

Law No. (26) of 2012
on the High Commission for the Application of Standards of Integrity and Patriotism

The Interim National Transitional Council:

Upon review of:

- The interim Constitutional Declaration issued on 3 August 2011 and its amendment;
- The Penal Code and its supplementary laws;
- The Code of Criminal Procedure and its amendments;
- Justic System Law No. (6) of 2006 and its amendments;
- Administrative Judiciary Law No. (88) of 1971 and its amendments;
- Law No. (4) of 2012 on General National Congress elections;
- Law No. (177) of 2011 on the establishment of the High Commission for the Application of Standards of Integrity and Patriotism;
- Law No. (192) of 2011 on determining and applying integrity and patriotism regulations and standards;
- Law No. (16) of 2012 appointing the Commission's members;
- Law No. (3) of 1973 on unjust enrichment and its amendments;
- And based on what was discussed in the Interim National Transitional Council session on 04/04/2012.

issued the following law:

Article (1)

A commission called the "High Commission for the Application of Standards of Integrity and Patriotism" shall be established in accordance with the provisions of this Law. It shall possess legal personality and independent financial liability. It shall be headquartered in the city of Tripoli and may have branches or offices in other cities, as the case may be.

Article (2)

The chairman and members of the High Commission for the Application of Standards of Integrity and Patriotism shall be appointed by virtue of a decree by the Interim National Transitional Council (NTC) or its replacement.

Article (3)

Anyone appointed as member of the Commission shall meet the following conditions:

1. He must hold Libyan nationality.
2. He must be known for his integrity and patriotism.
3. He must not be less of 25 years of age.
4. He must not have been previously convicted of a felony or misdemeanour involving moral turpitude, even if he has been rehabilitated.
5. He must not have been dismissed from his previous position by a decision, unless it is established that the dismissal was for political reasons.

Article (4)

Prior to exercising their functions, the chairman and members of the Commission shall take the legal oath before the chairman and members of the NTC in the form the latter determines.

Article (5)

At their first session, the members of the Commission shall choose a deputy from among them. The Commission shall also issue the decisions and regulations relating to its administrative and financial organisation and draft a special budget that shall be adopted by the NTC, at the proposal of the chairman of the Commission.

Article (6)

In the event the post of the chairman of the Commission is vacant, his deputy shall replace him temporarily until a new chairman is appointed.

Article (7)

The chairman and members of the Commission shall be subject to the same disciplinary, investigation, and criminal lawsuit filing measures that members of the judicial bodies are subject to. In the case of conviction of a member of the Commission by virtue of a final ruling or decision or in the event his post is vacant for any other reason, the NTC shall issue a decree appointing a replacement.

Article (8)

“Standards of integrity and patriotism” shall refer to the regulations to be followed to hold public positions and functions subject to the provisions of this law. These standards shall be divided into:

First: Regulations Pertaining to Professional Status

They shall refer to regulations pertaining to the professional status of the person occupying the position or candidate therefore. They shall include all public positions and functions, with the exception of the following public positions and functions whose occupants joined the 17 February Revolution prior to 20 March 2011, as proved by conclusive evidence beyond any doubt, namely:

1. Ministers and ambassadors.
2. Commanders of security services and military forces.
3. Members cooperating with the Interior and External Security Apparatus.
4. Secretaries and members of the secretariats of General People's Congresses (GPCs), as well as the secretaries and members of People's Committees at the district level.
5. Popular Social Leaderships.
6. Heads of cleansing committees.

Second: General Regulations

These shall refer to regulations pertaining to the status of the person occupying the position or candidate therefor from the former regime, regardless of his position or positive stance towards the 17 February Revolution, and they shall include the following categories:

1. Members of the Revolutionary Guard, the People's Guard, and the Revolutionary Task Force.
2. People with proven membership and authority in the Revolutionary Committees Movement.
3. Heads of student unions after the year 1976.
4. Anyone known to praise Muammar Gaddafi's regime or advocate the thought of the Green Book, whether in various media outlets or directly to the public.
5. Anyone who adopted a position opposing the 17 February Revolution by way of instigation, assistance, or agreement.
6. Anyone accused of or sentenced for any crime of squandering or unduly gaining public funds.
7. Anyone who participated in any manner whatsoever in imprisoning or torturing Libyan citizens under the former regime.
8. Anyone who carried out acts against Libyan opposition supporters in the country or abroad or participated in carrying out such acts.
9. Anyone who seized the properties of citizens under the former regime or participated in carrying out such acts.
10. Anyone who was implicated in looting the Libyan people's money, was enriched at their expense, or acquired wealth and assets in the country or abroad unduly.
11. All partners in any business with Muammar Gaddafi's sons or leaders of his regime.
12. Anyone who assumed a leadership position related to Muammar Gaddafi's sons and their institutions.
13. Anyone who was with the opposition abroad, reconciled with the regime, and agreed to work within leadership posts against the interest of the Libyan people.
14. Anyone who received funds or gifts in kind unduly from the former regime.
15. Anyone whose graduate studies were on the thought of Muammar Gaddafi and his Green Book.
16. Members of the so-called Revolutionary Command Council and the Free Unionist Officers and comrades.

Article (9)

The standards referred to in the previous article shall exclusively apply to the following positions, functions, and duties:

1. President and members of the NTC.
2. Prime Minister and ministers of the transitional government.
3. NTC Office.
4. Prime Minister's Office.
5. Deputy ministers and assistant deputy ministers.
6. Ambassadors and diplomats.
7. Chairmen and members of local councils.
8. Heads and members of local departments, governors, mayors, and municipal council members.
9. Chairmen and members of boards of institutions, agencies, bodies, and public companies.
10. Executive directors of public institutions, agencies, bodies, and public companies.

11. Security and military commanders, commanders of security forces, army commanders, and commanders from passport departments of the first and second grades.
12. Presidents of companies (domestic and foreign investment companies, oil companies, and all national companies without exception).
13. Financial comptrollers.
14. University presidents, faculty deans, heads of departments, and directors of institutes, schools, and all educational and research institutions.
15. Presidents and members of syndicate, union and professional association boards, as well as the presidents of student unions.
16. Candidates for election to the General National Congress.
17. The President and members of the General National Congress, and its Office.
18. All persons entrusted with duties by the NTC or the transitional government.

Article (10)

The Commission referred to in Article (1) shall undertake the implementation of the standards of integrity and patriotism to the holders of functions and the candidates to hold such functions in accordance to the provisions of this law. The Commission shall issue a reasoned decision on whether these standards are met or not within a maximum period of twenty-one days from the date of its receipt of the financial disclosure and résumé with all the data and documents required as provided.

Article (11)

The Commission shall issue its decisions pertaining to the implementation of the standards of integrity and patriotism to the holding of public positions and functions in accordance with the rules and regulations set forth in the executive regulations it issues to organise its work.

Article (12)

Persons concerned may appeal the Commission's decision before the Administrative Judiciary Department at the Court of Appeal under whose jurisdiction falls the position or function subject of the decision, within ten days from the date of its announcement. The Administrative Judiciary Department shall rule on such appeal within twenty-one days from the date thereof, without going through preparatory procedures. The judgment in this regard shall be final, unappealable, and binding on all parties concerned.

Article (13)

Notwithstanding the provisions of Articles (10), (11), and (12), the Commission shall examine and review the applications of candidates for the elections of the General National Congress submitted to the electoral district. The Commission shall decide on this request in accordance with the standards of integrity and patriotism stipulated in this law within five days from the date of receipt by the High National Elections Commission and in accordance with the applicable procedures in this regard. Persons concerned shall have the right to appeal such decision through the means and conditions set forth in Law No. (4) of 2012 on the elections of the General National Congress.

Article (14)

The Chairman and Members of the Commission may not divulge any secrets, information, or data they come across while exercising their duties or that the Commission becomes aware of for any reason whatsoever. The violator shall be punished by the penalties provided for in the legislation in force.

Article (15)

Persons holding a position or function covered by the provisions of this law or the party submitting the nomination thereto shall submit a questionnaire prepared by the Commission after the candidate fills it in, including a detailed résumé of the candidate and a financial disclosure with his pledge to bear all legal liability for the accuracy of this data, along with his signature and fingerprint.

Article (16)

The Commission shall have the right to investigate the person holding a position or function or nominated thereto and to request any information or data it deems necessary. It shall also have the right to make use of all necessary means to verify the information and statements referred to in the previous article, as well as make use of all means it deems appropriate to carry out its functions.

Article (17)

Anyone who is covered by the provisions of this law and who neglects or fails to provide the questionnaire prepared by the Commission or to enable it to examine any evidence, documents, or papers in his possession or under his disposal or refuses to assist it in doing so and destroyed or withheld the same shall be punished by imprisonment, without prejudice to any more severe sanction provided by law.

Article (18)

The Commission shall be dissolved and the implementation of these provisions shall end when the transitional period concludes with the first session of the elected legislature that follows the General National Congress.

Article (19)

This law shall enter into force from its date of issuance. Any contrary article shall be repealed. Each party shall implement this law with their mandate. It shall be published in the Official Gazette and various media outlets.

Interim National Transitional Council -- Libya

Issued in Tripoli

On Wednesday 04/04/2012