the house should be cared for by its own occupants. This has been a previous ruling established by The Green Paper on human rights. The paper therefore in dealing with these concerns, has gone for beyond the legislative aspects at an international level.

The paper seeks to prevent torture, punishment, a hard labour and long prison terms. It also forbids causing material and moral harm to the person of the prisoner. It condemns trading in him or conducting experiment on him. Article 6 of the law on the promotion of freedom provides: (Safety of the body is a right for every human being and conducting scientific experiment without his consent is prohibited). Article 17 – 2 of the same law stipulates: (It prohibits to forcibly bodily and psychologically torture the accused person of any form of severely and outrageously, thereby infringing his human dignity). Article 45 of the penal law stipulates: (Any public servant orders torturing the suspects or torturing them by himself shall face prison terms ranging from three to ten years). Article 431 of the penal law stipulates: (If any public servant uses violence against individual persons during his term of office and by way of encroaching arbitrarily on their dignity, causing bodily pains, shall be imprisoned with a payment of a fine not exceeding one hundred and fifty Dinars).

### **Article 6 of The Charter**

#### **The Relevant Libyan Legislative Texts**

Article 2 of The Green Paper stipulates: (The Jamahiriya society sanctifies and protects human freedom. It forbids imposition of any restriction on this freedom. Only the persons whose lives jeopardise society or corrupt the others shall be imprisoned. The purpose of the punishment is to effect social reform and protect human values). Article 4 of the law on the promotion of freedom stipulates: (No body shall be deprived of his freedom or searched or questioned except in a case of accusation of committing a punishable offence. Such measures shall be ordered by a competent judicial authority. In accordance with clearly spelt out provision in the law. A precautionary detention of an accused person shall be in a place where his family members could be informed of his detention within the necessary shortest period of time, giving them reasons for his detention).

Article 30 of the law of criminal procedures provides: (No one shall be arrested or jailed without an order by the legally competent authorities). Article 31 of the same law stipulates: (No one shall be jailed except in the designated prisons for that purpose. No prison officer has a right to accept any person in that prison without a written and signed order by the competent authority. He shall not be retained in prison after the end of his prison terms).

By reviewing this text it has become clear that the Libyan society respects the right to freedom and protects it. The Libyan law forbids restriction of freedoms. Imprisonment takes place only in exceptional circumstances, involving a person whose

freedom jeopardises the society. The objective of the punishment provided in the Libyan legislation is to effect a social reform and protect human values of the society.

### **The Texts of The Relevant Libyan Legislations**

1 – A – The Libyan law guarantees the right to prosecution in society as the individual is entitled according to the law to resort to the court by putting up a case of any offence committed against him or claiming any of his rights. Article 9 of The Green Paper: (The Libyan society guarantees the right to prosecution and the independence of the judiciary. Every accused person has a right to a fair and honest trial). Article 26 of the same paper provides: (Every individual is entitled to resort to courts in the search for justice and none infringement of his rights and his liberties as stated in that paper). Article 30 of the law on the promotion of freedom establishes: (Every person has a right to resort to courts according to the law and the courts shall ensure that he is afforded all the necessary guarantees including the designation of a lawyer and a right to seek assistance of a lawyer of his own choice outside the court).

**B -** An accused person is presumed innocent until he is proven guilty before a relevant court, for article 17 of the law on the promotion of freedom stipulates: (The accused person is presumed innocent until he is proven guilty in a law court. Notwithstanding, the legal proceedings may be under way against him as long as he remains a suspect. As a rule a man by definition is innocent until he is proven guilty by a court ruling. For he enjoys this status. The sentence must be passed by a competent court legally established, providing for him guarantees for self defence. No penalty shall be applied to him without one that may be ordered by the same court. It is natural that an act of crime attributable to a suspect to form a basis for criminal acts as provided for in article 1 of the penal codes: ( No Crime and no penalty without them being stipulated in the law. As regards the provision at the end of article 17 of the law on the promotion of freedom regarding legal procedures against a suspect, means those proceedings are required by the actual crime committed such as precautionary detention, apprehension, summoning and interrogation as the only justification.

**C -** Article 9 of The Green Paper and article 30 of the law on the promotion of freedom guarantees the right of a suspect to designate a lawyer in his defence or his right to having a lawyer of his own choice and at his own expense.

In all criminal cases the law provides that every accused person shall have a lawyer to defend him in courts. In the event that he is unable to do so the court shall designate a lawyer for him at the expense of the public funds. Further more, the Libyan legislation has guaranteed a prosecution free of charge for individuals as stipulated in the draft constitution, and The Green Paper on human rights and the law on the promotion of freedom. Indeed, it has gone farther to take a more important step by establishing a free prosecution, regarding it as a voluntary social service enjoyed by a litigant according to the concept of justice free of charge. Such is the case for free education, treatment, and social security. For this concept has gone beyond that scope: For it also includes the protection of the litigant against exploitation by demanding exorbitant

charges and fees payable to the lawyers, since the law provides a free lawyer designated by a public office established by the law No. 4 in 1981. This department is equipped with legal specialists of a higher standard who are as good in performance, experience and possibilities as those of practising lawyers within the frame-work of what is known as free careers. For the members of the people's department for legal practice under take the defence of the accused persons and protection of their rights free of charge. The state pays fees to the lawyer, litigational expenses and the judicial fees. Under this system the accused person enjoys freedom of choice between a free of charge trial or taking a private lawyer in accordance with the law.

This is another step in the area of the promotion of human rights peculiar to the Libyan judicial system in the world.

**D** – The right to a trial within a reasonable period of time through a neutral court. Article 26 of the law of procedures stipulates: (The judicial registrar shall listen immediately to the statement recorded on the accused person if not satisfied about his innocence, he should send him within twenty-four hours to the relevant department of the public prosecution).

Article 112 stipulates criminal proceedings: (The legal investigator must immediately interrogate the apprehended accused person, failing which the latter shall be placed in custody until his interrogation takes place. This period of remand shall not exceed twenty-four hours failing which the prison's commissioner must surrender him to the public prosecution). Article 58 of criminal proceedings stipulates that: (President of the appeal court shall supervise the conduct of the investigating judges with the necessary speed, keeping up the time frame as determined by the law). This means avoiding unnecessary delay in the process of the investigations.

With regard to the neutrality and integrity of the court article 9 of The Green Paper stipulates that: (The Jamahiriya society guarantees the right to prosecution and the independence of the judiciary, as every accused person is entitled to a fair and honest trial).

As stated above the judges in Libya are independent not answerable to any one but their conscience and the law.

**2** – Article 1 of the penal codes stipulates that: (No crime and no penalty without a written order).

Article 2 of the same law: (punishment against a crime shall be administered according to the law in force at the time of its commission. Notwithstanding, following an act of a crime and before a final sentence is passed on it only the law more favourable to the accused person shall be applied).

If a law is passed after a final sentence which will make the act on which the criminal was sentenced is unpunishable there shall be a stay of execution with no other criminal implications to affect the accused person).

## **Article 8 From The Charter**

### **The Relevant Libyan Legislations**

In the opinion of the Libyan legislator, the religion is an absolute faith in the unseen and in its glorious spiritual values which relates an individual to his creator and people as a whole. It regulates the direct relationship between human and his creator without a need for an intervention by an intermediary in this relationship. The religion is a social function associated with life in the society and an expression of a necessity of establishing the factors of a psychological and social equilibrium including certain rites to be performed by human beings regarded as a way of emphasising a direct private linkage with the Almighty Allah glory be to him.

Article 10 of The Green Paper on human rights stipulates that: (The Jamahiriya society shall refer to the glorious shariah whose rulings are in-changeable as a religion is an absolute faith in the unseen and its glorious spiritual values. It concerns human as an individual and the people as a whole. It is a direct relationship with the creator without a need for an intermediary. The Jamahiriya society forbids the monopoly or exploitation of the religion in order to agitate an unrest, a fanaticism, partisanism and conflict). Article 5 of the law on the promotion of freedom stipulates that: (The religion is a direct relationship with the creator without an intermediary. It forbids the monopoly and exploitation of the religion for what ever purpose).

Article 289 of the penal codes penalises by imprisonment and fining against any one who causes publicly confusion with respect to the performance of religious rites or special religious ceremony or attempting to obstruct the public order through violence or threats. The law penalises any one who demolishes or causes damages or desecrates buildings designated for the performance of religious rites or other matters of spiritual concern to the followers of a religion or a group of the population.

Article 240 penalises according to the same law by imprisonment and fining anyone found to offend openly religious order whose rites are publicly performed. Accordingly, it has become clear that the Libyan legislator has catered for the right to the freedom of thought, sentiment, and religion as well as freedom of profession of a religion, providing more guarantees for the public performance and pronouncement of the religion. This is a pre-requisite for the protection provided by the law with regard to any religion be it a creed or a group of people or a sect due to the fact the religion is accompanied by holy spiritual values, associated with the existence of man. It also regulates the relationship with his creator without any proxy.

## **Article 9 of The Charter**

### **The Relevant Libyan Legislations**

1 - Every individual is entitled to information, as there is no restriction in Libya as far as freedom of individual in access to information of their own desire and from any source being televised, radio or written materials are concerned. So long as such

information will have no adverse effect on national unity or religious faiths of the people or one that is incongruous with the noble principles and objectives of the Revolution or the public morality or which may pose a threat to the public security. No restriction is imposed on this matter except for the provision of article 26 regarding the printed matters number 76 issued in 1972: (The head of the printing press or his representative has the right to stop circulation of any number of any foreign publications if it is clear that such a publication could endanger the national unity or religious ideologies or incompatible with the principles and objectives of the Revolution. In the same vain, any publication which might infringe the public morality and security or a fabricated story to such an extent as to cause confusion in the public opinion).

2 - Every human according to the Libyan legislations is entitled to his opinion as such, he should be allowed to express it through a variety of available means.

The law on the promotion of freedom in article 8 has guaranteed this right when it says: (Every citizen has a right to express his own views and opinions publicly at the peoples congresses and in the media.

No citizen shall be questioned about his exercise of this right unless he uses this right to undermine the people's power for his own personal purposes. A clandestined propagation of ideas and views or an attempt to publish or impose them on the others or by means of force or terrorism or forgery is forbidden).

Article 1 of the law of publications number 76 issued in 1972 stipulates that: (Press and printing are freely accessible to every person who has a right to freedom of expression in radio news agencies in conformity with his constitutional rights, regulated by this law within the frame work of the principles, values and objectives of the society).

Paragraph four of article 3 of the same law says: (Circulation means sale of publications or displaying them for sale or distribution or sticking on walls or displaying them in public places or any other action which could give them access to all).

## **Article 10 of The Charter**

### **The Relevant Libyan Legislations**

Article 9 of the law on the promotion of freedom says that: (The citizens are free to establish trade unions professional and social associations and charitable organisation as well as joining them as members with a view to protecting their own interest or attaining legitimate objectives of the established organisation).

Article 115 of the law number 58 issued in 1970 stipulates: (The workers of common trade or of occupation or vocations or identical professions or in association in terms of production, have a right to form a union for the purpose of enhancing their productive

culture and knowledge of their duties, promotion of their interests, defence of their rights and improvement of their material, social and cultural conditions).

The law number 107 passed in 1975 relating to the labour unions has specified the following objectives:

**A -** Dissemination of labour awareness, upliftment of cultural standard and sufficiency in production as well as the technical standard of the workers, in addition to their contribution to the social and industrial development of the community.

**B -** Maintenance of the duly established rights and liberties of the unions' members and defence of their interests as well as the improvement of their working conditions.

**C -** The upliftment of social, health and economic standard of the unions' members by providing them with health care and housing services as well as the consumer co-operative for them and their families.

**D -** Strengthening and development of their connections and relationship with organisations and international and Arab trade unions.

In light of the above, it has become an established fact that the right to freedom of the formation of associations with others including the formation of trade unions and their membership, is guaranteed under the law. There is no law in existence to force any one to join any organisation without his own will.

## **(ARTICLE 11 OF THE CHARTER)**

### **The Revenant Libyan Legislations:**

The Libyan legislation guarantees freedom of association and meetings without restriction unless such a meeting may cause threat to the Public security or order or public health or safety particularly in regard to the protection of the rights of others and their liberties in conformity with the provisions of the charter. Article 1 of the law issued in October in 1965: (Individuals are entitled to meet quietly and the law does not permit the police to attend such a meeting as there is no need to obtaining any clearance in advance.) The same law also have recognised freedom of holding public meetings and demonstrations within the limits defined by the law. Article 2 of the law has stipulated that the local authorities should be notified in writing of a planned meeting or demonstration in advance in forty-eight hours time. The purpose of such a notification is to inform the local authorities of the planned meeting.

Article 4 of the same law does not permit the public authorities to stop the holding of a general meeting unless such a meeting may cause disturbances to public security and order. The organisers of a meeting shall be informed of the authorities decision not to go ahead with such a meeting within twelve hours before it is held. The same article has given the right to those concerned to appeal against the decision of the minister of the Interior.

## **(ARTICLE 12 OF THE CHARTER)**

### **The Revenant Libyan Legislation:**

The Libyan legislation guarantees the right of every person to a completely free movement during the peace time and choice of place of residence or leaving the country and returning home when ever he wishes. This right is unrestricted unless in case of the protection of public security and order during the periods of serious disturbances which may required an imposition of a state of emergency. Such restrictions during this period are regarded as temporary and may affect free movement and residence.

### **ARTICLE 3 OF THE GREEN PAPER STIPULATES THAT:**

(The citizens of the Jamahiriya Society are entitled to free movement and residence in time of peace.) Article 20 of the law on the promotion of freedom provides that; (every citizen in time of peace is entitled to free movement, a choice of place of residence and has a right to leave and return to Jamahiriya when ever he wishes.)

Article 25 of the draft constitution provides that; (every citizen is entitled to free movement and residence and return to the country. No one has a right to send any citizen out of the country or prevent him from returning there to.) In this respect it is worth referring to the fact that the whole of the Libyan Nation are deprived of the right to free movement according to Article 12 of the African Charter on Human and People's Rights and Relevant International Charters and covenants on Human Rights and his Liberties. This is in view of the restrictions imposed on air travels and movement by the resolutions issued by the international Security Council in complete contradiction with the provisions of the charter and other covenants. It is also regarded as an outrageous violation of these instruments, thereby subjecting the Libyan people to untold losses with its adverse effects on all areas of life, health educational and developmental plans. This was attributed to a mere suspicion about two Libyan nationals whose guilt is not proven. Such action is in contradiction with the most important legal principles provided in all the charters and covenants on Human Rights, namely: (an accused person is presumed innocent until he is proven guilty.) With regard to the expulsion of foreigners who legally entered the country will be inadmissible without a decision in conformity with the law. The legislation has guaranteed his right through the rules and regulations imposed on the entry and residence of foreigners in Libya and their departure there from. For the law number 6 passed in 1987 on the matter of entry and residence of foreigners has tackled it in article 1,2,5,8,10,11,12,13,14,15,16,17,18, and 19 as stated above.

Article 1 provides that entry and departure to and from Libyan territory shall take place through entry/exit points designated by the competent authorities. Article 2 on entry of a foreigner and his residence on the Libyan territory is conditional on his acquisition of a valid entry visa in accordance with the provisions of the law which must be afix on his valid passport or travel document issued by a competent and recognised authority. Article 5 defines the types of visa granted to foreigners. Article 8 explains the commitments of a foreigner and his respect for the general rules and regulations – and

registration within a time – frame – notification on the loss or damage or expiry of the validity of a travel document.

Article 11 of the same law obliges a foreigner who has legally entered and is permitted to live in Libya for a specific reason not to do anything contrary to that purpose without a prior written clearance from the director of the passports and nationality or his representative accordingly.

Article 6 specifies the instances in which a residence visa granted to a foreigner can be abolished and they include the following:

- A. If any thing found in his possession which may jeopardise the state and its safety inside or outside or its economy, the public health and morality or becomes a liability on the state
- B. Convicted in a criminal case or for an offence detrimental to integrity or honesty or public security as provided for in articles 144 and 137 of the penal codes. The expulsion of a foreigner according to article 144/4 is one of the preventive procedures taken against the foreigner and by a decision of a judge.
- C. If he violates the conditions on the basis of which he was granted an entry visa.
- D. If the purpose for which he was granted the entry visa is no longer in existence, the decision to abolish the visa irrespective of its validity will be the prerogative of the director general of the passports and nationality. The instances in which a foreigner can be expelled are determined in article 17 as follows:
  - (a) If a foreigner enters the country without a visa.
  - (b) If he fails to leave the country in spite of the expiry date of his residence permit and the competent authority refuses to re-new it.
  - (c) If the residence visa is abolished for one of the reasons stipulated in article 16.
  - (d) If a court order is issued to expel him. The decision of his expulsion in A, B, and C must be decided by the director general of passports and nationalities. In this case, there is room to challenge the expulsion decision in order to confirm whether this decision is in conformity with the provision of the law and that the reasons for his expulsion are based on a principle not-connected with the national security consideration.

No Libyan law permits a mass expulsion of foreigners particularly if there is an attempt to target ascertain national groups, racial, ethnic or religious.

### **(ARTICLE 13 OF THE CHARTER)**

#### **The Relevant Libyan Legislations:**

The citizens have equal rights which emanate from the fact that they are all free whose rights cannot be infringed or discriminated against for any number of reasons such as nationality, culture, colour, language or religion. They are entitled to take part in the exercise of power and self-determination within the political frame work chosen by the society itself, namely: A system of people’s power where the people decide through

the people's congresses and select directly the people's committees in charge of the implementation of those decisions. Every citizen aged 18 and above has a right to the membership of the people's congresses and to take part in or being selected as secretary to the people's congress or people's committee if he fulfills the conditions.

The right to take up a job as a public officer is guaranteed by the Libyan Legislator in favour of every individual who fulfils the conditions attached to the job and it is not subjected to any form of discrimination. (The green paper, the law on the promotion of freedom and the law on public service.)

The Libyan legislations have also guaranteed every individual's right to benefit from the public properties and services within the framework of the total equality for all. These include education, information, health and social welfare or otherwise. He is entitled to utilize the land through his occupation and agricultural activity, a choice of the type of profession he prefers, and his right to enjoy the fruits of his labour and services on equal footing without distinction for any number of reasons. In assuring these rights already guaranteed by the green paper on human rights and the law on the promotion of freedom, no citizen shall be affected by prescription of time or depreciation as to force him to abandon these rights.

In order to substantiate the above, the following legislative provisions could be quoted below:- Article 1 of the law on the promotion of freedom:(The citizens in the Great Jamahiriya, male and female alike are all free, enjoying equal rights which shall not be compromised.)

Article 3 of the law: (The defence of the homeland is a right and honour of which no citizen male or female shall be denied.

Article 23 of the law: (Every citizen is entitled to education and knowledge, and choice of the type of education he prefers. Any monopoly of information or its purpose for any number of reasons is forbidden.)

Article 33 of the law stipulates that: (Assets and the public utilities are the properties of the society and shall not be utilized wrongly by the people. The public function is a service to the society. It shall not be exploited or used for unlawful personal purposes.

#### **(ARTICLE 14 OF THE CHARTER)**

##### **The Relevant Libyan Legislations:**

Article 11 of the green paper on human rights (Ownership of property as a result of an honest personal effort shall be safeguarded and shall not be touched except for a public interest in lieu of a fair compensation.)

Article 12 of the same paper stipulates that: (the citizens of the Jamahiriya society are free from feudalism. For the land belongs to no one, every individual is entitled to utilize the land for his own benefit through his occupation and agricultural activity throughout his life and that of his inheritors within the limits of his labour and his needs.)

Article 12 of the law for on the promotion of freedom stipulates that: (property is immune and shall not be touched if it is a product of a legitimate project not connected with exploitation of others or causing damages to them materially and morally. The usage of such a property in a way that runs counter to the public order and morality shall be banned. Private property shall not be expropriated except for a public utility and in lieu of a fair compensation.)

Having reviewed the above provision, we have come to understand that the Libyan legislation guarantees and respects the rights to ownership earned through a legitimate effort, not connected with any form of exploitation of the others. The Libyan law forbids any infringement of this property except for a necessity or public interest in conformity with the guidelines set out by the law and in lieu of a fair compensation.

### **(ARTICLE 15 OF THE CHARTER)**

#### **The Relevant Libyan Legislations:**

The Libyan legislator has guaranteed for the individuals the right to work as a duty of every individual within the limits of his ability as an individual or in partnership with others. Every individual is entitled to choose the type of occupation/profession he prefers and to take up a public function if he fulfils the necessary conditions attached to the job. The green paper on human rights stipulates the right to work regarding it is an obligation and it is incumbent upon the state to provide a suitable job for every able bodied individual within the limits of his ability. The green paper also stipulates that taking up a job could be through either the individual himself or his family on condition of non-exploitation of others so as to prevent him from controlling their produce, or in partnership with the others whereby the producers will also have a right to jointly own the productive plant, sharing its produce on equal footing. It shall be run through their productive congresses on the people's committee which can directly be upgraded and responsible before their productive congress. The objective of this as a whole is to create a society of partners rather than wagers where wages and exploitation are non-existent in Libya. This is a new concept endorsed by the Green Paper on human rights going beyond the provisions found in relevant international charters on human rights as an addition to guaranteeing human rights in this perspective as a whole.

Article 11 of the paper stipulates: (The Jamahiriya Society guarantees the right to work as a duty and right for every individual within the limits of his ability alone or in partnership with the others, choosing the type of job he prefers.

The Jamahiriya society is one of partnership rather than wages. A property that is a product of a labour or effort is regarded as sacred and safeguarded not to be touched except in the event of public interest and in lieu of a fair compensation.

The citizens of the Jamahiriya society are free from wages and in order to ensure the right of human to his labour and production he who produces consumes.) The law on the promotion of freedom has also confirmed this direction in articles 10 and 11 when article 10 says: (every citizen is free to choose any type of job he prefers alone or in association with others not connected with exploitation of others' labour or causing material or moral damages to them.)

Article 11 stipulates that: (every citizen is entitled to enjoy the fruits of his own labour without any deduction from his produce except for what the law has imposed as a contribution to the public liabilities in lieu of social services which the individual concerned enjoys.)

#### **(ARTICLE 16 OF THE CHARTER)**

##### **The Relevant Libyan Legislations:**

The Jamahiriya pays a special attention towards the public services which it renders to individuals, the most important aspect of which is the health care and social security and welfare.

Medical treatment in Libya is free of charge. This has firmly been established by the relevant internal laws and regulations. Every individual is entitled to medical care and all other health services free of charge. Indeed, chronic cases of illness which cannot be treated internally the state has a duty and from the public funds to transfer such cases to specialist international treatment centres abroad. An air fleet to undertake such relief operations are available to transport the patients to out side the Jamahiriya for treatment.

The Jamahiriya has been able to eradicate all forms of disease and epidemics almost as a result of its keen desire to provide the necessary medicines and vaccines to combat diseases and disseminate health awareness among the citizens.

The state has also provided services of social security and welfare with respect to certain categories of the patients such as the handicapped persons old-aged and unemployed if any. As a result, the health standard in Libya could be favourably compared to that of the advanced countries in the world. The Green Paper on human rights has strengthened this direction in accordance with its article 14: (The Jamahiriya society is regarded as co-herent which guarantees a respectable and dignified living for individuals, bringing about a developed health standard for them in a drive to the establishment of a society of the healthy.)

Article 24 of the law on the promotion of freedom stipulates that: (Every citizen is entitled to social security and welfare.)

#### **(ARTICLE 17 OF THE CHARTER)**

##### **The Relevant Libyan Legislations:**

The Green Paper on human rights has guaranteed the right to education for all. Indeed, it has gone farther to give the right to education a new concept. It has also regarded knowledge as a national right of every human to choose the type of education which he prefers without being directed or forced to do so. His exercise of this right means that he learns the type of knowledge which suits him and will qualify him for the type of profession which he desires. It will be unfair to impose on a human a form of education for which he is not prepared.

Article 15 of the Green Paper has stipulated that: (Education and knowledge are regarded as a natural right of every human being. Every human being is entitled to choose the type of education and knowledge he desires without being forcibly directed.

Article 23 of the law on the promotion of freedom has provided that: (Every citizen is entitled to education and knowledge of his own choice. The monopoly and adulteration of information for any number of reasons is forbidden.)

It is worth referring to the fact that education in Jamahiriya and its related services are offered free of charge. Every individual is entitled to have access to it with nothing in return.

It is every one's right to freely take part in cultural life of the society and the state has a duty to offer in this respect all the necessary assistance towards the cultural activities of individuals. The Green Paper on human rights has emphasised the cultural and intellectual rights and considered the freedom of thought and innovation as one of basic human rights thereby encouraging the development of sciences and the upliftment of Arts and Literature to ensure their dissemination among the masses. The objective of this is to prevent monopoly of the above.

Article 19 has provided that: (The Jamahiriya society is regarded as a brilliant and innovative society. As such, every individual is entitled to freedom of thought, invention and innovation. The Jamahiriya society always seeks to develop science and uplift Arts and Literature and ensure their dissemination among the masses and prevent their monopoly.)

Article 22 also of the law on the promotion of freedom has stipulated that: (Freedom of invention, innovation and creativity is guaranteed within the limits of the public order and morality so long as it is not materially and morally detrimental.)

With respect to the development of general ethics and traditional values, socially recognised the Green Paper on human rights has emphasised the significance of this in article 16:(The Jamahiriya society is a society of virtues and noble values which hold the ideals and human values in high regard in the search for a violence free-human society.)

### **(ARTICLE 18 OF THE CHARTER)**

#### **The Relevant Libyan Legislations:**

One of the sacred rights in the Jamahiriya is for a human being to grow up in a coherently united family, composed of a mother, a father, brothers and sisters. This sacred right is based on the ground that the family is the first social unit and fabric of the society whose foundation is the religion and national morals which the state has a duty to protect and care for.

Article 20 of the Green Paper has emphasised that: (The Jamahiriya society stresses the fact that one of the sacred human rights is for a human being to grow up in a coherently united family, composed of a mother, a father, brothers and sisters. The

human being by his nature will be unfit to live without a true motherhood and natural breast-feeding since the child should be bred by the mother.)

Article 45 of the draft constitution has stipulated that: (The family is the fabric of the society whose foundation is religion and national character which the state has a duty to protect and care for.)

Article 25 also of the law on the promotion of freedom says: (Every citizen male and female has a right to establish a family.)

In the area of eradication of all forms of discrimination against women and maintenance of their rights and the rights of the child, the Libyan legislations in their provisions do not distinguish between a male and female. In reference to a gender it uses *El-muatin* (citizen) which combines both sexes. Article 21 of the Green Paper on human rights has further emphasised this point when it says: (The children of *Jamahiriya* society male and female alike are equal in all human considerations, any distinction in terms of the rights between a man and a woman is regarded as a blatant and unjustifiable offence.)

Article 1 of the law on the promotion of freedom acknowledges that: (The citizens in the *Jamahiriya* male and female alike are free with equal rights which shall not be infringed.) Article 7 of the draft constitution stipulates that: (The citizens are free with equal rights and obligations whose rights and basic liberties shall not be infringed, and any measure or procedure, contrary to these shall be regarded as null and void.)

In the area of public service, Article 11 of the Green Paper acknowledges that the right to work is an obligation of every individual within his ability, as an individual or in partnership with the others, as well as the right to choose the type of work which suits him.

Article 2 of the law on the promotion of freedom provides that: (Every citizen is entitled to the exercise of power and self-determination at the people's congresses and people's committee, and shall not be denied their membership or secretaryship if he fulfils the established conditions for the post.) The meaning of both texts apply to male and female on equal terms. Article 28 of the law on the promotion of freedom acknowledges that: (Women have the right to work but they shall not be compelled to do the type of work which, by their nature, does not benefit them.)

Article 1 of the law N° 8 issued in 1989 on the rights of women to undertaking a judicial function provides that: (Women are entitled to be employed as judges, prosecutors and administrators according to the same terms and conditions as applied to men.)

In view of the above, it is understood that the Libyan Legislator gives equal considerations to both man and woman in carrying out public, judicial and prosecution functions.) The legislator has also acknowledged the right of women to choose the type of job which they may desire, and not to force them to do otherwise.

The law N° 10 on the general rules, governing marriage and divorce and their implications has guaranteed the right of women to agreeing personally to the

conclusion of marriage contract, or else it is rendered null and void. In this case, women have a right to claim damages that may follow. The same ruling applies to a divorce case.

Article 14 of the Green Paper on human rights guarantees child's care and his normal growth. Article 29 of the law on the promotion of freedom protects children in a very important aspect: (For it forbids employment of children in activities that do not match their abilities or one that may hinder their physical development or detrimental to their character and health even if such activities were authorised by their own family members or other wise.)

The law N° 17 issued in 1992 on the handling of the cases of negligence of children and their rights has also protected them in articles 31,32, 33 and 37. With respect to the old-aged and handicapped persons the Libyan legislation has guaranteed their rights to a dignified way of life including a special protection compatible with their physical and moral status. Article 14 of the Green Paper stipulates that: (The Jamahiriya society is co-herently united ensuring its individuals a decent and dignified living, providing for a well-developed health standard in a drive towards the establishment of a society of the healthy, making available a child's and maternity care as well as protection of the old aged. For the Jamahiriya society is the guardian of those without any.)

Article 24 of the law on the promotion of freedom acknowledges as follows: (Social welfare and social security is an entitlement of every citizen. The society is the guardian of those without any, protecting the needy, old-aged and orphans. It guarantees decent means of living for that unemployed for reasons beyond their wish.)

The Libyan legislations relating to social security and social welfare have put in place ways and means of protecting the old-aged and those in the same consideration so as to guarantee a dignified life for them.

In conclusion we hope that we have presented a clear picture of the legislative and judicial guarantees which obtain in the Great Jamahiriya in respect of the rights and basic liberties of the individual in civil, political, economic, social and cultural considerations. These are in line with what the charter requires the states party to it. Our review also of the issues in this regard will emphasise the fact that the African charter on human and people's rights should totally be implemented and incooperated into this legislation.

The Jamahiriya also since the inception of the September *El-Fateh* revolution in 1969 has raised the slogan: "Africa is for the Africans and has no ally but itself". The revolution continued to urge action on the necessity of eradication of all forms of colonialism and racism in Africa as it supported African Liberation movements, fighting to liberate their peoples from colonialism. It has also continued to emphasise the rights of African peoples to self-determination and control over their natural resources as well as their right to security, peace, conservation of the environment and development.

This has been re-echoed in the African charter which stipulates the right of peoples to equality, living in dignity, enjoying their right to existence, self-determination,

freedom of political choice and reassurance of socio-economic development in an appropriate manner. In addition, it has also supported Africa's right to freedom from foreign domination, politically, economically and culturally.

In this connection, it should be recalled that the Libyan people have been denied some of these rights. These include their right to socio-economic development, as a result of an unjust blockade, through unfair resolutions, imposed on them by the security council which wrongly used international legality without any legal backing but due to a political pressure from certain big powers which do not believe in the freedom and equality of the peoples and their right to security and peace. Indeed, these powers are in the habit of over-stepping the freedom and choices of peoples and nations through faked pretexts and means of economic blockade and isolation as well as guided loans and aids policies with strings attached to them, imposition of the only yard stick for governance, based on the experience of others in their attempt to dictate one concept for the values and another for development.

Finally, we should like to re-assure the African commission on human and people's rights our full co-operation in its bid to bring about a decent and safe life in Africa and to create a free and happy African, able to enjoy all his rights and liberties.

