

**Law No. (29) of 2012
on the organisation of political parties**

The Interim National Transitional Council

Upon review of:

- The interim Constitutional Declaration issued on 3 August 2011 and the amendments thereof;
- The Civil Law;
- The Code of Civil and Commercial Procedure;
- The Penal Code and the supplementary laws thereof;
- The Supreme Court Law;
- Law No. (6) of 2006 on the judiciary, and the amendments thereof;
- Law No. (88) of 1971 on the administrative judiciary and the amendments thereof;
- Law No. (4) of 2012 on the elections of the General National Congress;
- Decision No. (192) of 2011 on determining and applying the rules and standards of integrity and nationalism;
- The session of the Interim National Transitional Council held on 24 April 2012;

issued the following law:

Article (1)

Definitions

All references to a Committee shall mean the “Parties Affairs Committee” (PAC) and all references to a Unit shall mean the “Financial Control and Review Unit” (FCRU).

Article (2)

A party is any political organisation composed by agreement of a group of Libyans and established in accordance with the provisions of this law. The party shall manage its activities in a public manner with peaceful and democratic means to contribute to political life in order to achieve specific and declared programs related to political, economic, social and cultural affairs and take part in government responsibilities and alternation of power in accordance with the general elections law.

Article (3)

Libyan citizens shall have the right to establish and join political parties in accordance with the provisions of this law. Citizens may not be affiliated with more than one party at one time.

Article (4)

Political parties shall contribute to political, social, economic and cultural progress and shall endeavour to raise citizens’ awareness and represent them politically.

Article (5)

Members of political parties shall meet the following requirements:

1. Hold Libyan nationality and possess full legal capacity.

2. Over eighteen years of age.
3. Enjoy political and civil rights.

Article (6)

Members of military institutions, statutory civil bodies and judicial authorities shall be prohibited from joining any political party.

Article (7)

All parties shall be equal before the law. The law shall guarantee the party's protection and legitimacy.

Article (8)

Parties shall be authorised to exercise their activities under the following conditions:

1. The party's principles, goals, programmes and methods shall not contradict the principles of the Constitutional Declaration.
2. The number of founding members thereof shall be not less than 250.
3. The principles, goals, methods and funding resources thereof shall be made public.
4. The party shall not be an extension or branch of a non-Libyan party, nor organisationally associated therewith.
5. The party shall have its own bylaws and a political action programme.

Article (9)

Parties shall be forbidden to:

1. Create military or paramilitary units, or assist in the creation thereof.
2. Use, threaten to use or instigate any type of violence.
3. Include in their programmes, bulletins, or publications any instigation to violence, hatred or sedition.
4. Adopt or spread any ideology that contravenes the Islamic Sharia or calls for political authoritarianism.

Article (10)

A committee called the "Parties Affairs Committee" (PAC) shall be established under the rule of law and assume the following duties:

1. Examine the parties' registration requests and documentation to ensure that they do not contravene the conditions stipulated in Article (8) of this law, and to issue substantiated decisions in this respect.
2. Issue legal licenses for parties after approval of their registration.

Article (11)

The party wishing to obtain a legal license to conduct political work shall submit an application to the PAC that includes the following:

1. Registration request documented by a notary and signed by the party leader and at least fifty of its founding members who have a regular domicile in Libya and who are aged no less than twenty-one years.
2. Names and ID numbers of founding members.
3. The party's bylaws.
4. The party's legal residence.
5. A sample of the party's slogans and symbols.

Article (12)

The party's bylaws shall comprise the following:

1. Full name (and acronym, if any) of the party, and a description of its slogans and symbols.
2. The legal residence of the party.
3. Goals of the party.
4. Conditions of membership and loss or termination thereof, and cases of automatic withdrawal from the party.
5. Rights and obligations of party members.
6. Organisational structure of the party.
7. Selection mechanisms and powers of leadership bodies, as well as monitoring and accountability processes.
8. Names of members of leadership bodies.
9. Finance resources and means of financial disbursement.
10. Internal control mechanisms.
11. Modification process of the bylaws.
12. Terms and conditions of the suspension, reorganisation or termination of the party's activity.
13. Any other provisions that do not contravene the provisions of this law.

Article (13)

1. The name, slogan and logo of the party shall not be similar to the names, slogans and logos of other existing parties or parties dissolved less than three years ago.
2. The party's logos and slogans may not be used without the party's authorisation.

Article (14)

1. The PAC shall approve the registration of the party after examining the documents thereof and verifying that they do not contain any impediments to registration in accordance with Articles (11) and (12) of this law. The PAC shall provide the applicant party with the approval decision within five days from the date of application. Failure to take a decision regarding the application within the set period shall be considered approval of the party's establishment.

The PAC shall grant the party an official certificate of registration or of non-resolution of the registration request at the expiration of the set period, which shall allow the party to conduct public political work to achieve its goals as prescribed by its bylaws, provided that they do not contravene the provisions of this law.

2. If the registration request is rejected, the PAC shall provide the party with a letter explaining the reasons for such rejection.
3. The party shall have the right to appeal the rejection decision within five days from the receipt thereof before a judicial body constituted for this purpose by the Supreme Court within five days from the date of issuance of such decision. The court shall rule on the appeal within fifteen days from its date of submission.

Article (15)

1. The party shall submit to the PAC any modifications it makes to its bylaws within ten days from the date of completion of such modification.
2. The bylaws shall remain applicable until approval of the modifications.

Article (16)

The party shall possess legal personality and exercise its political activity starting on the day following:

1. The issuance of the PAC decision approving the establishment of the party.
2. The issuance of a final judgment by the court revoking the decision to reject the registration of the party.
3. In all cases, documents related to the establishment of the party shall be published.

Article (17)

The party's resources shall be composed of the following:

1. Member subscriptions.
2. State subsidies.
3. Return on investment in non-commercial fields determined by the party's bylaws. Investment of the party's funds in media and education shall not be considered to be of a commercial character under this clause.
4. Unconditional donations and contributions.

Article (18)

The party's activity shall be managed by means of national funds from legitimate sources. It is prohibited for the party to accept any funds from the following sources:

1. Any non-Libyan entity, be it a government, political entity, NGO, individuals or companies.
2. Any Libyan governmental entity, except those authorised by law
3. Any company or project wholly or partially owned by the government

Article (19)

A financial oversight and review unit shall be established under the PAC to audit the parties' accounts and ensure their compliance with the conditions stipulated by this law. The party shall make its financial records available to the delegates tasked with financial review by such unit.

Article (20)

Political parties licensed to conduct political work in accordance with the provisions of this law shall benefit from the State's support as follows:

1. 50% of the subsidy shall be distributed equally to all registered political parties in accordance with the provisions of this law.
2. The remaining 50% shall be distributed to registered political parties in accordance with the provisions of this law based on the party's share of votes provided that such share is not less than 3%.

The total subsidy amount allocated to political parties shall be allocated in the State's general budget. The executive regulation of this law shall determine the rules and procedures for the disbursement of such subsidy and all relevant provisions.

Article (21)

The party head shall represent the party before the judiciary and before governmental and non-governmental entities and third parties. He shall be the spokesperson of the party and may appoint any person of his choice as substitute spokesperson.

Article (22)

Subsidies to any party shall cease in any of the following cases:

1. If a judicial verdict stipulating the cessation thereof is issued.
2. If the party fails to submit to the FCRU the annual report on its final account including its resources and expenditures.
3. If the party voluntarily stops such subsidy.

Article (23)

1. The party shall deposit its funds in a Libyan bank. Such funds may only be spent on activities that achieve the party's goals in accordance with the rules and procedures of its bylaws.
2. The party shall keep organised account books that include its revenues and expenditures in accordance with the rules stipulated by the executive regulation and its bylaws. The party shall submit an annual report on its final account to the PAC, which shall be published in the media.

Article (24)

1. Upon review of the annual report of the party's final account, the PAC shall review and inspect the party's books, files, revenues, and expenditures, in order to verify the legitimacy of the revenues and the methods of disbursement thereof.
2. The PAC shall appoint a legal accountant to conduct reviews and inspections provided that a copy of the legal accountant's report is submitted to the concerned party.
3. The PAC and legal accountant shall maintain the confidentiality of their findings unless a violation has been revealed that requires referral to court in accordance with this law.

Article (25)

The party shall submit an annual statement of its properties, which shall be recorded in a register kept by the FCRU.

Article (26)

The party's funds shall be considered public funds for the purposes of implementing Penal Code provisions and the supplementary laws thereof. Officials in charge of the party's affairs and the employees thereof shall be treated as public servants in the implementation of the provisions of this article.

Article (27)

With the exception of cases of *in flagrante delicto*, the party's premises and documents may only be monitored, inspected, or confiscated by a judicial decision. The Public Prosecution shall notify the PAC of any procedures it takes within forty-eight hours.

Article (28)

The party shall have the right to own media outlets in order to express its views and opinions and achieve its goals in accordance with constitutional principles and the legislation in force. It shall be entitled to an equal share with other parties in the use of media outlets owned by society. The rules thereof shall be determined by the executive regulation.

Article (29)

The party shall be considered dissolved in any of the following cases:

1. If it voluntarily dissolves itself.
2. If it is dissolved by a judicial ruling.
3. If it merges into a new party or joins an existing party, in which case the new or existing party shall assume all the obligations and responsibilities of the dissolved party toward third parties and shall take over all properties thereof.
4. If the total number of its members diminishes below the limit specified in Article (8), paragraph (2) of this law.

Article (30)

Except for cases of voluntary choice, merger or union, only a judicial decision may dissolve the party, halt its activities or halt the implementation of any of its decisions, and this based upon a substantiated request submitted by the PAC chairman to the competent court for the dissolution of the party and the liquidation of its funds, if the party fails to meet any incorporation requirement or violates any provision of this law.

Article (31)

The PAC chairman may submit a summary request to the competent court to halt the party's activity or the implementation of any of its decisions until the dissolution request is adjudicated. The court shall adjudicate such request within fifteen days from its date of submission.

Article (32)

The dissolution request shall be adjudicated within thirty days from its date of submission. Prior to adjudication, the court may address a warning to the party to cease any violation of the provisions of this law within a specific period. If the violation is eliminated, rather than dissolving the party, the violator shall be punished by a fine ranging between ten thousand LYD at least and fifty thousand LYD at most.

Article (33)

This law shall enter into force from its date of issuance and shall be published in the Official Gazette.

Interim National Transitional Council – Libya

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Corresponding to 20 May 2012 AD