

To the General Secretariat of the
Organization of African Unity

The Peoples' Bureau of the Great Socialist Peoples' Libyan Arab Jamahiriya in Addis Ababa presents its compliments to the Secretariat of the Organization of African Unity and has the honour to submit its first periodic report on the African Charter on Human and Peoples' Rights which has been prepared by the competent authorities in the Great Jamahiriya in accordance with Article 62 of the said Charter.

The First Periodic Report of the Great Socialist Peoples' Libyan Arab Jamahiriya on the African Charter on Human and Peoples' Rights.

Introduction

Attaching great importance to Human Rights and basic freedoms, the Great Socialist Peoples' Libyan Arab Jamahiriya safeguards and seeks to translate such lofty human principles into concrete actions which would prove her deep commitment to them, trends and its consistent endeavour to consolidate freedom and protect human rights and basic freedoms in all parts of the world.

The basis of legality in Libya is to be found in the Declaration of the Establishment of People's Power of 2 March 1977. Article 2 of the said Declaration states that the Holy Quran is the law governing society in the Socialist People's Libyan Arab Jamahiriya, while Article 3 states that people's power, directly exercised, is the basis of the political system in Libya. Power belongs to the people, not to anyone else.

The people exercise their power through people's congresses and committees trade unions, professional associations, and the General People's Congress.

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On the basis of this Declaration and the Constitutional Declaration of 11 December 1969 a number of laws have been enacted, and several resolutions have been adopted guaranteeing the civil and political rights of all citizens in Libya concerning their right to education, work, expression of opinion, association and litigation, with no discrimination based on race, colour, sex, language, religion, political opinion, national origin property or other considerations.

Convinced of the importance of adhering to international charters and conventions on human rights, as indicative of a state's respect for human rights and basic freedoms, Libya signed the African Charter on Human and Peoples' Rights on 30/5/1985, ratified it on 16/7/1986, and submitted the instrument of its accession to the General Secretariat of the Organization of African Unity on 26/3/1987.

As Article 62 of the African Charter stipulates that every state "shall undertake to submit a report every two years from the date of the coming into force of the Charter, on the legislative or other measures taken to give effect to the rights and freedoms guaranteed by the Charter", and as the Charter came into force on 21 October 1986, the Socialist People's Libyan Arab Jamahiriya today submits its first periodic report on the implementation of the provisions of the African Charter on Human and People's Rights.

Rights and Duties

I. Rights

Article 1 of the African Charter, Adherence to the Rights specified in the African Charter on Human and Peoples' Rights.

Prompted by faith in the sanctity, dignity and freedom of man, Libya has enacted national legislations, currently in force, which guarantee the basic rights and freedoms provided for in international charters and conventions, including the provisions of the African Charter on Human and Peoples' Rights. There is nothing in the national legislations to contradict the provisions of that Charter.

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Article 2 of the African Charter .Guarantee of rights and freedoms without discrimination

Libyan legislation in force considers it a criminal offence to carry out any act of discrimination based on race, ethnic origin, colour, sex, language, religion, political opinion or social status. This has been provided for in all national legislations; chiefly the Great Green Document on human rights (The Libyan Human Rights Charter). This stresses the equality of men and women in all human activities, adding that any discrimination based on sex is grossly unfair and unjustified. Libya was one of the first states to accede to the International Convention on the Eradication of all Forms of Racial Discrimination. Earlier this year, she ratified the Convention on the Elimination of all forms of discrimination against women.

Libyan legislations also guarantee freedom of thought, conscience and religion. The Holy Quran, which governs society, says "There is no compulsion in religion." Libyan Criminal Law considers it a criminal offence to carry out any act or utter any statement likely to constitute a violation of the sanctity of places of worship.

The Great Green Document also states that religion means absolute faith in the unseen, and is a sacred spiritual value for every individual, though with universal implications. It consists in a direct relationship with the Creator, that is, without mediation. No monopoly of religious practice is allowed in the Jamahiriya; nor can religion be exploited in initiating sedition, fanaticism, sectarianism, factionalism or civil strife. Libyan legislation entitles parents and guardians to bring up their children to adopt their own creeds.

Libyan legislation provides for freedom of opinion in the Great Green Document: it stipulates that the society of the Jamahiriya is a society of brilliance and creativity. Everyone has the right to undertake research, independent thinking and innovation.

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The Jamahiriya society diligently seeks to develop science, arts and literature, and to disseminate them among the masses to avert their monopoly.

Every citizen has the right to express his opinion and air his ideas at the people's congresses and in the Libyan Mass Media.

Copyright legislations define the rights of authors, the method of adapting their work without encroaching on their material and moral rights.

- Principle 5 of the Green Document
- Principle 10 of the Green document
- Principle 19 of the Green Document

- Articles 289, 290 and 291 of the Penal Code
- Articles 287, 339, 500, 501 of the Penal Code.
- Article 2 of the Constitutional Declaration
- Articles 3, 5, 6, 7, 38 and 48 of Copyright Act No. 9, 1968.

Article 3 of the African Charter:

Equality before the Law

Libyan legislation states that all citizens of the Jamahiriya are equal in rights and in dignity before the law, and that any measures contrary to this shall be null and void.

Libyan legislation guarantees for all non-Arab defendants the right of having their statements translated into the official language of the country both at prosecution and at trial.

Prosecution and Courts of Justice

Article 4 of the African Charter

Freedom and integrity of each person

Libyan law stipulates that no person shall be arrested or detained except by order of the legal authorities concerned; provided there is sufficient evidence to charge him with a crime or crimes the punishment for which is imprisonment. He shall be questioned by the Public Prosecution within 24 hours of having his case referred, and shall be either imprisoned or released.

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Libyan legislation also stipulates that no person shall be jailed without a written, signed and stamped order by the Public Prosecution. He shall not remain in prison beyond the time specified in that order. Prisoners shall be jailed in the prisons established for this purpose; no other place may be used as prison.

Punishment may not be imposed, in Libya, except on the offender himself: no person shall be penalized except for an act he has committed, was about to commit, or in which he participated or assisted.

In no circumstance shall a person be punished except after a just and fair trial, with adequate defence guarantees.

- Principle 2 of the Great Green Document
- Articles 24, 26, 30 and 31 of Criminal Procedures.
- Article 9 of the Prison Law.

Article 5 of the African Charter
Respect for Human Dignity and
recognition of legal status

According to Libyan legislation, no person shall be detained, arrested, searched or interrogated unless he is charged with committing a crime punishable by law.

Just as every man has the right to enjoy security and peace of mind, private life is inviolable, and there may be no interference in private affairs and actions except on the basis of a complaint submitted by the injured party, or in case of a breach of public morality or code of conduct.

Libyan legislation prohibits that any interrogation be accompanied with physical or psychological torture, cruel, inhuman, or degrading treatment.

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The Libyan Penal Code provides full guarantees for the respect of the dignity of man and the recognition of his legal status. It considers as criminal offences all forms of slavery, the slave trade, abduction, the use of violence to force a course of action on others, threats, the abuse of power against any person, unjustified arrest, restriction of personal freedom and the torture of prisoners.

The Law of Medical Responsibility No. 17 for 1986 has prohibited the conduct of scientific experiments on the human body except with the consent of the person in question, with his benefit in mind, and by authorized doctors in accordance with recognized scientific principles.

The articles of the Libyan Labour Law stipulate that no person shall be forced or compelled to do any work.

- Principle 7 of the Great Green Document
- Principle 8 of the Great Green Document
- Articles 425-435 of the Penal Code
- Article 15 of the Medical Responsibility Law No. 77 for 1986.
- Article 22 of the Labour Law.

Article 6 of the African Charter, Freedom and Personal Security

In addition to the provisions of the fourth and fifth articles of the Charter, Libyan legislations state that there may be no restriction of the freedom of any citizen. Every citizen has all guarantees for a secure and peaceful life. Private life is inviolable, and can not be interfered with except in the case of a complaint, of harm done to others, or an infringement on public morality or conduct. Homes are inviolable and shall not be entered, searched or surveilled except in the cases specified by law. Citizenship in Jamahiriya society is a sacred and guaranteed right. It shall not be refused to persons who fulfil its conditions. It shall not be withdrawn nor shall a person be deprived of it. In times of peace every person shall have freedom of movement and free choice of residence. Freedom of belief shall be respected and non-Muslims shall have the right to practise their religious rites without disturbing public order and morality.

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Libyan legislation also guarantees the right to life. A person may not be deprived of his life except when he has committed a capital crime which endangers or corrupts society.

Principles 2,3,4,7, 8 of the Great Green Document.

Article 7 of the African Charter: The Right to go to court

Libyan legislation guarantees for every citizen the right to go to court to claim his rights if encroached upon by others. Libyan legislations grants the right to contest decisions or laws if they infringe on a right guaranteed to them by the laws in force. The right of appeal is guaranteed in Libyan legislation. Court sessions are held in public unless public order or morality require otherwise. The accused is presumed innocent until proven guilty. The right to attend court sessions, listen to witnesses and question them. The defendant may choose to answer, or refrain from answering the questions put to him. He has the right to petition for the re-opening of the case if new facts or evidence emerge to make the court re-consider its verdict. Libyan legislation grants non-Arabic speaking defendants the right to have their statements translated into the official language of the country both at the Public Prosecution and in courts of law.

In this connection the Great Green Document in its ninth article stipulates that the Jamahiriya society ensures the right of litigation, the independence of the judiciary. It also stipulates that a defendant has the right to a just and fair trial.

No penalty shall be given without a verdict and the Libyan legislation affirms that no one may be condemned for an act or omission which did not constitute a legally punishable offence at the time it was committed, that no penalty may be inflicted for an offence for which no provision was mad at the time it was committed, and that punishment is personal.

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- Article 31 of the Constitutional Declaration of 12/12/1969
- Principle 2 of the Great Green Document
- Principle 9 of the Great Green Document
- Article 7 of Law No. 4 for 1981 on the Department of People's Lawyers
- Article 80 of the Penal Code
- Articles 104, 105, 108, 112, 162, 241, 244, 365, 381, 402, 415, 416 of the Code of Criminal Procedures.

Article 8 of the African Charter (Freedom of Religion and free practice of religion)

National legislation has guaranteed freedom of religion and religious practice for all residents of the Socialist People's Libyan Arab Jamahiriya. Libyan criminal legislation considers it a criminal offence to commit any act or utter any words that may violate or disturb the sanctity of holy places. The Great Green Document on Human Rights, in the name of the masses, stipulates that religion is absolute faith in the unseen and a sacred spiritual value that is both private for every person and general for all people. It is a direct relationship with the Creator requiring no intermediary. The Jamahiriya Society prohibits the monopoly of religion, or its exploitation to provoke sedition, fanaticism, sectarianism factionalism and civil strife.

- Principle 10 of the Great Green Document
- Article 2 of the Constitutional Declaration
- Articles 289, 290 and 291 of the Penal Code

Article 9 of the African Charter; the Right to receive information and the right to express and disseminate opinions

Libyan legislation has guaranteed freedom of opinion, the search for information and its dissemination orally, in writing, in print and through any other available medium.

The Great Green Document states that Libyan society is a society of brilliance and creativity. Every one enjoys freedom of opinion, research and creativity. The society of the Jamahiriya diligently seeks to develop sciences, the arts and literature and to ensure their dissemination among the masses so as to avert their monopoly.

The Law on copyright defines the rights of authors, and the method of adapting their work without distorting the original work or encroaching upon the material and moral rights of the authors.

Every Libyan citizen has the right to express his opinions and ideas, and to voice his convictions at the People's Congresses and in the mass media.

In all cases these rights are exercised without disturbing public order or morality.

- Principles (clauses) 1, 3 and 19 of the Great Green Document
- Articles 3,5,6,7,38 and 48 on Copyright No. 9 for 1968
- * Article 10 of the African Charter on Human and Peoples' Rights
(the Right to Free Association.)

The Constitutional Declaration and Law No. 111 for 1970, on the Right to Free Association, provides for the citizens' right to form and join trade-unions to protect their interests. Laws regulating Trade-Unions and Associations have been passed, such as:-

- Law 107 for 1975, on Labour Unions
- Law 48/1974 on Teachers Unions
- Law 95/1976 on Agronomists Union
- Law on Accountants and Auditors Union
- Law 116 for 1973 on the Medical Profession and Paramedics
No. 96/1976.
- Law on Artists Trade-Union, No. 45/1976
- Law 98/1976 on Civil Servants Association
- Law 44/1976 on Writers Union
- Law 106/1976 on Women Organizations
- Law 99/1976 on Artisans Trade-Union
- Law 100/1976 on Engineers Union
- Resolution 9 for 1979 of the Secretariat of the General People's Congress, on the General Students Union of the Jamahiriya
- Law 29/1977 on the setting up of the University Staff Union
- Resolution 5 for 1982 of the Secretariat of the General People's Congress on the Professional Organization of Social Workers

- Resolution 33 for 1986 of the Secretariat of the General People's Congress on the Professional Congress of Lawyers.

Moreover, law 9 for 1984 on the organization of People's Congresses stipulates the organization of professional conferences within the context of the Declaration of People's Power.

* Article (11) of the African Charter on Human and Peoples' Rights
(Right of Assembly)

This right is established and guaranteed by virtue of the legislations in force in Libya. Existing laws provide for the Right of Assembly. Among such laws are the following:-

- The Law on the organization of public meetings and demonstrations, issued on 30/10/56.
- Law III for 1970 on Associations.
- Law 9 for 1984 on the organization of People's Congresses.

* Article 12 of the African Charter (the right to freedom of movement, leaving the country, prohibition of mass expulsions)

All citizens are entitled to exercise the Right of free movement and of departure from the country by virtue of the Laws in force. In times of peace citizens have the freedom to move inside Libya and to choose their place of residence. The Authorities shall not deny the issuance of travel documents to citizens.

Nationals have the right to leave and return to the country without visas.

Libyan law stipulates that no citizen or group of citizens may be expelled no matter what the circumstances or the reasons are.

Concerning the expulsion of non-nationals from Libya, Libyan laws provide for the eventual expulsion of a foreigner if convicted by a court to a ten-year-prison term at least, for committing a serious offence or crime against public order and security.

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Libyan legislation further stipulates that a foreigner shall be expelled in case of the following :

- 1) If he enters the country without a valid visa.
- 2) If he refrains from leaving the country after the expiry of the authorized period of stay, and the refusal of the competent authorities to renew it.
- 3) If his residence visa was cancelled for any of the reasons specified by the law.
- 4) If an expulsion order is issued by a court of law. In this case, expulsion shall take place on condition that the Director General for Immigration and Passports issue a statement containing the reasons for such expulsion. Under Libyan law foreign nationals shall not be deported for ethnic, racial or religious reasons.

- Principle 3 of the Great Green Document.
- Article 158 of the Penal Code.
- Articles 16 and 17 of Law No. 6 for 1987 governing the entry and residence of non-nationals.

* Article 13 of the African Charter (the right of participation in the running of public life)

As already mentioned in the introduction to this report, the framework of the political system in Libya is the Declaration of the People's Power, which stipulates in Section 3 that the direct power of the people is the basis of the political system in the country, where there is no other power except the people's. They exercise power through the People's Congresses, the People's Committees, Syndicates, Trade-Unions, Professional and Vocational Associations, and the General People's Congress. Law 9 for 1984 on the organization of People's Congresses defines the method of operation of the Basic People's Congresses as well as their tasks and assignments. It also explains the method of setting up Basic People's Congresses and their tasks, as well as Vocational Congresses, and the General People's Congress, in such a way as to ensure that citizens maintain full control of public affairs.

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To assume public office is the right and duty of every citizen, both men or women, provided they meet the necessary requirements. Libyan Legislation guarantees absolutely equal rights to benefit by public property and services. Education is the right and duty of all Libyans. It is provided free of charge. Equality of all citizens is guaranteed in Libyan Society by Libyan legislations.

- Section 3 of the Declaration of People's Power.
- Law 9 for 1984 on the organization of People's Congresses.
- Part 1 of the Great Green Document.

* Article 14 of the African Charter (the Right to own Property)

Every Libyan citizen has the right to possess his life necessities such as houses, means of livelihood, means of transport, and places of work. Ownership is a sacred right that cannot be violated provided it is lawful, and acquired through hard work, not by exploiting others, and so long as property is not used in violating public order or public morality.

Expropriation is prohibited except for the reasons already mentioned. Expropriation in the public interest is confined to the cases specified by law and on condition that the owner be fairly compensated.

- Principle 11 of the Great Green Document.

* Article 15 of the African Charter (Right to Work)

The right to work is guaranteed in Libya. It is considered as both a duty and a right for all individuals. Each is entitled to work either individually or with partners. The individual has the right to choose the work he deems appropriate.

Libyan legislation stipulates that the individual is entitled to do the work he chooses, whether alone or with the participation of others, provided that such work does not violate public order or public morality. Each citizen has the right to establish an institution for production or for services, whether individually or in the form of a company, on condition that he does hire individuals to work for him. All workers shall be considered as partners in the production or services institutions. The citizen has the right to enjoy the results of his work, and to use his production to satisfy his needs.

No deduction shall be made of his earned income except as required by the citizen's obligation to participate in the cost of production, or in return for the special services provided by the community.

- Principle 11 of the Great Green Document.

* Article 16 of the African Charter (The right to receive medical attention and health care)

Every Libyan citizen has the right to receive health and social protection and care. Social security benefits are provided to individuals who are unable to work because of illness, disability, old age or other reasons, beyond their control, which may deprive them of their livelihood.

The first article of Law 106 for 1973 on Health stipulates that health and medical care constitute an established right for every citizen, which is guaranteed by the State.....etc.

Principle 14 of the Great Green Document states that :

"The members of the Jamahiriya community enjoy mutual solidarity. Society guarantees to its members an easy and dignified life. It also provides them with a high standard of medical attention so as to be in excellent health. It ensures care for children and mothers, and protection for the aged and the disabled. For the Jamahiriya Society is the guardian of those who have no guardian".

- Principle 14 of the Great Green Document.
- Article 15 of the Constitutional Declaration.
- Law on Health No. 106 for 1973.
- Law No. 13 for 1980 on Social Security.

* Article 17 of the African Charter (Right to Education and to participation in Cultural life)

Education is the right and duty of all Libyans. It is compulsory till the end of the basic level of education, and free of charge in all its stages.

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The state guarantees this right by establishing more schools, institutes, universities and cultural and educational institutions.

Every Libyan citizen has the right to choose the type of education that suits him best, develops his character, and enhance his creativity and individual distinction.

Libyan legislation guarantees all citizens' participation in cultural life, freedom of research, innovation, thought, creativity and the development of their talents.

- Principles 15 and 16 of the Great Green Document.
- Article 14 of the Constitutional Declaration on 11/12/69.

* Article 18 of the African Charter (Protection of the Family and morals; sensing the Rights of women and children

In Libya the family is considered as the basis of society. It is founded on religion and morality. Under Libyan Law men and women have the right to marry at the age of twenty. The guardian shall not compel a young man or a young girl to marry against his or her will.

Libyan legislation provides for the protection of the family in very clear and strict terms, so as to ensure stability and happiness for its members and fulfil the hopes of the community.

The Green Document states that marriage is based on an equitable partnership between two equal parties. Neither of them should marry the other party against his or her will or obtain a divorce without mutual consent or a fair trial.

Libyan legislation also guarantees sufficient protection for children : it stipulates that every individual should have a name, a surname and a nationality from his birth. The children shall bear the father's family name. A child who has no property or money is entitled to receive a stipend for his upkeep from his or her father --- in the case of the girl until she is married, in the case of a boy until he is able to earn his living.

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If the child is enrolled at a school and doing well, his expenses shall be paid by the richer of his parents. If the child has no parent to provide for him, the state shall do it.

Under Libyan legislation, the vaccination of children against diseases is compulsory. It is the responsibility of the child's father, his custodian or legal guardian to bring him to the medical centre for vaccination. Vaccination is performed according to a strict schedule, as provided for by relevant legislations. Moreover, Libyan legislation provides for a monthly allowance to be paid to civil servants whose dependants are under nineteen years of age. By virtue of the same legislation, guardians are responsible for the enrolment of their children at school.

Libyan legislation also provides for a good life and medical care for the disabled, the aged and the handicapped. The social security law now covers the disabled and the handicapped.

- Article 3 of the Constitutional Declaration.
 - Articles 12 to 17 of the Civil Law.
 - Articles 6 and 8 of Law No. 10 for 1984 on the special provisions for marriage and divorce.
 - The Second Principle of the Great Green Document;
 - The fourteenth Principle of the Great Green Document.
 - The Twenty-first Principle of the Great Green Document.
 - Law No. 13 for 1980 on Social Security.
 - Law No. 3 for 1981 on the Handicapped.
- * Articles 19 and 20 of the African Charter (The right to existence, to self-determination and support for oppressed peoples)

Through the Great Green Document, Libya calls for achieving peace among nations and considers it as a means for attaining prosperity, and affluence. Peace leads to harmony among peoples, and result in the stagnation of the arms trade and the production of arms. This will certainly serve the interests of all peoples, in so far as the expenditure on armments drains the resources of nations, and constitutes a heavy financial burden for individuals who have to pay extra taxes, whole living under the threat of widespread devastation and destruction.

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The Great Green Document looks forward to a human society free from aggression, war, exploitation, and terrorism. Where there is no discrimination between big and small, and where all nations, peoples and ethnic groups have the right to live freely in accordance with their own option, and the right to self-determination.

The green document provides for giving support to the persecuted people, and inciting the oppressed to take up arms against injustice, oppression, exploitation and colonialism. It also calls for fighting imperialism, racism and fascism, in accordance with the principle of the joint struggle of the peoples against the enemies of freedom.

- Principles 16-18-23-24 of the Green Document.

* Article 21 of the African Charter (the Right to enjoy natural wealth and resources; work for strengthening African solidarity

Libyan Society is a community of partners not of hired hands, where citizens share the ownership of national wealth, and have equal rights to enjoy it.

Libya is mobilizing all its economic potentialities for the consolidation of African Unity and African Solidarity through cooperation Agreements with African countries and the establishment of joint ventures aimed at developing economic cooperation. It is also among the first countries to give special attention to the establishment of African cooperation, free from colonial and foreign interferences. Libya also strives to free the African economy from all types of interferences, so as to avert the risks created by international monopolies.

In Libya all types of international monopolies have been liquidated through the nationalization of all foreign companies and institutions operating in the country.

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* Article 22 of the African Charter - (peoples' right to their economic, social and cultural development)

Libya believes in the people's right to realize their development options in various economic, social and cultural fields, and rejects the policy of hegemony and the domination of peoples. It considers such right as the real point of departure for achieving the independence of states and their right to self-determination.

The green document clearly emphasizes that peoples and nations are entitled to live freely in accordance with their free options, and that they have the right to self-determination. Their legitimate aspirations in drawing up their political, economic, cultural and social policies should never be suppressed or frustrated.

- Principle 16 of the Green Document.

* Article 23 of the African Charter (Prohibition of using individuals for subversive activities against their countries of origin or using territories as bases for terrorists activities)

The Great Green Document calls for the creation of a human community free of aggression, war, exploitation or terrorism, and condemns the use of force in any conflict that may arise in regional or international relations.

- Principle 16 of the Green Document.

* Articles 24 and 25 of the African Charter (The promotion of respect for the rights and freedoms contained in the Charter)

As already mentioned, Libyan national laws contain all the guarantees that ensure the full protection of Human Rights and basic freedoms. In this age of the masses the Great Green Document on Human Rights, together with other Libyan Legislations, contain the principles and provisions that cover all relevant international Charters, particularly the African Charter on Human and Peoples' Rights.

The national media always give wide coverage to this subject and stress the rights and freedoms provided for by the Green Document and other national legislations in force in Libya.

* Article 26 of the African Charter (guarantees of the independence of courts)

The Constitutional Declaration provides for the complete independence of judges, and that their decisions are governed only by the dictates of law and their conscience.

The Green Document also provides for the right to litigation, the independence of courts, and that every citizen is entitled to receive a fair trial.

- Article 28 of the Constitutional Declaration.
- Principle 9 of the Green Document.

Second : Duties

In general, all the duties contained in Articles 27, 28 and 29 are provided for by the Libyan legislations in force. They are currently in force and people are committed to them, since they are respected by every Libyan citizen. Social solidarity is the basis of national unity; the family is the nucleus of the community and is founded on religion, morality and patriotism.

Defence of the homeland and safeguarding the political regime, based on the people's power, is the responsibility of every citizen.

As mentioned earlier, all the rights and freedoms of individuals are guaranteed in Libya without discrimination. They should by no means be subject to encroachments or put in jeopardy, so long as they are lawfully exercised without any violation of the public interest, ethics, or public morality.
