

# **ANNEX II (Public)**

**Defence Translation of  
ICC-01/11-01/11-640-AnxE**

**Law**  
**No. 6, year 2015**  
**With regard to general amnesty**

**The House of Representatives**

**After reviewing**

- The interim constitutional declaration issued on 03/08/2011 and its amendments;
- Law No. 10, year 2014, with regard to the elections of the House of Representatives during the transitional period;
- Law No. 6, year 2006, with regard to the judiciary system and its subsequent amendments;
- Penal and criminal procedures laws, their amendments and complementary procedures;
- Criminal and military procedures laws and their subsequent amendments;
- Law No. 29, year 2013, with regard to transitional justice;
- Law No. 17, year 2012, with regard to establishing the basis for national reconciliation, transitional justice and their subsequent amendments;
- Law No. 3, year 2014, on combating terrorism;
- Law No. 35, year 2012, with regard to amnesty for certain crimes;
- Resolution No. 7, year 2014, of the House of Representatives in regard to the revoking of all paramilitary groups;
- Based on the presentation of the Justice and National Reconciliation committee of the House of Representatives;
- And the outcome of the conclusion of the House of Representatives 34th regular meeting on 28/07/2015,

**The following law is issued:**

**Chapter 1**

**Article (1)**

Taking into consideration the provisions of article 2 and 3 of this law, all Libyans who committed offences during the period 15/02/2011 until the promulgation of this law shall be eligible for general amnesty. Persons who are included in this general amnesty shall have their sentence and all the criminal implications deleted from their criminal records once the conditions stipulated by this law are met.

**Article (2)**

Persons who are eligible for the general amnesty law shall meet the following criteria:

1. A written pledge of repentance and no return to criminality. This pledge excludes violations or crimes for which the sentence is a fine;
2. For financial crimes, the person shall return the amount;
3. To reconcile with the victim if their guardians forgive the person;
4. To surrender weapons and equipment used in the crime committed;
5. To return the thing to its original status for property / possession crimes.

**Article (3)**

The provisions of this law do not apply to the following crimes:

1. Crimes of terrorism which are stated in Law No. 3, year 2014;
2. Drug smuggling and trafficking and dealing in drugs;
3. Sexual intercourse and sexual harassment;
4. Identity-based crimes, abduction, forced disappearance and torture;
5. Sharia law whenever presented to the judiciary;
6. All types of corruption crimes.

**Article (4)**

This law applies to persons against whom sentences have been issued and judicial decisions were taken and who meet the prescribed conditions. The eligibility for the general amnesty is restricted to the offence and its subsequent criminal implication. The conviction and sentence included within the general amnesty shall be deleted from the person's criminal record.

**Article (5)**

This law does not restrain the authorities from undertaking administrative measures to rectify the illegitimate actions, which were carried out by those who benefitted from the general amnesty. The law does not impede the authorities from applying disciplinary measures against civil service employees.

**Article (6)**

A reasoned decision shall be taken by the concerned judicial entity to stop further measures in the criminal case if the conditions of amnesty are met and the release of those eligible for amnesty is not hampered by a pending detention order.

**Article (7)**

Amnesty should be revoked and shall be considered invalid based on the provisions of this law, if the person included in this general amnesty committed a wilful felony within five years from the date when the criminal proceedings were discontinued. The criminal process can resume on the person concerned from the point at which it was discontinued and then a decision of cancellation shall be issued by the Chief Prosecutor.

**Article (8)**

The concerned indictment chamber is responsible for deciding on disputes caused by the implementation of the provisions of this law. The decisions made by the chamber are subject to appeal procedures in accordance with the general rules.

**Article (9)**

The Office of the Attorney General shall issue instructions in order to facilitate the implementation of this law. This law will be implemented under the supervision of the prosecutor responsible for preliminary proceedings. Documentary records will be preserved and an online network for follow-up will be established and linked to the Office of the Attorney General.

State of Libya  
Libyan House of Representatives

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**Article (10)**

The provisions of this law do not breach the rights of the victim to file a complaint or seek compensation.

**Article (11)**

The provisions of this law are valid per date of issuance. The Law No. 35, year 2012, is accordingly abolished. The law of general amnesty shall be published in the official journal.

[Signature]

The House of Representatives

[Stamp]

Issued in the city of Tobruk  
Dated 23/ Zo-Gaeda / 1435  
Dated 7 / 9 / 2015

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**Draft of the final declaration of the seminar on the violations of human rights in Libyan detention centres and the repercussions of inactivation of general amnesty law**

In a joint meeting that included many legal professionals, elites, intellectuals, civil society and human rights activists in the area, and upon an invitation from the Mohamed Elbirhami Centre for Peace and Solidarity, the Supreme Council of Libyan Cities and Tribes and the International Alliance for the Sake of a Unified and Democratic Libya since 2011 to present, in light of the foreign intervention / violent and bloody armed conflict that is still continuing, and fuelled by power struggles and their impact on personal and group human rights, this conflict destroyed the social fabric and the national solidarity and destroyed the Libyan people's capacity and livelihood. And that contributed negatively and dangerously to the neighbouring countries and the countries of the Mediterranean basin.

The political process under the auspices of the United Nations was not comprehensive to all components of Libyan society because it only involved two parties from the Libyan people. This is a big impediment to reach the political aims and stability of Libya and the region.

On Thursday 11-02-2016 the attendees confirmed the following:

1. Libyan judiciary has to implement the amnesty law issued by the Libyan House of representatives under number 6, year 2015. The amnesty law was circulated to all Libyan courts on 19-11-2015 as one of the main elements of national reconciliation.
2. The concerned executive authorities have been called upon to expedite the immediate implementation of this law and release those who are eligible for general amnesty.
3. Detention of a person who is eligible for general amnesty is considered a crime and a violation of the law.
4. To form a committee from the attendees in order to follow up the implementation of the general amnesty law, No. 6, 2015, and to pursue those who obstruct the implementation of the law on local, regional and international levels.
5. To call upon the receiving countries of Libyan refugees to provide the needed care and assistance, and also international organisations and international bodies concerned with refugee affairs.
6. To care for internally displaced persons and provide all the assistance possible to them to ease their burden and assist to solve their problems.
7. To work on the realisation of social equity, prevalence of law, avoidance of exclusionary and marginalising policies given that there can be no democracy without participation of all.
8. The support of a Libyan-Libyan dialogue without any foreign intervention as the best and only solution for the Libyan crisis.

In closing, we express our thanks and gratitude to everyone who attended and contributed to making this forum successful.

Tunis, 11-02-2016