

**Law No. (3) of 2014  
on counter-terrorism**

**The House of Representatives,**

**Upon review of:**

- The interim Constitutional Declaration issued on 3/August/2011 and the amendments thereof;
- Law No. (10) of 2014 on electing the House of Representatives in the transitional stage and the amendments thereof;
- Law No. (6) of 2006 on the justice system and the amendments thereof;
- The Penal Code and Code of Criminal Procedure, and the amendments and supplementary legislation thereof;
- Law No. (11) of 2014 on establishing the National Anti-Corruption Commission;
- The international treaties to which Libya is a party;
- Law No. (7) of 2012 on establishing the Libyan Intelligence Service;
- The proposal of the Caretaker Government;
- The conclusions of the House of Representatives in its 21<sup>st</sup> ordinary session held on Tuesday 09/09/2014;

**issued the following law:**

**Part (1)  
Terrorist Acts**

**Article (1)**

In the application of the provisions of this law, each of the following expressions shall have the meaning indicated adjacent thereto:

- a. Terrorist: A natural person that commits or attempts to commit a terrorist crime through any means, whether direct or indirect, or that participates or contributes to the activity of a terrorist organisation.
- b. Terrorist organisation: Groups with an organised structure composed of three or more persons formed for any period of time that work in a concerted manner with the intention of committing the terrorist crimes stipulated in this law, whether inside or outside of Libyan territory.
- c. Funding terrorism: Any act of collecting or supplying, whether directly or indirectly, money, weapons, ammunition, explosives, supplies, machinery, information, etc. for the commission of a terrorist crime by a terrorist individual or organisation.
- d. Money: National currency and foreign currencies in circulation, securities, negotiable instruments and any real estate of value, material or immaterial moveable property, and all rights related to any of the same, and the deeds and instruments recorded for all of the above, including electronic and digital.
- e. Conventional weapons: Weapons, ammunition and explosives set forth by law.
- f. Unconventional weapons: Bacterial, biological or chemical weapons.
- g. Airplane in a state of flight: An airplane shall be considered in a state of flight from the moment all of its external doors are closed following the boarding of the passengers, until the moment one of these doors is opened for the disembarkment thereof. In the event of emergency landing, the airplane shall be considered in a state of flight until the competent authorities take responsibility for the airplane and the persons and cargo on board the airplane.

*This document constitutes an un-official transcription/translation. DCAF cannot be held responsible for damages that may arise from its use. For official reference, please refer to the original text as published by the Libyan Authorities.*

*DCAF's Libyan Security Sector Legislation project is financed by the DCAF Trust Fund for North Africa.*

[www.security-legislation.ly](http://www.security-legislation.ly)

- h. Airplane in service: An airplane shall be considered in service from the start of it being prepared prior to flight by land service personnel or the flight crew to undertake a particular journey. This state shall last until 24 hours after the airplane's landing.
- i. Internationally protected persons: the following persons during their stay in a foreign country:
- President of the country or member of a body that performs the duties of the president of the country by virtue of the particular country's constitution, as well as his the family members accompanying him.
  - Prime minister or foreign minister and the family members accompanying him.
  - Any representative or employee of the country, or employee or person approved by an international governmental organisation and the family members accompanying them.
- j. Freezing: Imposing a temporary ban on transferring, exchanging, disposing of or moving property, as well as other means of disposal or subjecting the money to temporary guardianship or control on the basis of an order issued by a court or other competent authority.

## **Article (2)**

### **Terrorist Acts**

Every use of force, violence, threat or promotion with the intention of gravely violating public order or endangering the safety, interests, or security of society whenever the purpose of this use is to harm persons, terrify them, endanger their lives, freedom, general rights or security, cause damage to, exploit or seize the environment, natural materials, monuments, property, buildings or public or public property, or to prevent or obstruct public authorities, government agencies, local units, or international or regional diplomatic or consular missions, organisations or entities in Libya from undertaking all or some facets of their work, or to prevent or obstruct institutions, places of worship or scientific institutions and institutes from undertaking their activities, or to delay the application of any provisions of the constitution, laws or regulations, as well as any behaviour aimed at damaging communications, information systems, financial or banking systems, the national economy, energy reserves or security reserves of commodities, food products or water, or at damaging the integrity thereof if one of the crimes stipulated in this law is committed.

## **Article (3)**

### **Terrorist Crimes**

Every crime stipulated in this law, as well as every crime committed with the intention of realizing one of the goals of terrorist acts or funding the terrorist acts stipulated in this law.

## **Article (4)**

Without prejudice to the laws in effect or more severe punishments, the provisions of this law shall be applicable to all criminal acts stated in said laws and stipulated in the provisions of this law.

## **Article (5)**

Attempting any of the felonies or misdemeanours classified as terrorist crimes shall be punishable. The penalty therefor shall be the same penalty prescribed for the complete crime.

## **Article (6)**

Contributing to the commission of one of the crimes stipulated in this law shall be punishable by the same penalty prescribed for the original perpetrator, even if it does not result in an effect.

## **Part (2)**

### **Terrorist Crimes, the Penalties therefor, and Precautionary Measures**

## **Article (7)**

### **Terrorist Crimes, the Penalties therefor, and Precautionary Measures**

Without prejudice to any more severe penalty, anyone that commits a terrorist act shall be sentenced under the provisions of this law to life imprisonment.

## **Article (8)**

Anyone that establishes, founds, organises or manages a terrorist organisation, or that holds a position of leadership therein shall be sentenced to life imprisonment. In all cases, the confiscation of money, weapons, tools, documents, papers and other used or prepared for use in terrorist crimes or organised meetings shall be ruled. The court shall rule to confiscate the organisation's property as well as the money obtained from terrorist crimes, or allocated for spending on the organisation. The court shall also rule to dissolve the organisation and close all of its local and foreign headquarters and locations.

## **Article (9)**

Anyone that intentionally joins a terrorist organisation connected to terrorist crimes, regardless of his title therein or whether it is located within or outside of Libyan territory, with the intention of committing one of the terrorist crimes stipulated in this law shall be sentenced to rigorous imprisonment for a period of no less than ten years. The penalty shall be aggravated and extend to a period of no less than twenty years if the person received military or security training within or outside of Libyan territory, or if he was a member of the armed forces or police force.

## **Article (10)**

The following shall be sentenced to life imprisonment or rigorous imprisonment for a period of no less than twenty years:

1. Anyone that funds a terrorist or terrorist act with knowledge of how the funds will be used.
2. Anyone that provides housing or refuge to a terrorist organisation or president, director or member thereof, or to a terrorist, to be used for meetings or for the preparation of terrorist acts, or that provides any other facilities with knowledge of how the housing, refuge, location or facilities will be used.
3. Anyone that knowingly conceals items prepared for use in committing a terrorist crime.

## **Article (11)**

Anyone that intentionally commits one of the acts listed below shall be sentenced as a participant in a terrorist crime:

1. Uses any means to provide weapons, explosives, ammunition or other tools, equipment, means of transportation, machinery or supplies for the benefit of a terrorist organisation or persons connected to the terrorist crimes stipulated in this law.
2. Makes qualifications or expertise available for a terrorist organisation or persons connected to the terrorist crimes stipulated in this law.
3. Discloses, provides or submits information, whether directly or indirectly, to benefit a terrorist organisation or persons connected to the terrorist crimes stipulated in this law.
4. Manufactures or fabricates a national identity card, passport or other type of license or certificate to benefit a terrorist organisation or persons connected to the terrorist crimes stipulated in this law.
5. Knowingly conceals or facilitates the concealment of items used to commit a terrorist crime or obtained therefrom.

6. Anyone that knowingly damages, embezzles or conceals a document or instrument that would facilitate the discovery of a crime or serve as evidence against the perpetrator thereof or of his penalty. In all cases, it shall be ruled to confiscate money and items used in the crime.
7. Anyone that assists the perpetrator of a terrorist crime, even if through abstention, or enables him to escape, whether before or after his arrest.

#### **Article (12)**

Anyone that intentionally commits one of the acts listed below shall be sentenced to imprisonment for a period of twenty years:

1. Kidnaps an internationally protected person.
2. Arrests, apprehends, imprisons or detains an internationally protected person without legal permission to do so.
3. Inflicts damage to the official buildings, private places of residence or means of transportation belonging to internationally protected entities or persons with the intention of endangering their lives and freedom, or the lives and freedom of persons residing therewith.
4. Arrests, apprehends, imprisons or detains a person without legal permission to do so if these actions are accompanied by a threat to kill, injure or prolong the imprisonment of the hostage in order to coerce a third party, whether a country, international governmental organisation, natural or legal person or groups of persons to abstain from proceeding with a particular act as an explicit or implicit condition for the release of the hostage.

#### **Article (13)**

Anyone that intentionally commits one of the acts listed below shall be sentenced to life imprisonment:

1. Controls or seizes an airplane in a state of service through any means.
2. Violently assaults a person aboard a civil airplane in a state of flight if this assault would endanger the safety of the airplane.
3. Destroys a civil airplane in service, causes damage thereto, renders the airplane unsuitable for flight or endangers its safety during flight.
4. Places or causes the placement, through any means, of equipment or materials that would destroy the civil airplane in service, cause damage thereto, render it unsuitable for flight, or endanger the safety thereof during flight.
5. Destroys aerial navigation utilities, cause damage thereof, or obstruct its work in a way that would endanger the safety or airplanes during flight.
6. Uses the airplane in service for the purpose of causing severe physical injury or grave damage to properties or the environment.

The same penalty shall be applied if the location of the crime is a commercial or oil ship or a public or private means of land transportation for the purpose of achieving demands.

#### **Article (14)**

Anyone that intentionally commits one of the acts listed below shall be sentenced to life imprisonment:

1. Enters the headquarters of a diplomatic or consular delegation, or that of one of the international or regional entities or organisations located in Libya by force or by resisting the competent authorities therein with the goal of committing a terrorist act.

2. Anyone who, for a foreign state, association, body, organisation, group or gang whose headquarters is outside Libya, or for an association, organised body, group or gang whose headquarters is outside Libya, or for anyone who works for the interest of such state, or any of the said entities, or who corresponds with such state or entity, attempts to commit a terrorist act inside or outside Libya, against any of its citizens, interests, properties, offices of diplomatic or consular delegations or any affiliated entities abroad or against any workers of the foregoing, or against anyone who enjoy diplomatic protection
3. Performs any aggressive acts that damage national unity.
4. Forms courts outside of the judicial system in effect in the country.
5. Obstructs the implementation of the provisions of the constitutions or laws, and violates the public freedoms and rights guaranteed by the constitution.
6. Blackmails the country of Libya or any other country from within Libyan territory for the purpose of achieving demands.
7. Recruits outside of the authority of the state to form armed groups other than the army and police.
8. Imposes a type of control over a part of Libyan territory by violating the state's legitimate political order.
9. Seizes control over the country's economic resources or inflicts damage to the environment, natural resources, communications, information systems, financial and banking systems, national economy, energy storage, security storage of commodities, food products or water or the integrity thereof, or natural services in disasters or crises.
10. Obstructs the conduct of the electoral process and referendums with the intention of forcibly imposing ideas or opinions.
11. Any Libyan person that cooperates, without written permission from the competent authority, with the armed forces of a foreign country or any armed group, association, entity or organisation, regardless of its name, whose headquarters are outside of Libya, with the goal of committing terrorist acts, even if these acts are not directed at Libya.

#### **Article (15)**

Anyone that propagates, promotes or deceives in order to undertake a terrorist act, whether through speech, writing or any other mode of transmission or publication, or through letters or websites that are accessible by the public shall be sentenced to imprisonment for a period of no less than five years and no more than ten years. The penalty shall be aggravated to imprisonment for a period of no more than fifteen years if the promotion is done inside houses of worship, amongst the armed forces or police or in the spaces allocated to these forces.

#### **Article (16)**

Anyone that uses or facilitates the use of state institutions or equipment owned thereby, assumes the capacity of a civil servant or dresses in the official uniform of any of the bodies affiliated therewith for the use thereof to commit any terrorist act shall be sentenced to rigorous imprisonment.

#### **Article (17)**

Anyone that knowingly contributes, whether directly or indirectly, to manufacturing or training to manufacture or use conventional or unconventional weapons, wired or wireless instruments, equipment or means, or electronic means, as well as any material that has the ability to cause the loss of life, cause dangerous physical injuries or grave physical damage in any way, including launching or spreading poisonous chemical products or biological elements, radiation or radioactive

substances, for the use thereof in the commission of a terrorist act, shall be sentenced to life imprisonment.

#### **Article (18)**

Aggravation of the penalty imposed for a terrorist crime shall be ruled mandatorily, or without the same precluding application of mitigating circumstances for juveniles, in the following cases:

1. The crime is committed by persons entrusted by the law with the task of inspecting the same and deterring the perpetrators thereof, whether they are principle actors or accessories thereto.
2. The crime is committed by persons entrusted with managing or guarding vital facilities, institutions, utilities or places in the country, or those employed therein, whether principle actors or accessories to the crime.
3. The crime is committed by the use of minors.
4. The crime is committed by persons that were connected to terrorist crimes, or by a proselytiser that has a following.
5. The crime is committed while the country is going through a state of emergency or through exceptional circumstances.

#### **Article (19)**

Anyone that unnecessarily collects information on a person responsible for implementing or applying the provisions of this law in order to be used to threaten him, prepare to harm him or his interests, or assault him or his family or one of his ascendants or descendants in any way, shall be sentenced to imprisonment for a period of no less than three years and no more than five years.

#### **Article (20)**

Anyone that learns about a terrorist crime or the preparation or setup thereof and fails to notify the competent authorities shall be sentenced to imprisonment for a period of no less than two years.

#### **Article (21)**

In the case of multiple perpetrators in a terrorist crime, anyone that voluntarily notifies the competent authorities of directions or information that enable the authorities to avoid the implementation of the crime, shall be exempt from penalty. The court may award this exemption if the notification occurs after the discovery of the crime and the authorities are able to arrest the remaining perpetrators or prevent the committed crime from causing the loss of human life.

#### **Article (22)**

In conviction rulings issued for the terrorist crimes stipulated in this law, the court may rule one or more of the following measures:

1. Deport the foreigner from Libyan territory and prevent his entry into Libyan territory for a period of ten years if the crime for which he is convicted is a misdemeanour, and prevent entry for life if the crime for which he is convicted is a felony.
2. Prohibit residency in a particular location or area.
3. Prohibit the frequenting of particular places or shops.
4. Require residency in a particular place.
5. Prohibit work in particular places or particular fields of work.
6. Prohibit the possession or use of particular means of communication.
7. Require participation in rehabilitation courses for combatting terrorism.

### **Part (3)**

#### **Procedural Provisions**

##### **Article (23)**

The procedures of evidence collection and investigation for terrorist crimes shall be conducted in accordance with the provisions prescribed in the Code of Criminal Procedure, with the exception of the stipulations of the following articles.

##### **Article (24)**

A special prosecution for terrorist crimes shall be established in the public prosecution as a specialised prosecution for these types of crimes within the scope of the country's judicial system.

##### **Article (25)**

One or more felony court circuits shall specialise in adjudicating terrorist crimes within the scope of the country's judicial system.

##### **Article (26)**

Criminal proceedings for terrorist crimes shall not expire and the penalties ruled therein shall not be extinguished by prescription.

### **Part (4)**

#### **Judicial Cooperation**

##### **Article (27)**

Judicial cooperation in combatting terrorism shall consist of exchanging information, assistance and letters rogatory, receiving and delivering criminals, transporting convicts, returning money, and implementing provisions and other types of international cooperation. This shall all be pursuant to the bilateral and international agreements to which Libya is party.

##### **Article (28)**

In application of the provisions of international cooperation, the terrorist crimes stipulated in this law shall not be considered political or financial crimes, or crimes connected to a criminal or financial crime.

##### **Article (29)**

A national anti-terrorism committee shall be established under the name "Libyan Anti-Terrorism Committee." It shall be composed of a judge with the ranking of counsellor in courts of appeal as "committee president," a representative of the prime ministry as "deputy," and experts from a number of ministries, including the Ministry of Justice, Ministry of Interior, Ministry of Defence, Foreign Ministry, Ministry of Social Affairs, Finance Ministry, Ministry of Transportation, Ministry of Communications, Ministry of Health, an expert in the science of negotiation, Ministry of Endowments, and the General Intelligence Service. This committee shall be responsible for the following tasks:

1. Prepare a national study to diagnose the phenomenon of terrorism, as well as the funding thereof and phenomena associated therewith, with the goal of understanding the characteristics and reasons therefor, evaluate the risks thereof, propose methods to combat the same and specify national priorities for confronting these phenomena.
2. Coordinate with all agencies to help victims of terrorism secure physical and psychological treatment that are in need thereof.

3. Provide the necessary protection for witnesses and persons that reported these crimes.
4. Prepare an annual report on the activity thereof that contains its proposals for developing national anti-terrorism mechanisms.
5. Activate cooperation with its counterparts in foreign countries within the framework of regional and bilateral international ratified conventions. This cooperation shall be based on the principle of reciprocity, and the counterparts thereof in the foreign countries shall abide by the organising legislation therefor. They shall also adhere to professional confidentiality, abstain from transferring information collected thereby to any other party as well as from employing this information for purposes other than combatting the crimes stipulated in this law.
6. Work on implementing specialised international structures related to combatting terrorism within the framework of fulfilling Libya's international obligations.
7. Propose the necessary measures that must be taken in regards to organisations or persons connected to terrorist crimes.
8. Support international efforts to combat terrorism, assist in drafting programs and policies that aim to prevent terrorism, and propose the mechanisms necessary for the implementation thereof.
9. Facilitate communication between the different relevant ministries in this field, coordinate the efforts thereof and represent them when necessary at the domestic and foreign level, cooperate with the relevant non-governmental organisations to combat terrorism and assist them in implementing their programs in this field.
10. Raise societal awareness of the risks of terrorism through holding campaigns, hosting conferences and panels and organising training courses in the anti-terrorism field.
11. Contribute to conducting research and studies to update organising legislation in the fields related to terrorism in order to successfully implement the country's programs in addressing this phenomenon.

### **Article (30)**

The provisions of this law shall enter into force from its date of issuance. Any contrary provision shall be repealed and it shall be published in the Official Gazette.

**The House of Representatives – Libya**

**Issued in Tobruk**

**On: 19/11/1435 AH**

**Corresponding to: 19/09/2014 AD**