

Law No. (10) of 2013

On the Criminalization of Torture, Forced Disappearance and Discrimination

Upon review of:

- The interim Constitutional Declaration issued on 3 August 2011 and the amendments thereof;
- The Penal Code and the amendments and supplementary criminal legislation thereof;
- The Code of Criminal Procedure and the amendments thereof;
- The Military Penal Code and Code of Criminal Procedure and the amendments thereof;
- The bylaws of the General National Congress (GNC);
- The conclusions of the seventy-ninth session of the GNC held on 09/04/2013;

The following law has been issued:

Article (1)

Forced Disappearance

1. Whoever kidnaps or detains a human being or deprives the same of any of his personal freedoms, whether by force, threats or deceit, shall be punished with imprisonment. The penalty incurred shall be imprisonment for not less seven years if the act is committed:
 - a. Against ascendants, descendants or spouses
 - b. By a civil servant who transgresses the limits of the powers associated with his position
 - c. With the intention of realising a gain in exchange for releasing the victim; in which case, if the perpetrator achieves his goal, he shall be punished with imprisonment for a period of at least eight years.

Article (2)

Torture

Imprisonment for a minimum period of five years shall be incurred by anyone who inflicts or orders another person to inflict physical or mental pain on a detainee under his control in order to extract a confession for any act that such detainee has or has not committed, or because of discrimination, regardless of its type, or revenge, regardless of its motive.

The same penalty shall be inflicted on whoever covers up an act of torture despite his ability to stop it.

The imprisonment sentence shall be not less than eight years if the torture results in substantial harm, and not less than ten years if the torture leads to serious harm. In the event of the torture victim's death, the penalty shall be life imprisonment.

Article (3)

Without prejudice to any penalty imposed by another law, whoever deprives a human being from any of his rights due to the class, group, region or entity to which such human being belongs or due to his sex or colour, shall be sentenced to prison.

Article (4)

A minimum of one-year imprisonment shall be the penalty of any civil servant who discriminates between Libyans on regional, tribal or ethnic grounds with regard to their eligibility for appointment or promotion in public positions or their eligibility for benefits and services, with the intention of depriving or preventing them from benefiting from the same, or violating their priority right thereto.

Article (5)

Responsibility of Politicians and Leaders

The same penalty shall be incurred by any political, executive or administrative official, and any military leader or acting military leader when any employee or forces under the control and command thereof commit the crimes stipulated in the previous articles, if such official or leader does not take the necessary measures to prevent or uncover such crimes while being capable thereof, or prevents in any way the referral of such crimes to the authorities in charge of discipline, investigation or prosecution.

Article (6)

Any provision that contradicts the provisions of this law shall be repealed.

Article (7)

This law shall be published in the Official Gazette and shall enter into force from its date of issuance.

General National Congress -- Libya

Tripoli

4 Jumada al-Akher 1433 AH

Corresponding to 14 April 2013 AD

A. Bin Fayed / Haneen (04/2013 AD)