Law No. (17) of 2016 AD on amending
Law No. (20) of 2013 AD establishing the Administrative Oversight Authority

In the name of the People,

The Revolutionary Command Council,

Upon review of:

- The interim Constitutional Declaration issued on 03 August 2011 and amendments thereto;
- The rules of procedure of the General National Congress;
- The Penal Code and the Code of Criminal Procedure and the legislation supplementary thereto;
- The Law of the Financial System of the State, and the budget, accounts, and stores regulations;
- Law No. (11) of 1996 AD reorganising the People's Oversight and amendments thereto;
- The Justice System Law and amendments thereto;
- Law No. (2) of 2007 AD on organizing the people's inspection and oversight;
- Law No. (2) of 2007 AD on establishing and organizing the Financial Audit Authority;
- National Transitional Council Resolution No. (119) of 2011 AD on establishing the Audit Office;
- Law No. (12) of 2010 AD on issuing the Labour Relations Law and the implementing regulations thereof;
- Law No. (19) of 2013 AD on reorganising the Audit Office and amendments thereto;
- Law No. (20) of 2013 AD establishing the Administrative Oversight Authority;
- The acting head of the Administrative Oversight Authority Submission No. 1825/1/1 dated 05/04/2015 AD;
- The resolutions of the General National Congress in its 239th ordinary meeting held on Tuesday, 14 Jumada al-Awwal 1437 AH, corresponding to 23 February 2016 AD;

has decreed:

Article (1)

Article (42) shall be amended to read as follows:

− If the investigation finds that a criminal offence was committed or that incidents under administrative investigation constitute criminal offences, the investigating member shall exercise all powers entrusted to the Public Prosecution provided under Section (4) of Book (1) of the Criminal Procedure Code.

− If the director of the department holding competence on the investigation finds that the evidence against the accused is sufficient, he shall order referral of the papers to the competent court or indictment chamber, as the case may be, after providing a legal characterisation for the incident and after it is approved by the head or person tasked thereby. The investigating member shall initiate the case before the competent court or

indictment chamber, and in doing so shall have the powers provided to members of the Public Prosecution, including challenging the orders and rulings issued in this regard.

− If the director of the department holding competence on the investigation finds that there are no grounds for filing a criminal case, he shall issue an order for such with the release of the accused, unless the accused is detained for another reason.

− The head may cancel the order issued stating there are no grounds for filing a criminal case within three months from its issue date, in the cases provided in the Criminal Procedure Code.

− In all cases, the Authority head or person tasked thereby for such shall hold competence to challenge the rulings issued on criminal articles, and shall have all the powers provided to the prosecutor general and chief prosecutors under the Criminal Procedure Code.

Article (2)

Article (38) shall be amended to read as follows: "Authority members may, without permission from the public prosecution, inspect workplaces and other locations used by employees to whom violations have been attributed. In the event of an investigation, the Authority head may authorise the inspection of persons and the homes of accused persons if there are strong justifications for such. In all cases, the authorisation must be in writing and the investigation must be performed by an investigating member."

Article (3)

This Law shall enter into force on the date of its issue and shall be published in the Official Gazette. Any provision that conflicts with this Law shall be repealed.

General National Congress – Libya

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