



Libya: Libyan public institutions and NGOs draft '10 Steps to End Torture'



ARABIC_ Libyan public institutions and NGOs draft '10 Steps to End Torture'
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PRESS RELEASE

For Immediate Release

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Libyan public institutions and NGOs draft '10 Steps to End Torture'

TRIPOLI, Libya - On Saturday, 20 April 2013, the World Organisation Against Torture (OMCT) assembled 48 participants from across Libya for a day-long workshop entitled, "Uniting public institutions and civil society to monitor and implement the new law against torture: challenges and prospects." Participants included representatives from the Ministry of Justice, the General National Congress (GNC), the National Council for Civil Liberties and Human Rights (NCCLHR), and many lawyers and activists from Tripoli, Benghazi, Misrata, and Sabha.

The participants drafted and approved a memorandum entitled, "10 Steps to End Torture," intended to guide the Ministry of Justice, the GNC, and civil society in monitoring and improving the law. The day ended with a pledge to reunite after one month to mobilize a national coalition against torture. Ms. Samira Bouslama, Civil Society Coordinator at the UN Support Mission in Libya, said, "Interaction and dialogue between civil society and public actors is the key to protecting against torture in Libya. This workshop was a big step in that direction."

The workshop followed the GNC's adoption on 9 April 2013 of a bill - initiated by the Ministry of Justice - criminalizing torture, enforced disappearances, and discrimination. The purpose of the

workshop was thus to direct the momentum of the moment toward the law's implementation. Participants agreed that the law sends a clear message that torture and ill treatment will not be tolerated, but that further amendments and mechanisms are necessary to create a comprehensive legal framework against torture. They further praised the law's adoption in the face of considerable opposition to the bill and the tenuous politics of the day.

The day began with a presentation from Ms. Marieke Wierda, Senior Transitional Justice Officer at UNSMIL, who discussed the definition of torture and how to align local and international laws. Next, Mr. Mondher Cherni, Secretary-General of the Tunisian Organisation Against Torture, shared the Tunisian experience in reinforcing national legislation against torture following the revolution. Then, Mr. Issam Al Tagouri, Civil Society Coordinator at the Ministry of Justice, spoke about steps taken by the Ministry to improve detention conditions and transfer informal detention facilities to the state. Finally, Mr. Faraj A. Elajely, Director of Human Rights Field Operations at the NCCLHR, closed the morning session with a discourse on the obstacles preventing victims from accessing justice and fair compensation in Libya. The afternoon session saw an animated discussion on the gravity and complexity of torture, detention, and discrimination in Libya. About 8,000 detainees are being arbitrarily held in informal prisons outside of state control. About as many bodies are lying unidentified in over 200 mass graves across the country. Certain participants enriched the debate with the perspectives and concerns of diverse populations, including the Tawergha and women.

Mr. Currun Singh, Regional Advisor at OMCT, said, "The energy of the room was palpable. Libyans have waited long enough and are now thirsty for rule of law. Unchecked violence is still touching hundreds of thousands of victims and families more than two years after the revolution began. But after what I saw today, there is cautious cause for optimism."

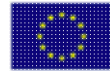
Mr. Elajely of NCCLHR said, "There is a vital need in Libya that we work together with civil society during the transition process. I thank OMCT for this workshop and I support the initiative to create a coalition of NGOs against torture in Libya."

OMCT has been active in Libya ever since the Abu Salim prison massacre in 1996, which it brought to the attention of the Human Rights Committee of the United Nations. Since the revolution, it has been accompanying civil society in fighting against torture and supporting legal reforms.

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See a photo reel and read the '10 Steps to End Torture' on the following pages.

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Created in 1985, the World Organisation Against Torture (OMCT) is today the main coalition of international NGOs fighting against torture, summary executions, enforced disappearances and all other cruel, inhuman or degrading treatment. With 311 affiliated organisations in its SOS-Torture Network and tens of thousands of correspondents in every country, OMCT is the strongest network of NGOs working to protect and promote human rights around the world. For more information, visit us at www.omct.org, on Facebook or Twitter.

10 Steps to End Torture

Recommendations from the Workshop, "Uniting Public Institutions and Civil Society to Monitor and Implement the New Law Against Torture: Challenges and Prospects"

Saturday, 20 April 2013

Today's workshop has tackled different axes of discussion, including the role and mandate of public institutions in the fight against torture, preventing torture through national, regional and international law, and the state of human rights in Libya. Drawing on our experiences, we discussed current

practices of enforced disappearance, arbitrary arrest, torture, ill treatment, and discrimination, notably at detention facilities outside state control. We note that public institutions are finding it difficult to hold accountable perpetrators of such grave violations and bring them to fair trial. We also believe civil society has a role to play in assisting victims, raising public awareness, and engaging vigorously with public actors. We raised the issue of the independence of judicial power and the need to stop immediately the practice of torture within formal and informal detention facilities in Libya. Finally, we recognize that detention facilities that have been transferred under the control of the Ministry of Justice have witnessed an amelioration of detention conditions and fewer human rights violations. We thus urge the transitional government to bring, immediately, all detention facilities under the control of the Ministry of Justice.

We issue the following '10 Steps to End Torture', for all to take heed:

1. To implement the new law criminalizing torture within a legal framework that guarantees full protection to victims and protection from such violations in the future;
2. To legislate in the national framework that amnesties, immunities or periods of prescription are not possible for such human rights violations and crimes;
3. To align the national legal framework with Libya's international obligations and human rights standards, notably the UN Convention Against Torture (CAT);
4. To put in place governmental programs for the compensation and rehabilitation of torture victims;
5. To ratify the Optional Protocol of the International Convention Against Torture in order to assure prevention and control mechanisms;
6. To transfer all detention facilities under the full control of the Ministry of Justice and to guarantee regular and unannounced prison visits from public institutions and civil society;
7. To transfer all cases to public prosecutors in order to verify charges against prisoners and to release persons who have been detained without charge or evidence;

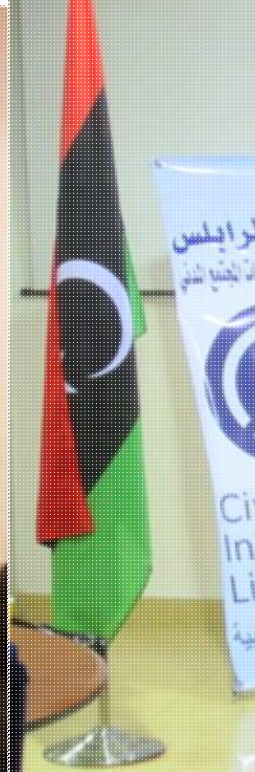
8. To create a register for all detention facilities that should include names of the detained, their arrival date, and their charges;

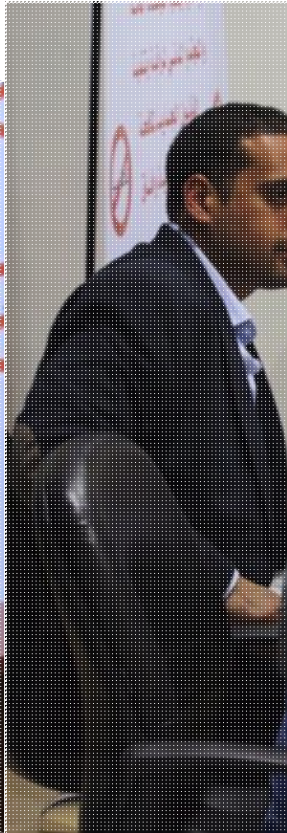
9. To stop immediately all human rights violations against detained persons in informal prisons and initiate their transfer under the authority of the Ministry of Justice;

10. To reform judicial power and guarantee fair trial and investigation of all cases of torture that have been perpetrated in Libya.

Made in Tripoli, 20 April 2013

1. Voluntary Libyan Group for Monitoring Human Rights Violations, Tripoli
2. Jurists Without Borders, Benghazi
3. Al Rahma Association, Tawergha
4. Al Sabeel Association, Tripoli
5. Almorageb Human Rights Association, Tripoli
6. Libyan Judges' Association, Benghazi
7. Libyan Youth Association for Human Rights, Benghazi
8. Libyan Organization for Human Rights, Tripoli
9. Libyan Observatory for Human Rights, Tripoli
10. Libyan Institute to Support Rights and Liberties, Tripoli
11. Liberties Group for Human Rights and Development, Tripoli
12. World Organisation Against Torture, Tripoli





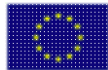







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Attachments

-  Libyan public institutions and NGOs draft '10 Steps to End Torture'
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