

**Revolutionary Command Council Decree
on the internal regulations for
the Central Authority for Public Administration Oversight**

**In the name of the People,
The Revolutionary Command Council:**

Upon review of:

- Constitutional Declaration No. (1) issued on 2 Shawwal 1389 AH, corresponding to 11 December 1969 AD;
- Law No. (88) of 1874 AD on the reorganization of the Central Authority for Public Administration Oversight;
- The submission of the controller-general;

issued the following Law:

Article (1)

The internal regulations of the Central Authority for Public Administration Oversight appended hereto shall enter into force.

Article (2)

This Decree shall enter into force on the date of its issue, and shall be published in the Official Gazette.

The Revolutionary Command Council – Libya

**Issued on 17 Muharram 1395 AH
Corresponding to 29 January 1975 AD**

Part (1)
Rules on Regulation of Work Flow
Chapter (1)
General Provisions on Competencies

Article (1)

Members and employees of the Central Authority for Public Administration Oversight shall be subordinate to their superiors alone, by order of their grade, and then to the controller-general, and certain of them shall act as delegates for the others.

Article (2)

The competencies of the deputy controller-general, agents of the Authority, and department, branch, and division heads shall be set out pursuant to a decree from the controller-general. Such decree shall also state the descriptions and competencies of the remaining units of the Authority and the works assigned to the various positions therein.

Article (3)

The controller-general shall direct the Authority's sections, each according to his competencies, in the monitoring, control, and investigation activities required, based on standing orders or by request of the chairman of the Revolutionary Command Council or the prime minister.

Chapter (2)
Monitoring and Research

Article (4)

Monitoring and research shall be conducted in the manner and method set out by the Authority's agent for the competent section.

Article (5)

The monitoring member at the Authority may access the laws, regulations, decrees, and other documents and information they deem necessary to complete their assignment. Such member shall also have the right to visit work and field study sites, and all entities must facilitate such.

Article (6)

The monitoring member of the Authority may seek the assistance of specialists and experts in technical and administrative issues, if required for proper monitoring and study.

Article (7)

The monitoring report at the Authority shall present the results of the monitoring and study to the Authority's agent for the competent section, and the agent must in turn submit it, along with their opinion, to the controller-general or person acting in his place to undertake the measures they deem necessary in the matter.

Chapter (3)

Observation

Article (8)

Individual observation shall be conducted in secret.

Article (9)

Observation shall take place by undertaking the means required to investigate and uncover crimes and deficiencies in the work and production referred to in the Law.

Article (10)

The observation section may seek the assistance of the police in conducting the investigations and observation referred to in the law.

Article (11)

A report containing the actions undertaken in all cases and the resulting conclusion of the investigations or observation or arrest must be drawn up, and in all cases the investigation or observation documentation shall be deemed confidential.

Article (12)

When necessary, the written permission to conduct individual observation must contain the name of the party under observation, the entity to which they are affiliated, and the objective of the observation.

Article (13)

In the event of a request to suspend the employee from the activities of their position in accordance with Article (13) of the Law, the Authority's agent for the competent section shall submit the matter in a memorandum to the controller-general stating the matters attributed to the employee, their grade, justifications for the request to suspend them from their position, and suspension period, preliminary to undertaking the measures necessary for the issuance of a suspension decree by the prime minister.

Article (14)

The Authority's agent for the competent section shall, whenever it is found that there is no need to continue an employee's suspension from their position in accordance with the preceding Article, prepare a memorandum on such. If approved by the controller-general, the competent entity shall be requested to lift the suspension.

Chapter (4)

Investigations

Article (15)

Investigations shall be conducted at the Authority headquarters. Authority members may move to any other location as required by the investigation.

Authority members may notify the competent entity to prepare documents or assign the desired party to hear their statements.

Article (16)

Authority members may access the papers and information they deem necessary for the investigation, even if they are confidential at all entities.

Article (17)

The investigation shall handle all petty offences uncovered, even if not related to the original incident.

Article (18)

Investigations shall be in writing, and written up in a report or series of reports, each starting by stating the date, place, and hour of opening and closing. Each page of the investigation documents shall include the signature of the authority member and the clerk, if any, at the bottom of the page.

Article (19)

Authority members shall write in the report every procedure undertaken, the official's name, age, place of residence, position, grade, and the questions and answers, and they shall be asked to sign the report.

Article (20)

Authority members shall be accompanied during the investigation by a clerk who writes the reports and signs each page with the Authority member and enters their remarks. When moving to other locations, any other clerk may be assigned and placed under oath prior to commencing their work. When necessary, the Authority member may draft the report themselves.

Article (21)

Anyone who is called to testify must appear at the investigator's request. If a witness fails to appear after being tasked to do so by registered letter specifying the date for hearing their statements or they abstain from testifying, the authority member shall write this in the investigation report and undertake with regard to the witness the provisions set out in the Criminal Procedure Code.

Article (22)

Arrest orders shall include the witness' name, surname, trade, place of residence, a summary of the investigation, order date, the authority member's signature and official stamp. The order shall specify the date the witness is to appear and task the public authorities to present them if they fail to appear voluntarily on the set date. Arrest orders shall be served by the public authorities and a copy thereof shall be delivered to the witness. Arrest orders may not be enforced after the passage of six months from their issue date, unless the authority approves another period.

Article (23)

If the witness is sick or unable to appear, their testimony may be heard in the place where they are located.

If an authority member moves to another location to hear the testimony and it is found that the excuse is invalid, they shall write this in the report, taking the measures set out in Article (22) hereof, deeming this witness as failing to testify.

Article (24)

If there are justifications necessitating the transfer of a class (1) employee to investigation, the authority agent for the investigation section shall submit the matter to the controller-general or delegate thereof in such matter, in a memorandum explaining the issues attributed to this worker, their grade, and the justifications for transferring them to investigation, preliminary to undertaking the necessary procedures to request the prime minister's approval of the transfer to investigation.

Article (25)

Authority members or those conducting the investigation with them may in all cases inspect work locations and the like whenever such measure is required in the interest of the investigation.

Article (26)

If there are strong justifications to search an employee or the home of an employee to whom a petty offence has been attributed, the Authority's agent for the investigation section shall present the matter in a memorandum to the controller-general or delegate thereof for permission to conduct the search.

When necessary, the Authority member conducting the investigation may be informed of the search permission by any method, provided the written permission is attached to the report.

An Authority member at the inspection division shall conduct the search in the presence of the person being searched or the representative thereof whenever possible. If such is not feasible, the search must take place in the presence of two witnesses of legal age from their family, those living with them, or the neighbours; this order shall be observed as much as possible and written in the report.

Article (27)

If the search results in the discovery of documents or items important to the investigation, the Authority member shall, after writing a list and description thereof in the report, place them in a closed exhibit, stamp it with their stamp, and write the report date, number, and investigation subject thereon.

Article (28)

If, during the search, an Authority member discovers items whose possession is a crime under the Penal Code, they shall seize and enter them as evidence, write a report thereon, and transfer the report and the exhibit immediately to the controller-general to undertake the necessary measures.

Article (29)

In the investigation report, Authority members shall record the search procedures, the presence or absence of the defendant during the search, the results thereof, and a detailed list of all documents and the like related to the investigation that they found.

Article (30)

If an Authority member deems that the subject of an investigation must be suspended from work in the interest of the investigation, the Authority member shall draft a memorandum stating therein the subject of the investigation and the justifications for the suspension, then submit it along with the opinion of the competent department head to the controller-general or delegate thereof for permission for the suspension.

The suspension term may not exceed three months, except pursuant to a decree from the competent disciplinary authorities.

Article (31)

Authority members must end investigations related to persons who have been suspended from their jobs within the three months of the issuance of the suspension decision. If there are grounds to delay the conclusion of the investigation within this period, the authority member shall prepare a memorandum explaining the issues attributed to the suspended party, their grade, domicile, and the justifications for their continued suspension. This memorandum, along with the opinion of the authority agent of the investigation section, shall be transferred to the competent disciplinary board.

Article (32)

Whenever it is found that there is no need to continue a suspension, Authority members must prepare a memorandum stating such. If approved by the controller-general or delegate thereof in such matter, the competent entity shall be asked to lift the suspension.

Article (33)

If a party to whom a petty offence is attributed requests to be present during the investigation procedures, the investigating authority member shall write in the report that they were present or that they requested to be present and the investigator refused for reasons they deemed to be in the interest of the investigation.

Article (34)

If required by the investigation, Authority members may assign the competent entities to form committees to examine the activities or inventory materials entrusted to certain workers or complete shortcomings in the work of committees previously formed for such purposes.

Article (35)

If required by the investigation, Authority members may seek the assistance of specialists and experts in technical issues.

Article (36)

Concerned parties may not access the investigation papers until the investigation is completed.

Chapter (5) **Conduct During Investigations**

Article (37)

Following completion of the investigation, investigators shall submit the investigation documents to the controller-general, deputy thereof, the Authority's agent for the investigation section, or Authority department head delegated by the controller-general, along with a memorandum containing:

1. Full summary of the subject of the report or complaint.
2. Suitable presentation of the events of the investigation, including a review of the facts and evidence before it for each one, a discussion of this evidence ending with the legal characterization stating the soundness of each fact or violation of the set rules; investigators must give preference to witness statements over the strength of the evidence and not the number [of witnesses].
3. List of the professional violations uncovered by the investigation and identify the relevant legal articles with a description of the fact.
4. The view reached by the investigator.

Article (38)

The list and description shall be limited to the petty offences uncovered by the investigation. In the event of multiple offences, each one must be described individually and the offender(s) identified.

Article (39)

The list of financial or administrative petty offences shall be based on articles of law, regulations, decrees, and instructions whose provisions were violated, and the expression contained therein shall be used when mentioning the characterization, when possible.

If the employee's act does not constitute a violation of duty or performance of a prohibition set out in legislation, yet still constitutes an administrative violation as a type of infringement of duty, it shall be characterized as such.

Article (40)

If the controller-general or representative thereof deems that the violation necessitates a penalty greater than the penalties the administrative entity to which the employee is affiliated may impose, the documents shall be transferred to the competent disciplinary board. In this event, the investigator shall send with the documents a draft of the transfer decision including a concise statement of the violation(s), the relevant legal articles, and the name of the employee to whom these violations are attributed, along with a notification for the employee and the entity they are affiliated to of such. A delegate or deputy of the controller-general or the authority agent at the investigation section may attend the disciplinary board's session and pursue the disciplinary case before it.

Article (41)

For violations transferred to the public prosecution following the investigation due to the involvement of a felony, the authority member must state the administrative and financial liability and rule thereon without waiting for the final disposal in the criminal case whenever

possible. For violations reported to the public prosecution without detailed investigation by the authority, administrative and financial liability shall be determined in light of the results of the public prosecution's investigation.

Article (42)

If it is not possible to separate administrative and criminal liability, the Authority member must propose reporting the incident to the public prosecution, and postponing a decision on administrative liability until it is determined in light of the final disposal with regard to criminal liability. The authority member shall follow the action on criminal liability preliminary to issuing a decision on administrative responsibility.

Chapter (6) Records

Article (43)

The necessary records on work in the Authority's monitoring, observation, and investigation sections, central departments, and general secretariat shall be regulated pursuant to a decree from the controller-general.

Part (2)

Authority Member System

Chapter (1)

Appointment, Promotion, Transfer, and Assignment of Authority Members

Article (44)

Appointment and promotion of authority members, the distribution of bonuses and allowances thereto, and the transfer, assignment, and secondment of authority members to work outside the authority shall be pursuant to a decree from the controller-general, after consulting a committee consisting of:

1. Authority Agent of the Surveillance Section
2. Authority Agent of the Member Control Section
3. Authority Agent of the Investigation Section
4. Secretary-General of the Authority

The controller-general shall appoint a committee chairman from among the members. The secretary of the Authority's Worker Affairs Unit shall be the committee secretary.

Article (45)

The rules in force on the appointment and promotion of government employees shall be applied with regard to the appointment and promotion of Authority members.

Article (46)

Upon appointment, members may be granted a salary higher than the grade's starting salary.

Article (47)

The promotion of Authority members to vacant positions shall be by competency, taking seniority into consideration. Promotions may only be made to the grade directly following the grade from which they are being promoted.

Article (48)

The competency of Authority members shall be evaluated in the annual report as one of the following:

Excellent – Good – Average – Weak

Article (49)

Authority member positions may be occupied by transferring state employees at a grade not lower than four who have spent at least twelve years in state service.

Transfers shall be made to a position with a grade equal to their grade, and authority members may be transferred to other similar positions in the state, in accordance with Schedule (2) appended hereto.

Article (50)

Authority members may be assigned to other positions in the state and vice-versa.

Chapter (2)

Grades, Salaries, and Allowances of Authority Members

Article (51)

The job grades and salaries of Authority members shall be regulated as set out in Schedule (1) attached hereto, provided current authority members' salaries are the same, in accordance with the aforementioned schedule, taking seniority into consideration.

Article (52)

Pursuant to a decree from the controller-general, Authority members and other Authority workers may be granted a nature of work allowance not exceeding thirty percent of the positions' base salary monthly, and it may grant the bonuses and remunerations deemed fit as required by the interests of work.

Article (53)

Mandates on leave periods as required by the interests of work shall be issued by a decree from the controller-general for agents and the secretary general and by the agents and the secretary general for other workers, as the case may be.

Article (54)

The provisions of the retirement law shall apply to Authority members and employees. In the event of resignation, pensions or remunerations shall be based on the last salary the member or employee received prior to leaving service.

Article (55)

The Authority's general secretariat shall, with regard to such matters, exercise the competencies assigned to the civil service department with regard to government employees,

and shall also hold competence in all financial matters related to authority members and workers.

Chapter (3) **Duties and Immunity of Authority Members**

Article (56)

The Authority's controller-general, deputy controller-general, agents, and all members thereof shall swear the following oath before starting their jobs:

"I swear to faithfully maintain the Jamahiriyan order and observe the interests of the people, respect the constitution and the law, and perform the acts of my position in full diligence, honesty, and faith, and to not reveal or disclose secrets of my work unless required by official duties."

Article (57)

Authority members may not work for the Authority and any other entity, whether for or without a wage.

Authority members may, pursuant to a decree from the controller-general be assigned to work that does not conflict with their duties, in accordance with the requirements of public interest.

Article (58)

Authority members may not be referred to the investigation section.

Article (59)

Other than in cases of *in flagrante delicto*, no investigation procedures may be undertaken with Authority members or criminal cases filed against them for a felony or misdemeanour, except with written permission from the controller-general and at the request of the public prosecutor.

Chapter (4) **Investigation of Authority Members**

Article (60)

Authority members may not undergo administrative investigation except based on a written order from the controller-general or deputy controller-general stating therein the person assigned to the investigation. A special schedule shall be prepared for such investigations.

Article (61)

Investigation results shall be submitted to the controller-general for action.

Chapter (5) **Discipline**

Article (62)

The disciplinary penalties that may be imposed on authority members are:

1. Warning.
2. Deduction of wages for a period not more than one month a year.
3. Delay of annual bonus.
4. Loss of annual bonus.
5. Dismissal from the position.

The controller-general and anyone to whom he delegates his authority in such may impose the penalty of warning or deduction of salary. The period of the deduction from the salary penalty may not exceed fifteen days each time, and the penalty may not be imposed except after hearing the member's statements and investigating their defence. The disciplinary decision shall be substantiated.

The other penalties shall be imposed pursuant to a decision from the disciplinary board.

Article (63)

Disciplinary trials of authority members shall be before a board consisting of:

Counsellor from the Supreme Court, Chairman

Counsellor from the Civil Court of Appeals, Member(s)

Deputy Controller-general or an Authority agent, as the case may be

Disciplinary trials of Authority agents shall be before a board consisting of:

Head of the Supreme Court, Chairman

Counsellor from the Supreme Court, Member(s)

A head of the Civil Court of Appeals, Member(s)

Article (64)

Disciplinary cases against authority members shall be submitted pursuant to a substantiated report from the controller-general and the member shall be assigned to appear before the disciplinary board by registered letter. The report shall include a full statement of the charge and evidence, and the member shall be deemed to be on permanent leave at full salary until the conclusion of their disciplinary trial.

Article (65)

Disciplinary trial sessions shall be confidential. Members shall attend and may authorize an attorney to defend them. The disciplinary board may request they appear in person. If absent, the decision shall be issued after confirmation that the assignment to appear was delivered.

The decision must include the grounds thereof and shall be served to the member by registered letter.

Article (66)

Disciplinary cases shall terminate with the resignation of the member and the controller-general's acceptance of the resignation. Disciplinary cases shall have no effect on criminal or civil cases arising from the same incident.