

Law No. (35) of 2012
On the Amnesty of Particular Crimes

The Interim National Transitional Council

Upon review of:

- The interim Constitutional Declaration issued on 3 August 2011;
- The bylaws of the Interim National Transitional Council (NTC);
- The internal regulation of the NTC activities;
- The Penal Code and the amending and supplementary laws thereof;
- The Code of Criminal Procedure and the amending and supplementary laws thereof;
- Law No. (37) of 1974 on issuance of the Military Penal Code;
- Law No. (1) of 1999 on the Code of Criminal Procedures against Armed People;
- Decisions of the NTC session held on Tuesday 10 Jumada al-Thani 1433 AH, corresponding to 1 May 2012 AD;

issued the following law:

Article (1)

The provisions of this law shall not apply to the following:

1. Crimes committed by the spouse, adopted and biological sons and daughters, siblings-in-law and assistants of Muammar Mohammed Abdul Salam Abu Minyar Gaddafi.
2. Hudud crimes when referred to the judiciary.
3. Kidnapping, torture and forced intercourse crimes.
4. Importing and trafficking of illegal drugs and psychotropic substances.

Article (2)

Crimes committed before the entry into force of this law shall be pardoned. The criminal actions, penalties and criminal effects of such crimes shall expire, and the same shall be written off the record of the parties benefiting from this amnesty, in the following conditions:

1. Embezzlement of public funds, on condition of returning the embezzled funds.
2. Reconciliation with the victim or the guardian thereof or the avenger of blood, depending on the case.
3. Returning of the objects, weapons and tools used for the crime by the convict or accused.
4. Declaration of repentance before the competent criminal division.

Article (3)

Amnesty granted by the provisions of this law shall be revoked if the amnestied persons commit an intentional offence within five years from the date of entry into force of this law. In this case, such persons shall be sent back to prison to serve their sentences or the remainder thereof in the case of convicts. Criminal procedures shall be resumed against persons whose criminal actions have been dropped in accordance with the provisions of this law, provided that this is published in the media.

Article (4)

Criminal divisions shall be responsible, each according to its jurisdiction, for settling the matters arising out of the implementation of the provisions of this law in accordance with general rules.

Article (5)

The provisions of this law shall not prejudice the right of the victim to restitution and compensation.

Article (6)

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

Interim National Transitional Council -- Libya

Tripoli

Wednesday 11 Jumada al-Akher 1433 AH

Corresponding to 2 May 2012 AD