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Letter dated 6 December 2005 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the Chairman of the Committee

In reference to your letter dated 25 October 2005, requesting additional information on the Libyan Arab Jamahiriya's first report on the implementation of Security Council resolution 1540 (2004), submitted to the Committee on 12 April 2005, it is my pleasure to submit herewith for your attention supplementary information to the above-mentioned report (see annex).

(Signed) Ahmed A. Own
Chargé d'affaires a.i.

**Annex to the letter dated 6 December 2005 from the
Chargé d'affaires a.i. of the Permanent Mission of the
Libyan Arab Jamahiriya to the United Nations addressed
to the Chairman of the Committee**

[Original: Arabic]

**Information supplementing the national report of the
Libyan Arab Jamahiriya on the implementation of
resolution 1540 (2004), submitted to the Security Council
Committee on 12 April 2005**

**I. International conventions on weapons of mass destruction
and their means of delivery to which the Libyan Arab
Jamahiriya is a party:**

1. Chemical weapons

- In their resolutions drafted by the General People's Congress at its annual session in 2003, the Basic People's Congresses approved accession to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Chemical Weapons Convention), pursuant to Act No. 18 of 2003.
- On 6 January 2004, the instruments of the Jamahiriya's accession to this Convention were deposited with the Secretary-General of the United Nations in his capacity as the depositary thereof and the Convention entered into force 30 days after the date of this deposit, i.e., on 5 February 2004.
- In accordance with the provisions of the Convention, the General People's Committee adopted resolution 21 of 2004 establishing the focal point between the Jamahiriya and the Secretariat of the Convention. The focal point is responsible for monitoring fulfilment by the relevant entities of their obligations at the national level and ensuring liaison and communication with other States Parties and the Secretariat of the Convention, as well as for developing ideas and proposing measures for the implementation of a programme of action at the national level.

Pursuant to its note No. 2201 dated 29 March 2004, the General People's Committee also adopted for ratification a resolution approving the establishment of a committee of the competent sectors for the task of reviewing and introducing amendments to some of the national legislation promulgated concerning the prohibition of chemical weapons or developing new legislation consistent with the Chemical Weapons Convention. The committee has prepared a bill on the Convention that is currently tabled before the legislative authority of the Great Jamahiriya (the Basic People's Congresses). The adoption and promulgation of the bill are expected to take place soon.

2. Biological weapons

- The Jamahiriya is a party to this Convention, to which it acceded on 19 January 1982.

- The Great Jamahiriya ratified the Convention on 19 January 1982 and took the following measures and actions:
 - Proposed the drafting of a legal text for a code of conduct for doctors working in the Great Jamahiriya;
 - Proposed the drafting of a legal text for a code of conduct for pharmacists working in the Great Jamahiriya;
 - Proposed the drafting of a legislative text for a code of conduct for those working in medical and food analysis laboratories;
 - Proposed a legislative text to permit or restrict trade in genetically modified food and products within the Jamahiriya;
 - Held workshops in collaboration with the United States and the United Kingdom, as follows:
 - A workshop on vital security and safety, held in Benghazi during the period 9-12 January 2005;
 - A workshop in Al-Bayda' on the early warning mechanism for epidemic disease, held during the month of August 2005.
- Work is under way with a view to holding a workshop on genetically modified food in collaboration with the United States and the United Kingdom;
- Work on updating the Health Act No. 106 of 1973 is continuing with a view to minimizing bacterial illnesses and the spread of disease and a working group has been formed to redraft the Act, a task that will very soon be completed;
- A study is currently being conducted in order to develop a mechanism for monitoring and inspecting food and food preparation with a view to its adoption following consideration by the competent committee established by the National Research and Development Office.

3. The Great Jamahiriya and the International Atomic Energy Agency (IAEA)

The Great Jamahiriya became an IAEA member in 1963 and annually participates in the meetings of the Board of Governors and the IAEA General Conference. It supports all resolutions on halting the nuclear arms race, nuclear disarmament and the establishment of nuclear-weapon-free zones. This approach is considered to be a firmly established policy of the Great Jamahiriya. The Libyan Arab Jamahiriya presently holds a seat on the IAEA Board of Governors for the period 2005-2007.

It is worth noting that the Great Jamahiriya signed a comprehensive safeguards agreement with IAEA on 26 May 1975. Under this agreement, the nuclear facilities in the Great Jamahiriya are subject to routine inspection by IAEA. The Great Jamahiriya also signed the Additional Protocol on 10 March 2004 and requested IAEA to act as if it had been in force as of 29 December 2003. The Protocol is presently tabled for ratification at the close of this year's General People's Congress (2005).

4. The Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

The Treaty entered into force on 5 March 1970. The Great Jamahiriya signed it on 18 July 1968 and later ratified it on 26 May 1975. The Libyan Arab Jamahiriya endeavours to attend all meetings held within the framework of the Treaty.

5. The Comprehensive Nuclear-Test-Ban Treaty (CTBT)

The Great Jamahiriya signed the Treaty on 13 November 2001 and ratified it pursuant to Act No. 18 of 2003. The Great Jamahiriya regularly participates in the meetings of the Preparatory Commission for the CTBT Organization.

6. The Hague Code of Conduct against Ballistic Missile Proliferation (HCOG)

- The Hague Code of Conduct was signed on 25 November 2002.
- The Great Jamahiriya appointed a national focal point for HCOG, as stipulated in the Code, General People's Committee resolution 21 of 2004 having named the members of the national focal point and determined their tasks.
- On 8 July 2004, the first national declaration of the Great Jamahiriya was submitted to the Ministry of Foreign Affairs of Austria in its capacity as the immediate central contact, in accordance with article 4 (a) of the Code, which requires subscribing States to make an annual declaration providing an outline of their Ballistic Missile and Space Launch Vehicle programmes and policies by 31 July of each year. The second annual declaration was submitted on 1 June 2005. The Libyan Arab Jamahiriya endeavours to participate in all meetings held within the framework of the Code. On 11 November 2004, it also submitted an official request to the Chairman of the Missile Technology Control Regime (MTCR) for it to join the MTCR membership.

II. Legislation and legal measures

1. National legislation and other legal measures adopted or to be adopted by the Great Jamahiriya to prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use weapons of mass destruction and their means of delivery, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them

- The Great Jamahiriya adopts the principle that international conventions and protocols prevail over its internal legislation. On that basis, the Money-laundering Act and the Reorganization (Banks, Cash and Credit) Act of 2005 comprise all of the provisions contained in the international conventions and protocols relating to disarmament and counter-terrorism ratified by the Great Jamahiriya, as do the draft penal code and the bill on implementing the provisions of the Chemical Weapons Convention, both of which are currently tabled for adoption.
- With regard to existing rules and procedures that allow officials in the Libyan Arab Jamahiriya to exercise effective control over the production, acquisition, trans-shipment and retransfer of arms and ammunition, together with regard to national measures to prohibit the manufacture, stockpiling, transfer and

possession of small arms, light weapons and other firearms, their components and ammunition, and plastic explosives, we should like to point out that, under Libyan law, it is prohibited for any person to possess or traffic in arms, ammunition or explosives in accordance with article 2 of the Arms, Ammunition and Explosives Act of 1981. Similarly, any person who possesses, acquires, purchases, sells, delivers, transfers or provides any arms, ammunition or explosives for the purpose of any form of trafficking in them is punished with life imprisonment in accordance with article 3 of the same Act. Furthermore, it is prohibited for any person to possess, acquire, manufacture, traffic in, import or export any hunting weapons or ammunition for such weapons unless licensed to do so in accordance with article 1 of the Weapons and Ammunition (Hunting) Act No. 29 of 1993.

- Given the sizeable volume of the new draft penal code, the General People’s Congress resolved to adjourn the final decision on it until the forthcoming session at the end of 2005 in order to allow the Basic People’s Congresses the opportunity to study and examine its articles more closely. Article 260, paragraph 10, of the draft code specifically provides that the voluntary provision, collection or supply of funds for intended use in terrorist activities is regarded as a terrorist act that is a criminal offence under Libyan law. The offender is punished with life imprisonment if the act in question causes harm to persons or damage to property and with the capital penalty if it causes a person’s death. Here, the law makes no distinction between an individual or a group; the penalty covers both.

2. Laws and regulations established or to be established by the Jamahiriya and efforts made or to be made to enforce the law in order to:

- **Develop and maintain appropriate national measures to control, secure and physically protect weapons of mass destruction and their means of delivery, including related materials**
- **Establish, develop, review and maintain appropriate national export and trans-shipment controls over weapons of mass destruction and their means of delivery, including related materials**

On 19 December 2003, the Great Jamahiriya announced its voluntary initiative to relinquish programmes and equipment that might lead to the production of internationally proscribed weapons. It then further announced practical steps to dismantle equipment and abolish and eliminate all programmes, under the supervision of the competent international agencies. Consequently, it is a country that is neither a manufacturer nor an exporter of such weapons or their components. It is well known that the import of conventional weapons and military equipment in Libya is exclusively restricted to two official entities, i.e., the Provisional General Defence Committee and the General People’s Committee for Public Security, in accordance with stringent and clearly defined legal controls that may not be violated under any circumstances. Under the current national legislation, other entities and individuals are prohibited to undertake any activity relating to the manufacture, acquisition, possession, development, transport, transfer or use of such weapons or to engage as an accomplice in or in assisting or financing such activity, in which regard tight control is imposed.

With regard to the regulations on export control applied in the Great Jamahiriya, it is worth pointing out that Libya has been engaged in studying and reviewing its legislation on export control through special committees from all relevant sectors with the aim of developing and introducing the necessary amendments to the legislation or promulgating new legislation in the context of fulfilling international obligations arising from the relevant international conventions and resolutions.

- **Establish and maintain appropriate national border controls in order to detect, deter, prevent and combat illicit trafficking and brokering in weapons of mass destruction and their means of delivery, including related materials;**

- New practical procedures were adopted by Libya in the context of measures relating to the establishment of effective border controls. These measures have made a major contribution to effective border monitoring, enabling the competent authorities to control and supervise closely all transboundary movements, whether shipments or passengers. Ongoing coordination activities are also effectively carried out with the security agencies concerned with border control and the General Department of Border Controls and Checkpoints, a recently established department whose work is principally devoted to border operations in that it organizes mounted patrols in border areas and supervises access checkpoints in order to tighten control over sea access routes. We should like to point out here that the Libyan Arab Jamahiriya acts in coordination with Egypt and Tunisia, two of its neighbouring countries, on the basis of administrative agreements for cooperation with both on potential measures for the control of joint borders with them and monitoring of the transboundary movement of goods and individuals. Administrative security committees and administrative committees for joint customs control by the Jamahiriya and these two countries have already been formed to undertake action to tighten control of border checkpoints on a continuing basis and as agreed concerning the modus operandi of these committees.

3. Steps taken or planned by the Great Jamahiriya to establish and enforce appropriate criminal and civil penalties for violations of such export control laws and regulations

- In accordance with the current legislation, the Customs Administration carries out specific procedures concerning transit goods and commodities and their effective control. Administrative penalties provided for under the legislation include the confiscation of goods, revocation of licences and striking of the offending party from the commercial register or the register of exporters, in addition to the criminal penalties prescribed under the current laws. In short, it can be said that the concept of export and import control in Libya is fully synonymous with that of customs control in its broad sense and that the elements of this control are exemplified in the taxes payable, the conditions to be fulfilled, the prohibitions to be observed and the procedures to be completed. In other words, these elements are encompassed in the following:
 - Customs taxes and duties;

- Controls and conditions relating to security, environmental and health agreements;
- Prohibitions and bans under the current laws;
- Customs procedures relating to the exercise of effective control.

In conclusion, the Libyan Arab Jamahiriya wishes to reaffirm its full commitment to the work of the Security Council Committee established pursuant to resolution 1540 (2004) and to cooperate with it in full transparency. It will spare no effort in contributing to the success of the tasks of the Committee in order to prevent the proliferation of weapons of mass destruction and their means of delivery with a view to strengthening international peace and security.
