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LAW No 20 OF 1991 ON PROMOTING FREEDOMS.\*

THE GENERAL PEOPLE’S CONGRESS;

In Order to implement The Decisions of the BASIC PEOPLE’S CONGRESS (BPC), at its second Ordinary Session, 1397, (1988), drafted by the General Congress of the Peoples Congresses and Committees at its 15<sup>th</sup>. Ordinary Session, 25<sup>th</sup>. Rajab to 1st.Shaban 1398 (2 - 9 March 1989);

To implement the Decisions of the BPCs, at their 2<sup>nd</sup>. Ordinary Session of 1400, (1990);

and The Decisions of the People’s Committees (PCs), Trade Unions, Federations and Professional Associations (General People’s Congress), at its ordinary Session from 29Thul Qeda to 5 Thul Hujjah 1400 (11 to 17 June, 1991):

Having examined the Declaration on the Establishment of the authority of the People;

The Great “Green Charter on Human Rights in the Era of the Jamahiriya”;

International Charters and Covenants on Human Rights and Fundamental Freedoms;

Law No 9, on the Organization of People’s Congresses and International meetings;

Has drafted the following Legislation:

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\*This Law was published in the official Gazette Issue No 22, Year 29; of 3, Jumadi 1<sup>st</sup>, 9/11/1991.

#### ARTICLE 1

The citizens of the Great Jamahiriya, male and female, are free and enjoy equal rights, which are inalienable.

#### ARTICLE 2

Every citizen has the right to exercise authority, to self-determination at Peoples Congresses (PCs); citizens may not be deprived of membership or nomination to secretariats if they fulfil the required conditions.

#### ARTICLE 3

Defence of the motherland is a right and an honour, no citizen (male or female) can be deprived of it.

#### ARTICLE 4

The right to life is a natural one; capital punishment may be decreed only as a penalty, or on those who are a danger to society or a corrupting influence. A defendant may appeal requesting a lighter sentence with different ransoms in return for preserving his life. The court may accept such measures if deemed not harmful to society or against human sentiments.

#### ARTICLE 5

Religion is a direct relationship with the Creator, there are no intermediaries, and it is forbidden to claim monopoly of religion or to exploit it for any purpose.

#### ARTICLE 6

Security of one's person is the right of each individual, scientific experiment may not be undertaken on a living person unless he has volunteered.

#### ARTICLE 7

Collusion with the enemies of society from abroad shall be deemed high treason.

#### ARTICLE 8

Every citizen is entitled to the freedom of expression of his opinions and thoughts, and to proclaim them at PCs and in all the media in the Jamahiriya. A citizen may not be held accountable for the exercise of such a right unless he does so to undermine the authority of the people or for personal

purposes. Clandestine campaigning for ideas and opinions are prohibited, as are all attempts to make them public or impose them on others through temptation, by force, intimidation, or misrepresentation.

#### ARTICLE 9

Citizens are free to form unions, trade unions, professional and social federations and charities, to join them for the defence of their interests, or to fulfil those legitimate purposes for which they were established.

#### ARTICLE 10

Every citizen is free to choose the work that suits him, alone or with others, without exploiting the exertions of another and without causing material or moral harm to others.

#### ARTICLE 11

Every citizen is entitled to enjoy the fruit of his labour. Only the deductions set out by law to contribute to the general charges, or in return for services provided by society, may be made from the product of his labour.

#### ARTICLE 12

Private property is sacred and inalienable if the result of legitimate action and without exploiting others, harming them materially or morally. Property may not be used in a manner contrary to public order and morality. Private property may only be expropriated for the public good and in return for fair compensation.

#### ARTICLE 13

Every citizen may exploit his land throughout his existence and that of his heirs, to work it, plant it and for pasture to meet his needs within the limits of his own efforts and without exploiting others. A citizen may not be deprived of this right except if he misuses the land or prevents its use.

#### ARTICLE 14

No person may be deprived of his freedom, or have it restricted; neither can he be searched or questioned unless charged with an act punishable by law, or by order of a competent judicial authority within the terms and reasons set out by law. Preventive detention (custody) shall be at a known place which the relatives of the accused shall be informed of, this shall be for the shortest time required for investigation and recording of evidence.

#### ARTICLE 15

Confidentiality of correspondence is guaranteed, it cannot be controlled except in very limited circumstances, as required by the security of society, and only after obtaining permission to do so from a judicial authority.

#### ARTICLE 16

Privacy is sacrosanct. Interference is prohibited unless private matters are deemed harmful to public order, morality, or others, or if one of the parties in the private sphere complains.

#### ARTICLE 17

An accused is innocent until proven guilty by decision of the judiciary; no judicial measure may be taken against him while he remains accused.

An accused may not be subjected to any type of physical or psychological torture, any harsh, humiliating treatment, or one affecting his human dignity.

#### ARTICLE 18

Punishment seeks to reform, rehabilitate, re-educate, instruct, and advice.

#### ARTICLE 19

Private dwellings are sacrosanct; they may not be entered, watched, or searched unless used to conceal a crime, harbour criminals or to harm others materially or morally, or if used for purposes that are flagrantly contrary to public morality and social custom.

Except in cases of a crime being committed or in order to provide assistance, a private dwelling may only be entered with the permission from a legally empowered authority.

#### ARTICLE 20

In peacetime, every citizen shall enjoy freedom of movement and abode; he may leave the Great Jamahiriya and return as he pleases. A competent court of law may issue temporary orders prohibiting a person from leaving the Great Jamahiriya.

#### ARTICLE 21

The Great Jamahiriya is the refuge of the oppressed and those struggling for freedom, those under its protection may not be handed to any authority.

#### ARTICLE 22

The freedom to invent and innovate is guaranteed within the limits of public order and morality and providing this causes no material or moral harm.

#### ARTICLE 23

Every citizen has a right to education, to knowledge and to choose the subject of his choice. The monopoly or falsification for whatever reason of knowledge is forbidden.

#### ARTICLE 24

Every citizen is entitled to Social Care and Security, as Society is the guardian of THE DISPOSSESSED, it protects the needy, the aged, the infirm and the orphaned , it provides the means for a decent living to those unable to work for reasons beyond them.

#### ARTICLE 25

Every Citizen, male or female, has the right to form a family based on a freely concluded marriage contract that may only be dissolved by their mutual consent or by a decree from a competent court.

#### ARTICLE 26

Custody of the children is a mother's right as long as she is fit to do so. A mother may not be deprived of her children; children may not be deprived of their mother.

#### ARTICLE 27

A mother who has the custody of her children shall remain in the family home for the duration of her custody; the father shall retain his personal possessions.

The family home, its contents, or part of it may not be relinquished in return for a divorce or repudiation; neither can it be included in final dowry settlement.

#### ARTICLE 28

A woman is has the right to the occupation that suits her, she shall not be placed in a situation where she is employed in that which does not suit her nature.

#### ARTICLE 29

Relatives or others may not employ children, in work not suited to their capacities, and liable to stunt their natural growth or affect their health.

#### ARTICLE 30

Every person is entitled to judicial redress according to the law. The Court shall provide all the necessary guarantees, including legal representation, a person may, at his own expense, use a lawyer chosen by him from outside the court.

#### ARTICLE 31

The Judiciary are independent and, in their decisions, shall only be guided by the authority of the law.

#### ARTICLE 32

A Public Authority may not exceed its mandate or interfere in questions that are beyond its purview, neither can an Authority interfere in matters regarding judicial control unless so empowered by law.

#### ARTICLE 33

Public utilities and funds are the property of society; these may not be misappropriated for uses other than those determined by the people.

Public Office is a service to society it may not be exploited neither can its attributes be used for illegal purposes.

#### ARTICLE 34

The rights arising out of this Law cannot be reduced; they are not subject to statutory limitations and are inalienable.

#### ARTICLE 35

The provisions of this Law are fundamental, they cannot be countermanded by other legislation, and conflicting legislation shall be amended.

#### ARTICLE 36

Any person who has achieved his aims illegally shall be deprived of the protection of this Law.

#### ARTICLE 37

Acts prohibited by this Law shall be punishable by those sanctions prescribed in the Penal Code and its additional provisions, as well as those sanctions adopted to implement the provisions of 'The Great Green Charter of Human Rights in the Jamahiriya Era'.

ARTICLE 38

This Law shall be published in the official Gazette and other media. It shall enter into force as of the date of its publication.

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