

Application No. 004/2011

African Commission on Human and Peoples' Rights v. Great Socialist People's Libyan Arab Jamahiriya

Summary of facts

1. The application is submitted by the African Commission on Human and Peoples' Rights (the Applicant) against the Great Socialist People's Libyan Arab Jamahiriya (the Respondent).
2. According to the Applicant, it received successive complaints against the Respondent alleging that, following the detention of an opposition lawyer, peaceful demonstrations took place on the 16th of February 2011 in the Eastern Libyan city of Benghazi, that on the 19th of February 2011, there were other demonstrations in Benghazi, Al Baida, Ajdabiya, Zayiwa and Derna, which were violently suppressed by security forces who opened fire at random on the demonstrators killing and injuring many people, that Respondent's security forces engaged in excessive use of heavy weapons and machine guns against the population, including targeted aerial bombardment and all types of attacks, and that these actions amount to serious violations of the right to life and to the integrity of persons, freedom of expression, demonstration and assembly.
3. According to the Applicant, these actions amount to serious and widespread violations of the rights enshrined in Articles 1, 2, 4, 5, 9, 11, 12, 13 and 23 of the African Charter;

Relief sought

4. The Applicant is seeking the following relief:
 - Finding that the Respondent has violated Articles 1, 4, 9 and 10 of the African Charter on Human and Peoples' Rights;
 - Urge the Respondent to set up an exhaustive inquiry and prosecute the authors of these violations ;
 - Urge the Respondent to review its legislation in order to :
 - a) Make provision for adequate and effective measures against the excessive use of force ;
 - b) Make the arbitrary use of force to be a punishable offense; and
 - c) Establish adequate norms regulating the organisation of demonstrations.
 - Urge the Respondent to include human rights in the training programmes of its security forces;
 - Pay equitable compensation to the relations of persons who lost their lives or were wounded during the demonstrations.

Procedure

5. The application was received at the Registry of the Court on 16 March 2011 and registered on 18 March 2011.
6. On 22 March 2011, the Registry forwarded copies of the application to the Respondent in accordance with Rule 35 (2) (a) of the Rules of Court, and invited the Respondent to indicate, within thirty (30) days of receipt of the application, the names and addresses of its representatives, as well as to respond to the application within sixty (60) days, in accordance with Rule 37 of the Rules.

7. By letter dated 22 March 2011, the Registry informed the Chairperson of the African Union Commission, and through him, the Executive Council of the African Union, and all the State Parties to the Protocol, of the filing of the application, in accordance with Rule 35 (3) of the Rules;
8. By letter dated 23 March 2011, the Registry forwarded copies of the application to the complainants that seized the African Commission, in accordance with Rule 35 (2) (e) of the Rules;
9. By letter dated 23 March 2011, the Registry informed the parties to the application that, given the extreme gravity and urgency of the matter, the Court may, on its own accord, and in accordance with Article 27(2) of the Protocol and Rule 51(1) of its Rules, issue provisional measures.
10. On 25 March 2011, the Court adopted an order for provisional measures, requesting the Respondent to report to the Court within a period of fifteen (15) days from the date of receipt of the Order, on the measures taken to implement the Order.
11. On 2 April 2011, the Respondent acknowledged receipt of the Order.
12. On 13 April 2011, the Registry of the Court received the reply of the Respondent pertaining to the order for provisional measures which the Court adopted.
13. On 18 April 2011, the Respondent sent the names of its representatives to appear before the Court with respect to the application.
14. On 18 May, 2011, the Registry received a letter from the respondent requesting for a three weeks extension of time to make its response to the application.

15. On 8 June, 2011, during the 21st Ordinary Session and before the Court had considered the request for an extension of time, the Registry received both the Respondent's indication of the name and address of its representative, as well as its response to the application, dated 7 June, 2011.
16. During its 21st Ordinary Session, the Court decided to extend the deadline to June 8, 2011, date on which the Court received the Respondent's reply communicating the names and addresses of its representatives, and its response to the application.
17. On 18 June 2011, the Respondent's reply was forwarded to the Applicant and the latter given 30 days to respond.
18. By letter dated 27 June 2011, the applicant requested for an extension of time for the submission of its reply, to 30 September, 2011.

For further information, please contact:

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