

Law No. 7 of 2012
On the Establishment of the Libyan Intelligence Service

The National Transitional Council (NTC)

Upon review of:

- The Victory Statement of the 17th February Revolution issued on 22 February 2011;
- The Constitutional Declaration issued on 3 August 2011;
- The internal regulation of the NTC;
- The bylaws of the NTC;
- Upon review of the statement of victory of the 17th February Revolution issued on 22/02/2011;
- The Constitutional Declaration issued on 3 Ramadan 1432 AH, corresponding to 03/08/2011 AD;
- Law No. (75) of 1976 on the Security of the Republic Committee;
- Law No. (8) of 1369 AH on the amendment of Law No. 9 of 1996 on the employees of statutory entities;
- Cabinet Decree No. (19) of 2005 on transfer of the External Security Service to the Ministry of Foreign Affairs;
- Law No. (43) of 1974 on the retirement of military personnel;
- Law No. (13) of 1980 on social security;
- Law No. (12) of 2010 issuing the Labour Relations Law;
- Cabinet Decree No. (37) of 2011 on the salaries of statutory entities;
- NTC Decree No. (17) of 2011 dissolving the External Security Service and the Internal Security Service;
- NTC Decree No. (53) of 2011, issued on 15 May 2011 on the establishment of the National Commission for National Security;
- NTC Decree No. (134) of 2011 on transfer of the properties of the dissolved External Security Service to the National Commission for National Security;
- NTC Decree No. (119) of 2011 on the Audit Office;
- Law No. (1) of 2012 on some provisions pertaining to the salaries and retirement of military personnel;
- Based on what the Chief of the Libyan Intelligence Service (LIS) presented.
- And what was discussed in the NTC meeting held on Monday 06/02/2012.

Issued the following law:

Article (1)

Definitions

In applying the provisions of this Law, the following terms shall have the corresponding meanings:

LIS: The Libyan Intelligence Service.

Chief of the LIS: Chief of the Libyan Intelligence Service.

Employees of the LIS: The employees as per this Law and other employees subject to the provisions of Law No. 12/2010 on the Labour Relations Law indicated in the Law.

Member: Member of the LIS.

Salary: The base salary, which shall be calculated on the basis of the starting salary of the employee's grade, in addition to the annual and incentive bonuses and promotions he has earned.

Full salary: The base salary in addition to allowances and other financial benefits payable under this Law and the regulations issued pursuant thereto.

Part (1)

Establishment of the Libyan Intelligence Service and Description of its Objectives and Functions

Article (1)

An statutory civilian apparatus called the Libyan Intelligence Service shall be established. It shall possess legal personality and be subordinate to the Head of State.

Article (2)

The LIS shall consist of directorates, departments, and offices that shall be specified and their functions elaborated by a Decision issued by the Chief of the LIS.

Article (3)

The LIS shall aim to ensure Libya's security and safety through the following:

1. Protect Libya's secrets and prevent them from being divulged.
2. Counter the activities of foreign intelligence services targeting the Libyan State's security and safety.
3. Undertake the surveillance of foreign parties, whether individuals or legal entities.
4. Monitor suspicious activities hostile to Libya's security.
5. Carry out counter-intelligence.
6. Work on securing Libyan interests abroad.
7. Intercept hostile activities carried out by countries and organisations that target national identity and the values and principles of society.
8. Uncover hostile strategies and schemes aimed at destabilising security, stability and national unity.
9. Fight terrorist networks and organised crime organisations.
10. Secure means of communication and international information networks against being hacked or exploited in destructive activities.

11. Monitor and gather information on regional military and security alliances, whether between countries of the region or with other foreign powers.
12. Prepare studies, researches, and forecasts in various fields and on strategic and vital issues.
13. Accompany official delegations and follow the activities of international conferences abroad.
14. Protect and accompany key figures visiting Libya and also protect their residences until they leave the country.
15. Accompany and protect the Head of State and important figures on trips abroad.
16. Warn the State's services, institutions, and bodies about any domestic or foreign danger that may threaten the security and sovereignty of the country or part thereof, whether in the form of war, invasion, siege, act of sabotage, or natural or environmental disaster, or that may threaten the safety of its economy, food security, democratic regime, or social fabric, in order to spread reassurance among citizens.
17. Any tasks that may arise that pertain to the nature of the LIS's work and the objectives for which it was established.

Article (4)

All bodies, public organisations and institutions, companies, etc., shall cooperate with the LIS so as to enable it to perform its work within the limits of the competences conferred to it by law.

Part (2)

Chapter (1)

Positions in the Libyan Intelligence Service

Article (5)

The LIS shall consist of a chief, a number of deputy chiefs, a number of directors, and a sufficient number of members, individuals, and employees.

Article (6)

The Chief of the LIS shall be appointed at the grade of minister and his deputy chiefs at the grade of a deputy minister. The Head of State shall issue a Decree for their appointment.

Article (7)

Directors and the like and other members and employees in the LIS shall be appointed by a Decision from the Chief, who shall designate a professional leadership staff for them.

Article (8)

The Chief of the LIS shall manage and conduct the affairs of the LIS, and to such end, he shall have the authority to issue decisions and take the measures necessary to achieve its objectives in accordance with the provisions of this Law.

He shall issue a decision to specify the functions of the deputy chiefs and directors. He may delegate some his functions to one of his deputy chiefs or one of the directors. He may also delegate some of his functions pertaining to a specific mission to any employee of the LIS. The most senior deputy chief followed by the most senior director shall replace the Chief of the LIS in the event he is absent or his post is vacant.

Article (9)

The Chief of the LIS shall represent the LIS before courts and in its ties with third parties. Parties concerned shall invite the Chief of the LIS to attend any session they may hold to discuss issues pertaining to national security.

Article (10)

The Chief of the LIS shall take measures and issue instructions that enable the LIS to carry out its activities and ensure the confidentiality of its works. He shall be forbidden from divulging any information on its confidential work unless authorised by the Head of State.

Article (11)

The Chief of the LIS shall be responsible before the Head of State for the LIS's activities and works and for the implementation of its objectives as per the provisions of this Law.

Article (12)

The professional cadre of the LIS shall consist of three categories (officers – non-commissioned officers – civilian employees).

The positions of employees of the LIS shall be divided into:

1. Positions of general directors and directors.
2. Positions of heads of departments and offices.
3. Positions of technicians and workers.

Article (13)

The LIS shall comply with Table (1) and Table (2) annexed to this Law in organising its professional cadre with regard to the professional grades and ranks and the minimum time limit required for promotion from one grade or rank to another.

Article (14)

The ranks of the members of the LIS shall be as follows:

A. For Officers:

1. Major General
2. Brigadier General
3. Colonel
4. Lieutenant Colonel
5. Major
6. Captain
7. First Lieutenant
8. Second Lieutenant

B. For Non-commissioned Officers

1. Deputy Officer
2. First Warrant Officer
3. Warrant Officer
4. Sergeant First Class
5. Staff Sergeant

6. Sergeant
7. Corporal
8. Private

Chapter (2)
Appointment to Positions of the LIS

Article (15)

- 1. Whoever is appointed in one of the positions of the LIS shall meet the following conditions:**
 - a. He must hold Libyan nationality and be born to parents who hold this nationality, but not by means of naturalisation.
 - b. He must not be married to a foreigner. He may be exempt from this condition by virtue of a decision from the head of the National Commission of National Security if his wife holds the nationality of an Arab country. The wife shall be considered a foreigner if one or both her parents are of non-Arab origins and acquired Libyan nationality by naturalisation.
 - c. He must be commendable and of a good reputation.
 - d. He must not have been previously convicted of a felony or misdemeanour involving moral turpitude, even if he has been rehabilitated.
 - e. He must not have been dismissed from his previous position by a final disciplinary decision.
 - f. He must not be less of 18 years of age.
 - g. He must have acquired the required educational qualifications or experience to occupy the LIS or technical position.
 - h. His physical fitness must be demonstrated in accordance with the conditions and circumstances set by a decision issued by the Chief of the LIS, who may waive this condition.
 - i. Additional conditions for appointment to all or some of the positions in the LIS may be added by virtue of a decision issued by the Chief of the LIS, as required by the work.

Article (16)

Candidates for positions in the LIS specified by the Chief of LIS shall be graduates from a university faculty, higher institute, military academy, or the police faculty. Those who have obtained the appropriate or average qualification to fill technical or LIS positions shall be exempt from this condition.

Article (17)

Appointment procedures for vacant positions and the bases adopted to choose the appropriate candidates shall be determined by a decision issued by the Chief of the LIS.

Article (18)

The initial appointment shall be at the starting salary of the grade specified for the position to which the appointment pertains, and the Chief of the LIS shall issue a decision to regulate the conditions of transfer from the military to the civilian staff in the LIS.

Article (19)

Without prejudice to the provisions of Article 13, transfer from one position to another within the LIS, in accordance with the terms and conditions specified by a decree issued by the Chief of the LIS, shall be permissible. The transferred employee shall be entitled to the starting salary of the grade specified for the position to which he is transferred or to his last salary, whichever is greater.

Article (20)

Any person appointed in one of the positions of the LIS shall be put under probation for a year starting from the day he receives the job. Then the issue shall be presented to the Personnel Affairs Committee, which, in light of the data or reports submitted about him, may:

1. Issue a decree to hire him as a permanent employee in the event it deems him fit to fulfil the requirements of his position.
2. Grant him another trial period that it determines, notifying him of its remarks on his work.
3. Recommend his transfer to another position within or outside the LIS in the event it deems he is not fit to fulfil the requirements of his position.

Article (21)

Any person who has previously served in the government, public bodies or institutions, companies, or self-employment may be appointed to the LIS at grades other than the lowest grade in the LIS and at a salary that exceeds the starting salary of the grade and with nominal seniority, provided that he does not take precedence over any LIS employee who had graduated in the same year as he.

The Chief of the LIS shall issue a decision to set the terms and conditions governing the appointment, in accordance with the preceding paragraph.

Article (22)

Notwithstanding the provisions of the texts pertaining to appointment, those with special experience may be appointed through a decision by the Chief of the LIS to grades other than the lowest grade in the LIS and at a salary that exceeds the starting salary of the grade and with nominal seniority, provided that the candidate meets the qualification requirement in accordance with the provisions of this Law.

Article (23)

With the exception of positions for which appointment shall be through a decree by the Head of State, no former employee of the LIS may be appointed to the LIS in a higher position or with higher nominal seniority than his colleagues who were with him, unless he has acquired higher educational qualifications and the appointment was made by virtue thereof and in accordance with the provisions of this Law.

Article (24)

Appointment to the LIS with fixed remuneration shall be possible according to the need and necessity of the nature of the work. The Chief of the LIS shall issue a decision to set the terms and conditions governing appointment with fixed remuneration or with a contract in accordance with the preceding paragraph, without abiding by the rules prescribed in this regard.

Article 25

Prior to exercising his functions, every person appointed, transferred, delegated, or seconded to work in the LIS shall take the following oath:

“I swear by God Almighty to protect the internal and external security of the country; to uphold the interests of the people and the safety of the country; to respect the Constitution and the Law; to perform my functions with integrity and honesty; and to protect the secrets thereof.”

The Chief of the LIS and deputy chiefs shall take the oath before the Head of State, while directors and other employees shall do the same before the Chief of the LIS or one of his deputy chiefs.

Chapter 3 Personnel Affairs Committee

Article (26)

A committee called the "Personnel Affairs Committee" shall be formed in the LIS, presided over by one of the deputy chiefs and with the directors of directorates as members. The Chief of the LIS may add to the Committee some members of the LIS, provided that their votes are not counted.

Article (27)

In addition to the stipulations of this Law, the Committee shall be responsible for reviewing appointments, promotions, annual bonuses, competence reports, and any other matter the Chief of the LIS may wish to submit thereto.

Article (28)

All employees of the LIS, with the exception of the Chief and deputy chiefs, shall be subjected to the annual competence reports. Competence shall be assessed with the grade of (excellent -- very good -- good -- average -- weak). The Chief of the LIS shall issue a decree to set the required format of the reports, provided that this format includes a case field for the employee, in particular with regards to his performance of his professional duties and his ability, preparedness, and dedication to his work.

Article (29)

An employee shall be notified of the report in the event his competence is assessed with a grade that affects his promotion or his annual bonus. He shall be made aware of his deficiencies in the performance of his work, and he may file a grievance to the Personnel Affairs Committee within thirty days from the date of his notification. The Committee shall take a decision on the grievance within thirty days from its date of submission, or it shall be considered rejected. The

report shall not be considered final until after the deadline for filing a grievance or rendering a decision thereon has passed.

Article (30)

A member of the LIS who receives two reports with the grade “weak” shall be deprived of the first annual bonus and from promotion during the year following that in which the report was submitted. An employee for whom two consecutive annual reports with the grade “weak” are submitted shall be referred to the Personnel Affairs Committee to review his case. The Committee may recommend transferring him to a position that suits his ability and preparedness, whether within the LIS or outside it. In the event he receives another consecutive report with the grade “weak,” he shall be transferred to another position commensurate with his ability and preparedness within the LIS or outside it.

Article 31

1. Promotion in positions of the LIS shall require the following conditions:

- a. The candidate must have passed the minimum period required for promotion in his position.
- b. The candidate must meet all the conditions required to fill the position to which he would be promoted.
- c. The promotion must be to a vacant position in the grade directly above the grade the candidate currently occupies.
- d. The candidate must not have been convicted by a disciplinary board twice in the three years preceding the promotion.
- e. For promotion up to the rank of lieutenant colonel, the candidate must successfully pass the promotion examination.
- f. The candidate’s two last annual competence grades must not be less than “good”.

Additional conditions for promotion may be added by a decision from the Chief of the LIS for all or some of the positions in the LIS, as required by the interests of work and provided that such does not contravene Law No. (12) of 2010 on labour relations.

Article (32)

In the event promotion of the employee is due and he is not promoted due to failure to meet the requirements thereof three times in a row, he shall be promoted to the next grade, referred to retirement, or transferred to the civil service by a decision from the Chief of LIS.

Article (33)

Promotion in positions of the LIS shall be by an examination of competence, taking seniority into account.

In all cases, promotion by an examination requires that the candidate to be promoted received two annual reports with at least the grade “good”, and that one of the two reports covers the position from which he is being promoted in the last year.

Article (34)

Upon a proposal by the Chief of LIS and a decree issued by the Head of State, any person who is doing exceptional work in the LIS may be promoted to the grade above his without taking into account seniority or time limits required in the position before promotion.

Article (35)

The promoted employee shall be given the starting salary of the grade to which he is promoted or one of its bonuses, whichever is greater, with effect from the date the promotion decision was issued if it is the first day of the month, and starting the first of the following month otherwise. Promotion shall not change the due date of the annual bonus.

Article (36)

Employees of the LIS shall receive the legally prescribed annual bonuses for the category specified in Table 1 and Table 2 appended to this Law. A decree issued by the Chief of the LIS shall be issued to grant the bonus.

The bonus shall be granted on the first of the month following the completion of one year from the date of appointment or the date the previous annual bonus was granted, whichever is earlier.

Article (37)

By virtue of a decision by the Chief of the LIS, any member of the LIS may be granted an incentive bonus equivalent to the prescribed annual bonus, as per the following conditions:

1. His competence must have been assessed with the grade “excellent” in the last two years.
2. He must have exerted during those two years an extraordinary effort to achieve the objectives of the LIS.
3. He must not be given this bonus more than once every two years.

This bonus shall be due on the first of the month following the date of issuance of the decision to grant it, and it shall not change the maturity date of the annual bonus.

A decision by the Chief of the LIS shall make it possible to grant the employee an annual bonus equivalent up to two months' salary in the fiscal year in the event he performs excellent LISs, has done a job, or submitted a productive report to achieve the objectives of the LIS or raise the level of performance of the work done.

Article (38)

Members of the LIS shall be granted housing and family allowances, and they shall also be given a technical allowance in accordance with the applicable provisions in the LIS. They shall be entitled to recover the expenses proven to have been spent in order to perform their functions.

Article (39)

Members of the LIS shall be given a nature-of-work and distinction allowances, in accordance with the terms and categories set by virtue of a decree by the Head of State, on the proposal of the Chief of the LIS.

Chapter (4)

Secondment, Delegation, and Transfer

Article (40)

Employees working in the government, public bodies and institutions, and companies in which the State or public-law persons are shareholders may be seconded or delegated to work in the LIS. These employees, military or civilian, shall not be subject to any supervision or control during the period of their secondment or delegation.

The LIS shall pay for the seconded or delegated employee for the duration of his secondment or delegation all the allowances and benefits prescribed for the position he occupies, provided that they do not exceed the total that would be due to him in the event he was transferred to the position.

Article (41)

By virtue of a decision from the Chief of LIS, the employees of the LIS shall be delegates or seconded to work in the government, public bodies and institutions, and companies in which the State or public-law persons are shareholders may be seconded or delegated to work in the LIS.

The period of secondment or delegation shall be counted toward promotion and calculation of the bonus and the salary. In the event that what the employee receives from the party to which he was seconded or delegated is less than the total remuneration he receives from the LIS, the difference shall be paid to him from the budget of the LIS.

Article (42)

By virtue of a decision by the Chief of the LIS, recourse may be made to the expertise of specialists and technicians from the government, public bodies and institutions, and companies in which the State or public-law persons are shareholders, in order to temporarily carry out scientific or technical work of a special nature. Their bonus shall be determined in accordance with rules issued in a decision by the Chief of the LIS, without being bound by the rules prescribed in this regard.

Article (43)

Employees in the government, public bodies and institutions, and companies in which the State or public-law persons are shareholders may be transferred to a position of the LIS, provided that the employee agrees to the transfer in writing and his delegation or secondment to the LIS is not less than one year.

When necessary and upon the recommendation of the Personnel Affairs Committee, the Chief of the LIS may carry out the transfer without complying with the minimum time period for delegation or secondment.

In all cases, the transfer shall be to a position equivalent to the grade or military rank the employee occupies and with the same seniority, without prejudice to the seniorities working in the LIS.

Article (44)

An employee transferred to the LIS shall be granted the starting salary of the grade of the position to which he is transferred or his last salary, whichever is greater. Taking his seniority or experience into account, and at the suggestion of the Personnel Affairs Committee, the employee may be granted one or more bonuses, with a maximum of four bonuses from this grade, provided that such does not exceed the highest salary of the grade.

Article (45)

Employees in the LIS may be transferred to the government, public bodies and institutions, and companies in which the State or public-law persons are shareholders.

Chapter (5)

Leaves and Treatment

Article (46)

Leaves are a right for the employee and he shall exercise such in the manner set forth in the following articles. He shall neither relinquish, postpone or abbreviate them, except for necessities required by the interest of work.

In all cases, the employee shall receive an annual leave of at least fifteen consecutive days.

Article (47)

Annual leave shall be 30 days a year and shall increase to 45 days for those who attain the age of 50 or whose service period exceeds 20 years. The dates granted for annual leaves shall be according to the requirements of work and they may be combined, provided they do not exceed three months a year.

Article (48)

Unscheduled leave for reasons that prevent the employee of the LIS from informing his superiors in advance to authorise him his absence shall not exceed three days at a time and twelve days a year. The employee's right to unscheduled leave shall be forfeited when the year ends, and this leave shall not be combined with any other leave whatsoever without the approval of the Chief of the LIS.

Article (49)

At the end of their LIS, employees of the LIS are entitled to monetary compensation for their accrued annual leave, provided they have retained such for reasons related to the interests of work.

The compensation is assessed based on the last full salary the employee received before his service.

Without taking into account changes to the salary (for all employees of the LIS), each employee shall have the right to an end-of-service bonus, whatever the reason for his end of service except dismissal, at rate of one month's salary for each year spent in the position.

The LIS shall be undertake to provide health insurance expenses for its employees and their dependent families, and also for employees referred to retirement for having reached the legal

age or for lack of physical fitness and for the widows of martyrs and employees who died as a result of their service.

Article (50)

Employees of the LIS shall have the right to sick leave with full pay for the duration of their treatment. Sick leave shall be granted within the country upon a decision by the competent medical committee and abroad on the basis of a medical report from the doctor certified by the political representation mission abroad.

Article (51)

Any employee of the LIS may be granted special leave to sit exams at an educational institute where the Chief of the LIS has already approved him to study, and the leave shall not exceed the duration specified for the exam.

The employee shall submit a certificate proving he sat exams all throughout this period or he shall be considered absent without justification. In the event he fails the exam, the leave granted to him shall be deducted from his annual leave if he still has leave days, or it shall be considered unpaid leave.

Article (52)

Any employee in the LIS shall be prohibited from carrying out, either by himself or by mediation, any of the acts prohibited or criminalised under the laws and regulations in force, in particular:

1. Refuse the work duties of his position or fail to perform his duties.
2. Transgress the limits of his functions and duties, abuse his powers, or exploit his position.
3. Divulge any information or data he comes across by virtue of his position, and this obligation shall remain in force even after he leaves the LIS.
4. Retain for himself any official or work-related papers or remove the same from their respective files or records, even if they are related to a job assigned to him personally, unless it is through written permission from the Chief of the LIS.
5. Violate the security and confidentiality measures issued in a decision by the Chief of the LIS.
6. Destroy, damage, or mismanage any of properties of the LIS or cause loss or damage thereof by negligence.
7. Disobey orders from his superiors or neglect the performance of his duties.
8. Show up in an inappropriate appearance that would undermine the dignity and objectives of the position.
9. Commit any act or conduct detrimental to the reputation of the LIS.
10. Mistreat his superiors.
11. Be absent or late to work without an acceptable excuse.
12. Join or form political parties throughout the duration of his work for the LIS or join a political, social, national, or foreign entity, except with the permission of the Chief of the LIS.

13. Buy or rent for exploitation purposes real estate or movable property put to sale or lease by administrative or judicial authorities in the body for which he works, if such is related to him.
14. Participate in the establishment of companies or accept any position therein, except with the written permission of the Chief of the LIS.
15. Engage in any business or have any interest in tenders, auctions, contractual deals, or contracts related to his work function.
16. Combine his work with any other paid or unpaid work he performs, except with the written permission of the Chief of the LIS.

Exempt from these conditions are his assuming acts of wardship, trusteeship, power of attorney, or judicial assistance to relatives up to the fourth degree, or acts of escrow on money in which he or one of his relatives or in-laws up to the fourth degree is partner or shareholder.

Article (53)

Any employee in the LIS who violates duty or commits a prohibited act shall be disciplinarily punished in accordance with the provisions of this Law, without prejudice to the filing of civil or criminal proceedings against him if necessary. He shall be exempt from disciplinary punishment in the event it is proven that he committed the violation pursuant to a written order by his superior. In this case, responsibility shall be borne by the person who issued the order.

Article (54)

Disciplinary sanctions that may be imposed on the employees of the LIS, with the exception of the Chief and his deputies, shall be:

1. Warning.
2. Confinement at the workplace.
3. Deduction of salary for a period that shall not exceed sixty days a year.
4. Confinement in the room.
5. Demote the grade and rank.
6. Transfer to the civil service.
7. Dismissal from the position, keeping his right to a pension or bonus.

Article (55)

No sanction shall be imposed on any employee of the LIS before questioning him, taking his statements, and ensuring his defence. The questioning shall be recorded in written minutes.

Sanctions of warning, confinement at the workplace, and deduction of the salary for a period not exceeding one week may be inflicted based on oral questioning or interrogation, provided it is documented in the indictment.

The employee may not be prosecuted for a single act more than once, no more than one sanction may be inflicted for a single act. The decision issued for the signing of the sanction shall be justified.

Article (56)

All duties and obligations imposed by the position shall apply to employees of the LIS according to the prescribed general rules, and they shall do the following, in particular:

1. Abide by the rules of security and confidentiality and work systems issued by the LIS, and the obligation of confidentiality shall remain in force even after the end of the service. No party may request any employee of the LIS to give statements about his work or allow him to make such statements, even after he leaves the LIS, unless the Chief of the LIS approves such in writing and within the limits covered by the approval.
2. Notify the LIS about all changes to his social life that may affect his work.
3. He may not join work for any foreign governments or bodies, except by virtue of written permission from the Chief of the LIS.

Article (57)

The sanction of deduction may not exceed 15 days' salary at a time, and in the implementation of the sanction, the deduction may not exceed one-fourth the monthly salary after the deducted or forfeited quarter.

The proceeds of sanctions imposed on employees of the LIS shall be collected in a special account that shall be disbursed for purposes and social projects pertaining to them as shall be determined by a decision from the Chief of the LIS.

Article (58)

The sanction of confinement in the room shall not be imposed for a period exceeding four weeks, and the confined employee shall be deprived from the right to issue orders and shall be exempt from the performance of official tasks prescribed for the position.

Article (59)

The sanction of confinement at the workplace shall not exceed four weeks, and the confined employee shall not be exempt from the performance of official tasks at the workplace. He shall be forbidden from receiving visitors, unless the visit is for work purposes.

Article (60)

Rank and grade may not be demoted for disciplinary purposes by more than one grade or rank, and the decision issued in this regard shall determine the seniority of the employee in the grade or rank to which he is lowered.

Article (61)

Members of the LIS may be suspended from work as a precaution if required by the interest of the investigation or the nature of the work assigned to him.

In the case of the Chief and his deputies, suspension decisions shall be issued by the Head of State and in the case of directors and other employees of the LIS, such shall be issued by the Chief.

The suspension may continue until a decision is taken on what is attributed to the employee, and it shall not exceed thirty days, except in the event he is accused of a felony or misdemeanour involving moral turpitude or by virtue of a decision from the competent disciplinary board.

The sanction of suspension of work shall entail the suspension of payment of half the salary. If criminal or disciplinary proceedings are completed without convicting the employee, he shall be given half the salary that was suspended from payment.

Article (62)

The Chief of the LIS shall have the power to impose the sanctions set forth in Article (54), Paragraph (1), with the exception of the sanctions of demoting the grade and dismissal from the position.

His deputies, directors and other leaders shall have the same power with regards to those who are in lower grades, provided that deduction of the salary does not exceed forty-five days in one year.

Article (63)

Disciplinary proceedings for employees in positions for which appointment does not require a decree by the Head of State shall be undertaken by an ordinary disciplinary board formed by a decision from the Chief of LIS as follows:

A member in the LIS who is more senior than the employee referred to the disciplinary board, as chairman.

A member in the LIS who is less senior than the board chairman and more senior than the employee referred to the disciplinary board, as member.

A legal member, as member.

Article (64)

A disciplinary appeals board shall be formed by a decision from the Chief of the LIS as follows:

A deputy chief or director, as chairman.

A member in the LIS who is more senior than the employee referred to the disciplinary board and who did not participate in the ordinary disciplinary board, as member.

A legal consultant, as member.

Article (65)

The LIS and the person concerned may appeal the decision of the ordinary disciplinary board before the disciplinary appeals board by virtue of a written request submitted to the chairman of the previous board within thirty days from the date of notification or knowledge.

Article (66)

No disciplinary sanctions may be imposed on employees in positions for which appointment requires a decree by the Head of State, except through a higher disciplinary board formed for this purpose through a decree by the Head of State.

The higher disciplinary board shall impose the sanctions stipulated in Article (54) and the decision of the board in their regard shall be final and with cause.

Article (67)

Decisions issued by any disciplinary boards to dismiss an employee shall be taken by consensus.

Article (68)

Referral to a higher disciplinary board shall be by virtue of a decree by the Head of State and referral to an ordinary disciplinary board shall be by virtue of a decision by the Chief of the LIS. The referral decree shall in all cases include a detailed statement of the charges and the employee shall be notified thereof. He shall also be notified of the date of the hearing scheduled for his trial at least ten days in advance. No meeting of the disciplinary boards shall be valid unless attended by all members.

Article (69)

Decisions issued by disciplinary boards formed according to the provisions of this Law shall include the ground on which they are based and shall be communicated to the employee concerned within 15 days from the date of issuance.

Article (70)

Any employee placed in preventive detention or imprisoned in execution of a criminal sentence shall be suspended from work by force of law throughout the period of his incarceration. In the event the imprisonment is in execution of a criminal sentence, he shall forfeit the right to receive his total salary throughout the term of imprisonment, and such period shall not count toward his seniority for entitlement to a grade, the annual bonus, or leave. In the event the detention is preventive, the payment of his full salary shall be suspended for the duration of incarceration until a decision is reached with regard to the case.

Chapter (6)

End of service and Pensions

Article (71)

Service of employees of the LIS shall be terminated for any of the following reasons:

1. Reaching the age of sixty for those at the rank of colonel and above, the age of 55 for other officers, and the age of 50 for non-commissioned officers. The Chief of the LIS may extend the service of an employee who reaches the age of retirement for a period not exceeding two years.
2. Proven lack of physical fitness for service.
3. Resignation.
4. Dismissal from the position by virtue of a final disciplinary decision.
5. Referral to retirement for a reasoned decision by the Chief of the LIS in the event the employee loses the confidence and respect needed to remain in his position.
6. Loss of nationality.

7. Conviction of a felony or misdemeanour involving moral turpitude, and dismissal may be permitted for the Chief of the LIS in the event the verdict is with a suspended sentence.
8. Marriage to a foreigner or marriage without the permission of the Chief of the LIS to a woman who possesses the nationality of an Arab country along with her parents.
9. Death.

Article (72)

When the duration of their work or calculated service reaches twenty years, may request the termination of his work or LIS, any worker subject to the provisions of this law, even if he has not reached the old age stipulated in Article (13) of Law No. (13) of 1981 on [...] and in this case, he shall receive a social security pension settled in accordance with the provisions of Article 14 of the Social Insurance Law 13/1981.

Article (73)

End of service for lack of physical fitness shall not be possible before the end of his sick and annual leave, unless he requests to be referred to retirement by choice.

Article (74)

Provisions relating to implicit resignation or the tacit acceptance of written resignation shall not apply to employees of the LIS, and their service shall not end by resignation unless it is written and explicitly accepted.

Their resignation shall not be accepted before they spend ten years in the LIS, in which case resignation may be accepted by the Chief of the LIS.

Article (75)

The Chief of the LIS shall issue a decree on the formation of a Medical Committee for the LIS to determine the percentage of physical disability for employees.

Article (76)

The Chief of the LIS may issue a decision to retain a member after the end of his service for a period that shall not exceed one month to deliver what is in his charge. In case of necessity, this period may be extended for up to two months. During this period, he shall be granted remuneration equivalent to what he was receiving before the end of his service.

Article (77)

Upon completion of 20 years of work or calculated service, all employees in the LIS subject to the provisions of this Law may request to end their service or work by referral to elective retirement.

Article (78)

Without prejudice to the provisions of this Law, the provisions of Law No. (43) of 1974 on the retirement of military personnel, with the exception of Articles (1 – 2 – 16 – 17 – 33 – 38), and NTC Law No. (1) issued on 01/01/2012 on some provisions pertaining to the salaries and

retirement of military personnel, shall apply to officers and non-commissioned officers in the LIS.

Chapter (7)

Criminal Provisions

Article (79)

The LIS shall notify the competent prosecution authorities of investigations and lawsuits filed with regard to the following crimes:

- a. Crimes against the funds and property of the LIS, no matter the perpetrator.
- b. If an employee of the LIS stops working abroad or being present in the location set for him by the LIS for ten consecutive days or more without an acceptable excuse.
- c. Crimes that happen in locations where the LIS carries out activities.

Article (80)

Except in cases of *in flagrante delicto*, no investigative action may be taken against any employees of the LIS with regard to a felony or a misdemeanour, except with the written permission of the Chief of the LIS.

Article (81)

Trials of employees of the LIS shall be conducted in the presence of a member designated by a decision from the Chief of the LIS. The member shall be permitted to ask questions, but shall not participate in deliberations.

Article (82)

Without prejudice to the Code of Criminal Procedure, employees of the LIS who have been granted the status of judicial police by virtue of a decision issued by the Chief of the LIS shall be permitted to search persons and homes with the permission of the prosecution competent to investigate and uncover crimes stipulated in this Law, provided there are strong grounds to justify such procedure, in addition to crimes stipulated in Part 1 of the Penal Code and crimes that infringe of State security.

Permission to search shall be written and justifiable and a report shall be prepared in this regard to show that the search has taken place, as well as the identity of the searchers, the search's time, date, and findings, and proof of the presence or absence of the person concerned.

Part (4)

Budget and Financial Provisions

Article (83)

The LIS shall prepare a draft of its annual budget to be presented to the Head of State. Its total figure shall be communicated to the competent authorities.

Article (84)

The allocations of the LIS shall be included as a single figure in the State budget.

Article (85)

Only the Chief of the LIS may issue decisions governing the following issues:

- a. The accounting system and how to use the allocations included in the budget.
- b. The financial regulations of the contracts entered into by the LIS.
- c. Inventory systems.
- d. Terms and procedures governing disposition of the LIS's property.
- e. Travel allowances and transportation expenses for employees of the LIS.
- f. Incentives and special bonuses.
- g. Compensation paid to employees of the LIS for damages incurred during or because of work.

Article (86)

The LIS shall be exempt from paying taxes and customs fees on what it imports in order to carry out its work.

Article (87)

The Chief of the LIS shall be responsible before the Head of State for the usage of the LIS's annual budget, in light of security and confidentiality considerations that shall be upheld in this regard.

Article (88)

Employees of the LIS designated by virtue of a decision from the Chief of the LIS shall be exempt from the condition to acquire and carry weapons.

The Chief of the LIS shall issue a decree to determine the rules governing their acquiring and carrying weapons.

Part (5)

General Provisions

Article (89)

The LIS shall conduct its activities in accordance with the law and in a way that ensures respect for human rights and fundamental freedoms. Activities thereof that violate such rights and freedoms shall not enjoy immunity.

Article (90)

The LIS shall conduct its activities in accordance with human rights and fundamental freedoms guaranteed and protected under the law.

Article (91)

The objective of the Libyan Intelligence Service shall be to enhance security and stability in the country and create conditions that will enable citizens to exercise the rights and freedoms guaranteed by law.

Article (92)

The medical body determined by the Chief of the LIS shall determine the physical fitness of employees, the sick leave to which they are entitled, the treatments he may need, and the degree of disability resulting from injury during or because of the performance of his professional duties.

Article (93)

Apparel shall be dispensed annually to employees in positions for which appointment is carried out by virtue of a decision by the Chief of the LIS.

Part (6)

Temporary and Transitional Provisions

Article (94)

All movable and fixed assets of the former dissolved External Security Service that were transferred to the National Authority for National Security shall be transferred to the Libyan Intelligence Service established under the provisions of this Law, and all employees of the dissolved External Security Service shall be transferred to the Libyan Intelligence Service with the same professional and financial conditions.

Article (95)

Upon a proposal by the Chief of the LIS, the Cabinet shall prepare a system of material and moral incentives for employees, so as to ensure the achievement of objectives, improve performance, and rationalise expenditure, provided that the system includes the categories of material incentives and the conditions to grant such.

Article (96)

A Social Solidarity Fund shall be established in the LIS, which partially contributes to its funding by amounts included annually in its budget. The sums shall be supplemented by the subscription fees of employees in the LIS.

Article (97)

By virtue of a decision by the Chief of the LIS, employees of the LIS may be dispatched in a delegation or for a scholarship, training grant or study leave, whether in the country or abroad. Their positions shall be retained until their return from deployments.

Article (98)

Employees in senior leadership positions in the LIS may obtain benefits in exchange for the responsibilities entrusted to them during their terms by virtue of a decree issued by the Head of State on the recommendation of the Chief of the LIS.

Article (99)

Deputy officers may be promoted exceptionally in the event he carries out excellent and honourable work that achieves objectives for the LIS, in accordance with the terms and conditions issued by a decision by the Chief of the LIS.

Article (100)

In order to preserve the confidentiality of the LIS's work, it shall not be subject to audit by the Audit Office. It shall only provide a detailed financial report to the Head of State.

Article (101)

Subject to the provisions of this Law, the Chief of the LIS shall exercise the powers vested in the minister and deputy minister in laws and regulations. The Personnel Affairs Committee in the LIS shall exercise the powers vested in the Personnel Affairs Committee in Law No. 10/2012 on labour relations.

Article (102)

The provisions of Labour Relations Law No. 12 of 2010 shall be applied with regard to what was not covered by this Law and in a manner consistent with the provisions of this Law.

Article (103)

This law shall be published in the Official Gazette and shall enter into force from its date of issuance. Each person shall implement it within his mandate. Law No. 76 of 1976 on the Security of the Republic Committee and also any previous decrees or laws that governed the work of the dissolved External Security Service or the National Commission for National Security or that are contrary to the provisions of this Law shall be repealed.

National Transitional Council – Libya

**Issued in Tripoli
Tuesday 06/02/2012**