

PUBLIC

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ICC Restricted

Translation of Evidence

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ICC Restricted

**Act No. (20) Of 1991 AD
On
((Promotion of Freedom))**

The General People's Congress,

Pursuant to the resolutions of the Basic People's Conferences [adopted] in their second regular session for 1397PD, corresponding to 1988AD, that were drafted by the public forum of the People's Conferences and People's Committees (the General People's Congress) in its fifteenth regular session [held] during the period 25 Rajab to 2 Sha'ban 1398PD, corresponding to 2 to 9 March 1989AD,

As well as the resolutions of the Basic People's Conferences [adopted] in their second regular session for 1400PD, corresponding to 1990AD, that were drafted by the public forum of the People's Conferences and People's Committees, trade unions, federations and vocational associations (the General People's Congress) in its regular session [held] during the period 29 Dhu al-Qa'da to 5 Du al-Hijja 1400PD, corresponding to 11 to 17 of June 1991AD,

Recalling the declaration on the establishment of the People's Authority,

The Great Green Document for Human Rights in the Age of Masses,

The international charters and covenants on human rights and fundamental freedoms,

Act No. (9) Of [19]84AD on organizing People's Conferences, and

The resolutions of the People's Conferences and groupings abroad,

The following law has been drafted

Article One

Citizens in the Great Al Jamahiriya – males and females – are free and they [enjoy] equal rights, which shall not be prejudiced.

Article Two

Every citizen has the right to exercise authority and self-determination in the People's Conferences and People's Committees; he shall not be deprived of being a member thereof or of being selected [to serve on] on their secretariats once he fulfills the established requirements to that effect.

Article Three

Defending the country is a right and honour; no citizen, male or female, shall be deprived of it.

Article Four

Life is a natural right for every individual; the death penalty shall only be applied as a punishment, or [inflicted upon] a person whose life poses a danger to, or spoils, society.

A perpetrator shall be entitled to seek reduction of the penalty by [offering various] types of redemption in return to keeping his life; the [competent] court may accept this unless it harms society or contradicts the human feeling.

Article Five

Religion is a direct relationship with the Creator, without there being an intermediary; any claim to monopolize or exploit religion for any purpose shall be forbidden.

Article Six

Physical integrity is a right for every individual; conducting scientific experiments on a living human body shall be prohibited unless he/she so volunteers.

Article Seven

Dealings with abroad antagonizing society shall be [considered] high treason.

Article Eight

Every citizen has the right to express his opinions and ideas and to announce them publicly in the People's Conferences and in Al-Jamahiriyah mass media; a citizen shall not be questioned about exercising this right unless he has exploited it to discredit the People's Authority or [to serve] personal purposes.

Advocating ideas and opinions secretly or [any] attempt at disseminating them or forcing them upon others by way of inducement, force, terrorization, or forgery shall be prohibited.

Article Nine

Citizens are free to establish trade unions, federations, vocational and social associations and charities and to accede to them in order to protect their interests or to achieve the legitimate purposes for which they have been established.

Article Ten

Every citizen is free to choose the [type of] work that suits him individually or in partnership with others without exploiting the efforts of others and without causing material or moral damage to others.

Article Eleven

Every citizen has the right to enjoy the product of his work which shall not be reduced in any amount except as imposed by law for contributions to the State treasury or in return for services provided to him by society.

Article Twelve

Private property is sacred and shall not be infringed upon if it is the result of legitimate source, without exploiting others and

without causing them material or moral damage, and it shall not be used in a manner negating public order and morality, and it shall only be expropriated for purposes [that serve] the public benefit and in return for equitable compensation.

Article Thirteen

Every citizen has the right to benefit from land throughout his lifetime and his inheritors' lifetime by occupying it, cultivating it and [using it for] grazing in order to satisfy his needs within the limits of his effort and without exploiting others; he shall not be deprived of this right unless he has caused the land to be spoiled or has disrupted its utilization.

Article Fourteen

Freedom of any individual shall not be denied or restricted and he shall not be searched or interrogated except in the event that he has been accused of committing an act punishable by law, [based] on an order [issued] by a competent judicial authority, and under circumstances and for durations outlined by law.

Solitary precautionary [detention of the accused] shall take place in a known place and his relatives shall be notified accordingly, and it shall be for the shortest period as necessitated by investigations and for maintaining [available] evidence.

Article Fifteen

Confidentiality of correspondence is guaranteed; it shall not be controlled except in restricted circumstances as necessitated by the security of the society and after obtaining permission to that effect from a judicial authority.

Article Sixteen

Private life is inviolable; it shall not be interfered with unless it has infringed upon public order and morality or caused damage to others or if one of the parties involved has complained.

Article Seventeen

An accused individual is innocent until he is proven guilty by virtue of a judicial verdict; yet, legal procedures may be taken against him so long as he is accused.

Subjecting an accused individual to any type of physical or psychological torture or to cruel, degrading, or inhuman treatment, shall be prohibited.

Article Eighteen

Penalties shall be aimed at [ensuring] reform, correction [of behaviour], rehabilitation, punitive punishment and guidance.

Article Nineteen

Homes are inviolable; they shall not be entered into or watched or searched unless they have been exploited in hiding a crime or sheltering criminals or causing physical or moral damage to others or if they have been used for purposes clearly negating social morals and traditions; and in cases other than when the perpetrator is caught in the act and the call for help, entry into homes shall only be allowed with a permission [issued] by a legally competent authority.

Article Twenty

Every citizen shall [enjoy] at the time of peace freedom of movement and [the right] to choose his place of residence; he has [the right] to leave the Great Al Jamahiriya and to return to it, whenever he wants.

As an exception to the provision in the preceding paragraph, a competent court may issue a temporary order prohibiting his departure from the Great Al Jamahiriya.

Article Twenty-One

The Great Al Jamahiriya is a haven for [those who are] oppressed and [those who] struggle for freedom; refugees seeking protection in it shall not be extradited to any party.

Article Twenty-Two

Freedom of invention, innovation and creativity is guaranteed within the limits of public order and morality unless it is materially or morally harmful.

Article Twenty-Three

Every citizen has the right to [receive] education and knowledge and to choose the [type] of learning that suits him; monopoly or forgery of knowledge for any reason shall be prohibited.

Article Twenty-Four

Every citizen has the right to social welfare care and social security, society being the caretaker of every one who has no caretaker [of his own]; it protects needy, elderly and disabled [people] and orphans; it secures honourable means of living for [people] who are unable to work for reasons beyond their control.

Article Twenty-Five

Every citizen, man or woman, has the right to form a family [of their own], based on a marriage contract accepted by both parties; it [the contract] shall only be annulled with their acceptance or by virtue of a verdict [issued] by a competent court.

Article Twenty-Six

A mother has the right to nurse [her children]; so long as she is qualified for this; she shall not be deprived of her children, nor shall the children be deprived of their mother.

Article Twenty-Seven

A nursing woman has the right to stay during the nursing period in the home of marriage; the man [former husband] has the right to keep his personal possessions.

The home, its contents, or [any] part of it shall not be considered [as a compensation] in return for divorce [by the man], or divorce at the instance of the wife, or be included in the assessment of the arrears of the dowry.

Article Twenty-Eight

A woman has the right to [choose] the job that suits her and she shall not be placed in a position that will require her to work in a way inconsistent with her nature.

Article Twenty-Nine

Employment of children in jobs incommensurate with their capabilities, or inhibiting their natural growth, or causing damage to their morals or health, be it by their relatives or others, shall be prohibited.

Article Thirty

Every individual has the right to judicial recourse in accordance with law; the [respective] court shall secure for him all the necessary assurances including the lawyer, and he shall be entitled to solicit a lawyer from outside the court whose expenses he shall bear.

Article Thirty-One

Judges are independent; they shall only be governed by the rule of law in [formulating] their verdicts.

Article Thirty-Two

No public authority shall go beyond the limits of its terms of reference [with the aim of] interfering in matters that have not been entrusted to it; also, no authority shall interfere in judicial control affairs unless it has been legally so authorized.

Article Thirty-Three

Public funds and facilities are the property of the society; they shall not be used in ways other those specified for it by the people.

A public job is [meant as] a service for society; it shall not be exploited and the status derived from it shall not be used to achieve illegal purposes.

Article Thirty-Four

The rights contained in this Act shall have no time limitation nor shall they be reduced or waived.

Article Thirty-Five

The provisions of this Act are fundamental; nothing contrary to them shall be issued. Any legislation contradicting them shall be amended.

Article Thirty-Six

Any person who uses illegal ways to achieve the purposes of this Act shall lose [the right] to enjoy the advantages it affords.

Article Thirty-Seven

Acts [that are] considered criminal in accordance with this Act shall be punishable with the penalties provided for in the penal law and the [relevant] complementary laws and the laws that are issued in implementation of the provisions of the Great Green Document for Human Rights in the Age of Masses.

Article Thirty-Eight

This Act shall be published in the Official Gazette and in the different media and it shall take effect as of the date of its publishing in the Official Gazette.

The General People's Congress

Issued on 22 Safar 1401PD

Corresponding to 1 September 1991AD