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## HUMAN RIGHTS COMMITTEE

Ninety-first session

### SUMMARY RECORD OF THE 2488th MEETING

Held at the Palais Wilson, Geneva, on Thursday, 18 October 2007, at 10 a.m.

*Chairperson:* Mr. RIVAS POSADA

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*The meeting was called to order at 10 a.m.*

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 40 OF THE COVENANT (agenda item 6) (*continued*)

*Fourth periodic report of the Libyan Arab Jamahiriya (CCPR/C/LBY/4;  
CCPR/C/Q/LBY/4) (continued)*

1. *At the invitation of the Chairperson, the members of the delegation of the Libyan Arab Jamahiriya took places at the Committee table.*
2. The CHAIRPERSON invited the delegation to answer the additional questions asked at the previous meeting.
3. Mr. ABUSEIF (Libyan Arab Jamahiriya) said that before the members of the delegation took the floor, he wished to draw attention of Committee members to paragraph 2 of rule 71 of the Committee's rules of procedure, which stated that "If a report of a State party under article 40 of the Covenant, in the opinion of the Committee, does not contain sufficient information, the Committee may request that State to furnish the additional information which is required, indicating by what date the said information should be submitted". It was clear from that paragraph that the request for additional information must be made formally not orally, as some Committee members had done, in an unacceptable manner, at the previous meeting.
4. Mr. AL JETLAWI (Libyan Arab Jamahiriya) said that the Islamic sharia was perfectly compatible with the provisions of the Covenant. It went even further than the Covenant on the question of human dignity, in that it recognized the rights of the foetus. Application of the death penalty was limited by *quisas* (retribution). In fact, the main object of that penalty was not execution per se but the possibility of exercising public or private retribution. With regard to the private element, it was legitimate that a person who committed murder be punished; with regard to the public element, the penalty acted as a deterrent. *Diyah* (payment of blood money) also limited the application of capital punishment, in that the victim's relatives could request that the killer not be executed but pay *fidyah* (a ransom). That was what had happened in the case of the Bulgarian nurses and the Palestinian doctor.
5. Mr. AL MAJDOUB (Libyan Arab Jamahiriya), referring to question 1 on the legal status of the Covenant, said that the provisions of any international instrument to which the country was a party were incorporated into domestic law and could be applied directed by national courts.
6. Torture was strictly prohibited by Libyan law. Article 435 of the Criminal Code stipulated that anyone in public office who tortured a detainee, or ordered that a detainee be tortured, was punishable by 3 to 10 years' imprisonment. All such violations had been investigated, prosecuted and punished. However, only a very few cases had been reported.
7. Mr. AL JETLAWI (Libyan Arab Jamahiriya), noting how difficult it was internationally to agree on a definition of terrorism, much less draft an instrument on the issue, emphasized that the same was true for his country. Nevertheless, there were some laws that punished terrorist acts, such as Act No. 7 of 1981, concerning possession of weapons, ammunition and explosives and Act No. 13 of 1993, concerning theft and highway robbery.
8. Mr. ABUSEIF (Libyan Arab Jamahiriya) said that contrary to what had been said about the status of women, Libyan women were free and emancipated, many of them worked and all of them could move freely without having to be accompanied by a man.

9. The CHAIRPERSON thanked the Libyan delegation and invited Committee members to ask further questions.

10. Sir Nigel RODLEY, speaking on a point of order, said he wished to respond to the head of the Libyan delegation concerning the procedural issue that he had raised. He recalled that the Committee's rules of procedure included not only rule 71 (2), cited by Mr. Abuseif, but also rule 66 (4), which stipulated that "The Committee may, through the Secretary-General, inform the States parties of its wishes regarding the form and content of the reports to be submitted under article 40 of the Covenant". The Committee's expectations in that regard were stated clearly in the reporting guidelines, and the fourth periodic report of the Libyan Arab Republic did not follow those guidelines at all. There was no reason to wait until the end of the discussion to draw the State party's attention to that fact.

11. Mr. IWASAWA noted that the Committee's main function was to help States parties implement the Covenant's provisions and that the exchange of views that took place during consideration of periodic reports was seen by delegations as an opportunity to enter into constructive dialogue. As part of that dialogue, Committee members might want to ask questions and request additional information, without necessarily having to accept all the delegation's explanations. That did not in any way contravene rule 71 of the Committee's rules of procedure.

12. Lastly, answering members' questions about amputations carried out on persons convicted of robbery, the Libyan delegation had described the crimes in question as "terrorist". No matter how serious the crime, however, amputation was a violation of the Covenant.

13. Mr. O'FLAHERTY associated himself with other members' remarks about the Committee's working methods and added that it would have been useful if the information provided by the delegation in response to questions asked at the previous meeting had been included in the fourth periodic report or in the written replies to the list of issues. On the question of terrorism, the State party's use of that term was extremely worrying. While it was true that there was no universally recognized definition of terrorism, offences such as armed robbery could not be classed as "terrorist" under any existing definition. Besides, the absence of international agreement on a definition of terrorism did not exempt the State party from formulating a national definition of terrorism that was in keeping with international human rights norms. To do so, it might base itself on the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, who had defined as terrorism acts defined by different international instruments and committed with "the intention of causing death or serious bodily injury (or the taking of hostages)" and "for the purpose of provoking terror, intimidating a population, or compelling a Government or an international organization to do or to abstain from doing any act" (E/CN.4/2006/98, para. 38). In that connection, he was still waiting for an answer to his question about the progress of work on the draft criminal code, especially elements of the code that related to terrorism. He would also like the delegation to comment on the 2002 statement by the Libyan Head of State that adults guilty of terrorism did not benefit from legal counsel and their fundamental rights were not guaranteed.

14. Ms. WEDGEWOOD said that States parties should see the discussion that took place during consideration of their periodic reports as an opportunity to make progress in implementing the Covenant by taking a critical look at their achievements. It would be useful not only for Committee members but also for the Libyan Arab Jamahiriya to have a fuller account of measures taken against torture

(number of investigations conducted, prosecutions brought, verdicts rendered etc.). The Libyan delegation should not take offence at being asked for such information, since the same questions were asked of other States parties.

15. Ms. CHANET expressed surprise at the Libyan delegation's interpretation of the Committee's rules of procedure. The possibility of providing additional information orally during consideration of periodic reports was often appreciated by delegations, since it sometimes obviated the need for the Committee to make unpleasant comments in its concluding observations, which were made public and discussed at a press conference at the end of the session. In that spirit, she was still waiting for an explicit answer to her question about the document allegedly signed by the Bulgarian nurses waiving their right of appeal.

16. Mr. AMOR noted that the Libyan Arab Jamahiriya considered Islamic sharia to be perfectly compatible with the provisions of the Covenant. He asked the delegation to explain how discrimination against women or the application of corporal punishment such as amputation, to give just two examples, could be reconciled with the principles set forth in that instrument.

17. Mr. LALLAH associated himself with the questions asked by other Committee members concerning terrorism. He would like to have precise information about procedural rules applicable to terrorism suspects and to know whether such persons always had a right to a trial. He endorsed his colleagues' remarks about the Libyan delegation's attitude and expressed regret that the delegation had raised a procedural objection to the Committee's questions, which would probably have been fewer had the State party submitted a report that fulfilled its obligations under the Covenant.

18. The CHAIRPERSON invited the Libyan delegation to comment on Committee members' statements before answering the additional questions.

19. Mr. ABUSEIF (Libyan Arab Jamahiriya) thanked Committee members for their comments and acknowledged that a spirit of dialogue was essential to progress.

20. Mr. AL JETLAWI (Libyan Arab Jamahiriya) said that the Libyan delegation had no objection to being asked questions. What had offended it was the bias reflected in several statements by Committee members. For instance, the statement that the State party had not fulfilled its obligations was a judgement, not a question.

21. Contrary to what one Committee member had said, corporal punishment such as amputation was not applied to armed robbers but to individuals who formed armed gangs to appropriate other people's property by means of threats or force and sometimes even murder. Such acts were often committed in isolated areas or in the desert by highwaymen who took advantage of their victims' vulnerability. They were not the same as shoplifting or car theft, which were punishable by imprisonment.

22. Ms. WEDGEWOOD said that the time when corporal punishment such as amputation might have been considered necessary was long gone. A rich, modern State like Libya had other ways of enforcing the law and punishing offenders, for instance by incarcerating them.

23. Mr. KHALIL expressed regret that the delegation had not provided the requested statistics on cases of extrajudicial, arbitrary or summary executions (question 10) and had also not answered the question about how the State monitored the treatment of prison detainees, particularly in cases of alleged torture or ill-treatment. The Committee had raised those issues in its concluding observations on the State party's third periodic report (CCPR/C/79/Add.101) and therefore hoped to receive an answer either during the dialogue with the delegation or subsequently in

writing. Otherwise, it trusted the State party would explain why it had been unable to provide the requested information.

24. Sir Nigel RODLEY said that the report submitted by the State party did not follow the guidelines: that was a fact, not a judgement. It was equally true that the delegation had given very useful answers orally, for instance, on the definition of the concept of “haraba” (armed robbery), which seemed to refer to highway robbery in isolated areas. Did that mean that similar acts committed in urban areas were not punished by amputation? The Committee’s position on corporal punishment was clear: corporal punishment, especially extreme forms, such as amputation, was contrary to article 7 of the International Covenant on Civil and Political Rights, which prohibited torture and cruel, inhuman or degrading treatment or punishment, regardless of the nature of the offence.

25. The CHAIRPERSON asked the delegation whether it was in a position to answer Committee members’ questions before replying to questions 15 to 27 of the list of issues.

26. Mr. ABUSEIF (Libyan Arab Jamahiriya) said that the statistics referred to by the Rapporteur and not given in the written replies would be transmitted to the Committee shortly. Replying to questions on the list of issues, he said that the Code of Criminal Procedure set forth all necessary guarantees for protecting accused persons against arbitrary detention. Moreover, under article 7 of the Great Green Document on Human Rights, the individual liberty of all citizens was sacrosanct and only individuals who posed a threat to others could be deprived of it. Those principles were confirmed by article 14 of the Promotion of Freedom Act No. 20. The provisions governing pre-trial detention offered the necessary guarantees for avoiding abuse of authority on the part of members of the police forces. Furthermore, under the Prisons Act No. 5 of 2005, incommunicado detention could be imposed only within the limits of the law and pursuant to a judicial decision.

27. Any accused person was free to request the services of counsel of his own choosing. Persons who could not afford a private lawyer received free legal assistance, including in criminal cases. The Prisons Act No. 5 of 2005 stipulated that detainees must receive medical check-ups.

28. His delegation was unable to answer question 17 on steps taken to repeal the 1997 law known as the “Charter of Honour”, but could report that a commission had been established to review the law and propose amendments, if necessary. The draft criminal code had not yet been adopted. With regard to the new Code of Criminal Procedure mentioned by the Committee, no draft was under consideration.

29. The Judicial Inspectorate was composed of highly experienced senior judges who offered all the necessary guarantees of integrity. It was headed by the President of the Supreme Court and was responsible for evaluating the professional conduct of all members of the judiciary and ensuring that the judiciary obeyed the law. However, it could not influence verdicts rendered by judges in discharging their functions. The independence of the judiciary was guaranteed by the fact that its members were subject to no authority in fulfilling their duties and could not be removed from office. They could, however, be relieved of duties following disciplinary proceedings, in cases and according to procedures set forth in the Judiciary Act.

30. The Supreme Council of the Judiciary had adopted a decision in August 2007 setting up special tribunals and prosecutor’s offices in Tripoli. Each tribunal and prosecutor’s office had jurisdiction in a particular field, such as drug control or economic crime, and all of them applied the Code of Criminal Procedure and the

Criminal Code. The Peoples' Court, for its part, had rendered all its verdicts in accordance with the law, providing all guarantees of a fair trial.

31. Under article 8 of the Promotion of Freedom Act No. 20, all citizens had the right to express their views freely at people's congresses and in the media, provided that right was not exercised in violation of the rights of others, for instance, for purposes of defamation.

32. Concerning the release of prisoners convicted of offences against the State (question 22), statistics on the number of amnesties decreed since 2006 could be provided at a later date. The process of amending the Publications Act No. 76 of 1972 (question 23) was ongoing.

33. The Associations Act No. 19 was currently under consideration with a view to making the amendments necessary for strengthening freedom of association. It was not true that an application for registration made by a collective body and rejected by the competent administrative court could not be appealed. The Administrative Justice Act expressly provided the possibility of lodging an appeal in such cases.

34. The law, notably the Child Protection Act, the Social Welfare Act and the Civil Status Act, extended the same protection to all children, without exception, whether born in or out of wedlock.

35. The CHAIRPERSON thanked the Libyan delegation for its answers and invited members of the Committee to make comments or ask further questions.

36. Mr. SHEARER thanked the delegation for its explanations concerning the *Loubna El Ghar v. Libyan Arab Jamahiriya* case but expressed regret that no further information had been given about the fate of Mr. El-Megreisi, who had been imprisoned in 1990 and about whom his family had heard nothing since 1992. Even if the delegation had no new information about Mr. El-Megreisi's situation, it could no doubt say whether any investigations had been launched and whether steps had been taken to shed light on the case. Such information could be transmitted to the Committee in writing at a later stage.

37. The length of pre-trial detention was not regulated uniformly by different laws. The Promotion of Freedom Act No. 20 gave no indication of the length of pre-trial detention, other than that it must be the minimum needed to conduct an investigation and gather evidence. The Code of Criminal Procedure provided that a suspect must be brought, within 48 hours following arrest, before a representative of the Department of Public Prosecutions, who must order his release or placement in pre-trial detention within 24 hours. Lastly, the Drugs and Psychotropic Substances Act set the maximum length of pre-trial detention at 30 days. Clarification of the practice with regard to pre-trial detention would therefore be welcome. Article 9 (3) of the Covenant provided that anyone arrested or detained on a criminal charge must be brought promptly before a judge or other officer authorized to exercise judicial power. One must therefore be sure that the representative of the Department of Public Prosecutions before whom the suspect was brought for release or pre-trial detention was authorized to exercise judicial power and did so in complete independence.

38. The delegation had not given details of the content of legislative provisions governing incommunicado detention. Further information would be useful. According to some non-governmental organizations, 258 people were currently held incommunicado in the State party, a practice mainly applied by the National Security Agency. The delegation might wish to comment on those allegations. Two cases in particular had been brought to the Committee's attention. In the first, the

person concerned had been arrested in 1997 and had been held incommunicado until 2003, at which point he had been tried and sentenced to life imprisonment for having supported a banned organization. The Committee would like to know the conditions in which he was serving his sentence. The second case concerned the detention of a political dissident since 2004 at a secret location. Any information that the delegation could provide on that person's current situation would be appreciated.

39. With regard to freedom of association, it should be recalled that the only permitted restrictions on the exercise of that right were those set forth in article 22 (2) of the Covenant. Accordingly, the State party could not prohibit association without justifying its decision. The Committee was pleased to hear that Act No. 73 of 2002 was being reviewed to provide an appeal mechanism for associations whose application for registration had been denied; it requested the State party to keep it informed of the progress of that initiative.

40. Mr. O'FLAHERTY noted that, contrary to what the State party had told the Security Council, the new criminal code had not been adopted. Moreover, according to some reports, persons arrested in Afghanistan had been handed over to Libyan authorities, which had placed them in detention. He invited the delegation to confirm whether that was the case and, if so, to tell the Committee how the rights of those detainees were being respected.

41. It would be useful to know whether the State party planned to suspend application of the 1997 "Charter of Honour" while it was being reviewed and whether the aim was to amend it or even repeal it, as recommended by the Committee in 1998. The State party had not reported on any collective punishments imposed since 1997, yet it appeared that such measures were frequent, particularly at Ben Walid, near Tripoli.

42. The problem of freedom of expression was the same as that raised by Mr. Shearer with regard to freedom of association. He invited the State party to explain how the provisions severely restricting the exercise of those rights (Acts Nos. 76 and 71 of 1972 and articles 206 and 208 of the Criminal Code) could be deemed compatible with the Covenant. He welcomed the fact that discrimination against children born out of wedlock had been abolished in law, but wished to know what the situation was in practice and whether the State party planned to conduct awareness-raising campaigns to change people's attitudes. There were reports that, on the first day of the school year, children of Libyan women married to foreigners had been sent home, pursuant to a decision of the Ministry of Education. It also appeared that Berber children (Amazighs) were treated differently from other children. He invited the delegation to provide explanations on that subject.

43. Mr. KHALIL also wished to know why the adoption of the new criminal code and code of criminal procedure had been delayed. He welcomed the detailed information given by the State party on the mandate of the Judicial Inspectorate, as the independence of the judiciary was a key issue. He also welcomed the abolition of People's Courts but regretted that the delegation had not indicated how many people sentenced by those courts were still in detention. Moreover, some non-governmental organizations (NGOs) had been given to understand that People's Courts had in fact been replaced by the special tribunals set up by Act No. 6 of 2006. It was encouraging that persons accused of offences against the State now had access to an appeal mechanism, but doubts remained as to whether those appeal courts guaranteed the rights set forth in article 14 of the Covenant.

44. The Committee had learned, through the media, that Colonel Gaddafi had set up a committee for the release of political prisoners. It would be useful to have more

detailed information, particularly about the criteria used to decide who was to be released. Information would also be welcome about revision of the Publications Act No. 76 of 1972, which had apparently been ongoing for many years. Lastly, the Committee regretted that no information had been provided on the dissemination of the Covenant. He noted with satisfaction that the Libyan Arab Jamahiriya had acceded to the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocols to the Convention on the Rights of the Child, but wondered what was being done to inform agents of the State and members of the public about those instruments, particularly about the rights and obligations they contained, and about the Committee's concluding observations. It would be useful to know whether there was a body responsible for such dissemination, whether awareness-raising and education campaigns were planned and whether NGOs, particularly those whose activities were described in paragraphs 33 and 34 of the report, played a role in that area.

45. Ms. WEDGEWOOD requested an explanation of measures allegedly targeting the Amazigh minority. According to some reports, the practice of denying schooling to children who had an Amazigh name – and had not taken an Arab name – persisted, despite adoption of a decree expressly prohibiting it. The Amazighs allegedly did not have the right to use their language, Tamazight, in public, particularly on television or radio. Some musicians had allegedly been threatened with arrest for singing in Tamazight. Associations aimed at promoting or preserving Amazigh culture were also allegedly banned. Lastly, in violation freedom of religion, Ibadism, a form of Islam, was outlawed.

46. Sir Nigel RODLEY asked what courts, other than ordinary courts, existed in the State party – special, specialized, ad hoc, etc. – and what were the laws governing them. Details about their composition and about means of appeal would also be useful. The State party had said that there was no point providing for review of People's Court verdicts because they had been rendered with all necessary guarantees but one might then be tempted to ask why those courts had been abolished, even though that was a welcome development. It would also be interesting to know what sort of special tribunal had dealt with the murder of journalist Daif al-Ghazal or the case involving Idriss Boufayed and his 11 co-accused.

47. The CHAIRPERSON announced that the Committee would take a short break to allow the delegation to prepare its answers to the Committee's questions.

*The meeting was suspended at 12.10 p.m. and resumed at 12.30 p.m.*

48. Mr. AL JETLAWI (Libyan Arab Jamahiriya) said he wished to correct a translation error: the term "special tribunals" had been used when what was meant was "specialized courts". Special tribunals were set up in exceptional circumstances to deal with emergencies, whereas specialized courts dealt with specific issues, such as road accidents, drug trafficking or agricultural questions, helping reduce the workload of ordinary courts.

49. Children born out of wedlock were not subject to discrimination. They were protected by the State, which continued to take care of them even after they ceased to be minors, giving them financial and psychological support. By law, the State took care of people who could not rely on their family for support and illegitimate children were no exception. Special homes took care of them and their births were duly registered. Like all other children, they had identity papers and a patronymic. There was even a law on the subject, which showed there was no discrimination. It



was also not true that children, especially Amazighs, were not admitted to school. All Libyan citizens were entitled to free primary, secondary and university education. The *al-Ghazal* case, which the media had publicized, was a criminal case in which the accused had been duly heard in court and the court had rendered a verdict. The “Charter of Honour” had indeed been put in place, but it had never been applied and was the object of a de facto moratorium.

50. Mr. DERBI (Libyan Arab Jamahiriya) said that the law made a distinction between trade unions and professional associations. The creation of trade unions was authorized by Act No. 23 of 1998 and union activities were governed by the Labour Code (Act No. 58 of 1970), the provisions of which conformed to international labour norms, particularly International Labour Organization (ILO) Convention No. 98 concerning the application of the principles of the right to organize and to bargain collectively. However, because gaps had been identified in the Code’s first chapter, a separate law on trade unions had been drafted and the chapter in question had been repealed. Following ratification of various ILO and Arab Labour Organization (ALO) conventions, the law had been repealed and replaced by a new one that no longer contained provisions restricting freedom of association or trade union freedom. On the contrary, under article 2 of the new law, persons working in the same or similar sectors had the right to organize into a union and different unions could, in turn, create federations. The new law on trade unions established general rules governing their administrative and financial organization. There were no restrictions on trade union registration: all that was required was to submit an application to the union registry, which then verified that a number of criteria, such as the number of members, were met. He recalled that the ILO Declaration on Fundamental Principles and Rights at Work committed ILO members, simply by virtue of their membership in the Organization, to respect the fundamental rights set forth in ILO conventions on freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour, the effective abolition of child labour and the elimination of discrimination in respect of employment and occupation. Because the Libyan Arab Jamahiriya had ratified relevant conventions, it had undertaken to revise its Labour Code in order to bring it into line with their provisions, notably those concerning the protection of mothers. The revision should be complete by the end of 2007, since a bill had already been submitted to the People’s Committees. Mention should be made of the Great Green Document on Human Rights, which also provided for the creation of trade unions. Libyan legislation thus clearly guaranteed freedom of association. Nevertheless, in the light of some comments made by ILO, the procedure for implementing that legislation was currently being reviewed. Moreover, Associations Act No. 19 was being reviewed to make sure its provisions were in line with international instruments to which the State was a party.

51. Ms. MARKUS (Libyan Arab Jamahiriya) recalled that the country’s political system was based on direct democracy. Every citizen had a direct say in the country’s affairs, through some 370 People’s Committees and could express opinions publicly both in the Committees and the press or through any other means, in accordance with the Freedom of Expression Act (art. 8) and the Promotion of Freedom Act, provided that such speech did not threaten democratic principles. The press and the media enjoyed the same freedom of expression pursuant to article 1 of the 1972 Publications Act. In practice, there were no restrictions on the availability of the Arab and international press. There was public and private Internet access and the country had one of the largest number of satellite dishes in the world.

52. Mr. AL MAJDOUB (Libyan Arab Jamahiriya) said that under the Code of Criminal Procedure, the maximum period a suspect could be kept in custody was 48 hours. The judicial official must bring the suspect before a representative of the Department of Public Prosecutions within that period and the representative must take a decision within 24 hours. He could decide to order either the suspect's pre-trial detention for six days or his immediate release. If the investigation so required, the Department of Public Prosecutions could extend the period of pre-trial detention for a maximum of 30 days. A further extension could be decided by a court of appeal composed of three judges, who examined the case-file with the accused and his lawyer. In drug cases, given the seriousness of the crimes and the complexity of investigations, the deadline for bringing the suspect before a representative of the Department of Public Prosecutions was seven days and pre-trial detention could also be extended up to 30 days. Lastly, on the question of detention, the delegation categorically denied the allegation that 258 people were being held incommunicado.

53. Mr. O'FLAHERTY recalled that it was important for States parties to ensure that the Covenant was respected not only in law but also in practice. While positive action was being taken in favour of illegitimate children, in fact they seemed to be seriously disadvantaged. It would therefore be useful to know about the State party's social programmes for combating prejudice. He welcomed the suspension of the "Charter of Honour" but would like to have more information about the repercussions of its application at Ben Walid, south of Tripoli. Lastly, he had not received an answer to his question about children of couples in which only one parent was Libyan, who did not have access to education.

54. Sir Nigel RODLEY thanked the Libyan delegation for providing clarification about the courts. He would like to have a full list of the specialized courts, together with such details as the legislation establishing them and the procedures for appointing judges. If special tribunals existed or had existed in the past, he would like to know the justification for establishing them, the crimes tried in them, the laws establishing them, their composition and the procedure for appointing judges. He noted that the *al-Ghazal* case had been an ordinary criminal case, but would like to know more about the court that had tried the case and also the court that had handled the *Boufayed* case.

55. Ms. WEDGEWOOD emphasized that the fact that Amazigh children could attend school if they took an Arab name did not justify excluding them if they kept their Berber name. The Libyan delegation did not seem to question the prohibition of Berber names, broadcasts and organizations in the country. The State party might wish to review that issue and provide fuller information.

56. Mr. AL JETLAWI (Libyan Arab Jamahiriya) said he was not sure he understood the questions about illegitimate children. The family took care of them from birth and they received protection. With regard to the courts, there were no special tribunals, only specialized courts. The Ben Ghazi criminal court, which was an ordinary court, had tried the *al-Ghazal* and *Boufayed* cases. The penalty of amputation in cases of "haraba" was not imposed if the defendant showed that he repented and felt remorse.

57. The CHAIRPERSON thanked the delegation for its answers. He recalled that the State party had undertaken to provide additional information in writing by 23 October 2007 so that the Committee could take it into account in its concluding observations. It was important to dispel any misunderstanding about the Committee's application of its rules of procedure. If the Committee felt that the answers it received were unclear, it had an obligation to say so, without that being

seen as judgemental or biased. The Human Rights Committee was an international cooperation organ responsible for determining whether States were fulfilling their obligations both in law and in practice. The shortcomings noted by the Committee remained a subject of concern and he hoped that the dialogue with the State party would progress, based on principles of cooperation and trust.

58. Mr. ABUSEIF (Libyan Arab Jamahiriya) said that the discussion that had taken place was important, since it had helped clarify ambiguities and improve understanding between the Committee and the delegation. The delegation would transmit its written replies, accompanied by statistics, to the Committee.

59. *The delegation of the Libyan Arab Jamahiriya withdrew.*

*The meeting rose at 1.15 p.m.*