

***Concluding Observations of the Committee against Torture : Libyan Arab Jamahiriya. 11/05/99.***

***A/54/44,paras.176-189. (Concluding Observations/Comments)***

Convention Abbreviation: CAT  
COMMITTEE AGAINST TORTURE  
Twenty-second session  
26 April-14 May 1999

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION

Conclusions and recommendations of the Committee against Torture

Libyan Arab Jamahiriya

176. The Committee considered the third periodic report of the Libyan Arab Jamahiriya (CAT/C/44/Add.3) at its 378th, 381st and 385th meetings, held on 5, 6 and 10 May 1999 (CAT/C/SR.378, 381 and 385), and has adopted the following conclusions and recommendations.

1. Introduction

177. The Committee welcomes the timely submission of the report prepared in accordance with the guidelines of the Committee. Likewise, the Committee welcomes the oral report of the representatives of the State party and the dialogue with them.

2. Positive aspects

178. The Committee wishes to reiterate its satisfaction, expressed in its conclusions when dealing with the State party's second periodic report, that the legal provisions of the State party generally conform with the requirements of the Convention.

179. Progress has been made in the efforts to improve education and information regarding prohibition against torture in the training of law enforcement personnel as well as medical personnel.

180. The Committee notes with satisfaction that application of corporal punishment has not been used in recent years.

3. Factors and difficulties impeding the application of the provisions of the Convention

181. The effect of the embargo on the State party, in force since 1992, which has not been lifted completely, causes severe difficulties in its economic and social life. However, such difficulties may not be invoked as justification of breaches of the provisions of the Convention, especially articles 1, 2 and 16.

#### 4. Subjects of concern

182. It is a matter of concern for the Committee that neither the report nor the information given orally by the representatives of the Libyan Arab Jamahiriya provided the Committee with comments and answers that addressed substantially the subjects of concern indicated and the recommendations made by the Committee when dealing with the second periodic report of the State party in 1994. Consequently, the Committee reiterates, *inter alia*, the following subjects of concern:

(a) Prolonged incommunicado detention, in spite of the legal provisions regulating it, still seems to create conditions that may lead to violation of the Convention;

(b) The fact that allegations of torture in the State party continue to be received by the Committee.

183. It is a matter of concern for the Committee that, in practice, the State party had, in one incident, extradited persons to a country where there are substantial grounds for believing that they are in danger of being subjected to torture. The Committee did not agree with the State party that it was legally obliged to do so.

184. It is also a matter of concern that the wording of article 206 of the Penal Code could be an obstacle to the creation of independent human rights nongovernmental organizations.

#### 5. Recommendations

185. The Committee encourages the Libyan Government to consider making the declarations provided for under articles 21 and 22 of the Convention.

186. It also recommends that the law and the practices of the State party be brought in line with article 3 of the Convention.

187. The Committee further recommends that the Libyan authorities guarantee the free access of a person deprived of his liberty to a lawyer and to a doctor of his choice and to his relatives at all

stages of detention.

188. The State party should send a clear message to all its lawenforcement personnel that torture is not permitted under any circumstances. In addition, those who committed the offence of torture should be subjected to a prompt and impartial investigation and rigorously prosecuted in accordance with the law.

189. Although corporal punishment has not been practised in recent years, it should be abolished by law.