

Law No. (13) of 2013
on administrative and political isolation

Upon review of:

- The interim Constitutional Declaration issued on 3 August 2011 and the amendments thereof;
- The Penal Code and the Code of Criminal Procedure, and the amendments thereof;
- Law No. (12) of 2010 on issuing the labour relations law and the executive regulation thereof;
- Law No. (88) of 1971 and its amendments;
- Law No. (6) of 2006 on issuing the judicial system law and the amendments thereof;
- Law No. (26) of 2012 on the High Commission for the Application of Standards of Integrity and Patriotism;
- The internal regulation of the General National Congress;
- General National Congress Resolution No. (2) of 2012 regarding the establishment of a committee and determination of its duties;
- General National Congress Resolution No. (17) of 2012 on adopting the principle of institutional reform and political and administrative isolation;
- The results of the eighty-fifth session of the General National Congress held on Sunday 05/05/2013;

The following law was issued:

Article (1)

For the purpose of implementation of this law, the criteria for assuming public office shall refer to the rules and conditions to be met and adhered by in public offices and positions subject to the provisions of this law from 1 September 1969 until the declaration of liberation of the country on 23 October 2011. Such positions and functions shall include the following categories:

Category 1: Any person who assumed any of the following positions or duties from 1 September 1969 until the declaration of liberation of the country on 23 October 2011:

1. Membership in the former Revolutionary Command Council of the September 1969 coup, former Free Unionist Officers Movement, or the former League of the Leader's Comrades.
2. Coordinator of Popular Social Leaderships at the district or State level.
3. Secretary or assistant secretary of the General National Congress (GNC), or any member of the general secretariat thereof, or the secretary of municipal or people's congresses.
4. Director and secretary of bodies, authorities, institutions, services, or councils affiliated with the Cabinet, the Revolutionary Command Council, the General People's Committee, or General People's Congress.
5. Any person who held the position of Prime Minister, secretary or assistant secretary of the General People's Committee; or the position of minister, secretary or assistant secretary of the General People's Committee for quality sectors; or general clerk of the General

People's Committee or the General People's Quality Committees; or the position of secretary of the municipal people's committee or any of the people's committees for popular sectors.

6. Any person who assumed the position of ambassador or secretary of a people's office, or Libya's permanent delegate to any regional or international entity or organization of all competences, or the principal chargé d'affaires or a consul general.
7. Any person who held the position of dean or secretary of the people's committee of the university, or deputy dean, assistant secretary, or registrar of the university.
8. Any person who assumed the presidency of the Internal or External Security Service, military intelligence services, or security brigades, or was the director of any of the departments thereof or the head of any security square or political office in security or military bodies.
9. Presidents of student unions inside or outside the country that fall under the umbrella of the General Union of Students of Libya.
10. Any person who held a leadership position in any institution associated with the Gaddafi family, and any of their commercial business partners.
11. Any member or employee of the revolutionary committees' liaison office; any coordinator of revolutionary centres; any member of the revolutionary working team, revolutionary convoys, or appellate courts or prosecutors; any member of what was known as "Revolutionary Nuns"; any commander or member of the revolutionary guard; any chief or member of the Purification Committees and leadership of the People's Guard in high administrations and branches; and any person who participated in the administration of revolutionary assemblies.
12. Any general director, manager, or researcher in any of the Green Book Research and Studies Centres, or lecturers of the Green Hall, and any person who held a leadership position in any media institution.
13. Any chief of staff of the Libyan armed forces, commander of a defence zone, or chief or commander of a military authority, institution or service.
14. Any member of foreign organisations that use violent means and threaten the stability and security of the country and the unity of Libyan soil.

Category 2: The administrative and political isolation of this category is based on any conduct leading to political and economic corruption of the country during the period mentioned in the previous article, as described by the following behavioural patterns:

1. Civilians who cooperated with the Gaddafi regime security services, if such cooperation resulted in violations of any human right.
2. Any person who repeatedly glorified Gaddafi or his regime or promoted the Green Book, whether through the media or direct public speech.
3. Any person who opposed the 17 February Revolution whether by action, instigation, agreement, or assistance.
4. Any person who committed or contributed in any way to the murder, imprisonment, or torture of Libyan citizens for the service of the former regime, whether inside or outside the country.

5. Any person who committed any act of appropriation or destruction against public or private property for political reasons during the previous regime era.
6. Any person who was involved in pillaging the Libyan people, or was enriched at the expense of Libyans, or illegally acquired wealth, benefits or funds inside or outside the country.
7. Any person who carried out any scientific, artistic, intellectual, religious, cultural or social activity or production in order to glorify Muammar Gaddafi or his regime, or promote the reform process called “Libya of tomorrow”.
8. Any person who used religious discourse to support or legitimise Gaddafi's rule and actions, or considered and publicly expressed that the 17 February Revolution is disobedience of the ruler.

Article (2)

Persons subject to the provisions of Article (1) may not assume any of the following offices or positions:

1. Presidency and membership of both local and international legislative, supervisory or constituent bodies.
2. Sovereign functions of the State.
3. Executive positions ranging from the Head of State or Prime Minister to heads of departments, whether locally or internationally.
4. Presidency and membership of boards of directors as well as administrative, executive or supervisory positions, starting from the position of head of department and above in authorities, institutions, services, banks, and public and investment companies that are wholly or partially-owned by the State of Libya or in any institution thereof whether practicing inside or outside the country.
5. Membership in any judicial body.
6. Leadership positions in security and military institutions.
7. Ambassador, consul and delegate to international and regional organisations and other diplomatic positions, in addition to the position of technical attaché.
8. Presidency and membership of leadership bodies in parties, entities, institutions or authorities of political character.
9. Presidency of universities, academies, faculties and higher institutes.
10. Comptrollers.
11. Leadership positions in media and publishing outlets.

Article (3)

In accordance with the provisions of this law, a commission shall be established under the name “Commission for the Application of Public Office Criteria” which shall possess independent legal personality and financial liability. Such commission shall have its headquarters in Tripoli and may have branches or offices in other cities depending on circumstances.

Article (4)

The chairman and members of the Commission for the Application of Public Office Criteria shall be the persons appointed by the Interim National Transitional Council Resolution No.

(16) of 2012 regarding the appointment of a committee chairman and members. The Supreme Judicial Council shall be responsible for applying the criteria and conditions stipulated by Articles (1) and (5) of this law on Commission members, and shall nominate a substitute for terminated members provided that such nomination is approved by a General National Congress (GNC) resolution.

Article (5)

Candidates for membership in the Commission shall meet the following requirements:

1. Hold Libyan nationality.
2. Be of noteworthy integrity.
3. No less than thirty five years of age.
4. Not convicted by judicial verdict for any felony or misdemeanour of moral turpitude.
5. Not subject to a decision of dismissal, unless for political reasons.
6. Not affiliated with any political party or entity.
7. Hold a university degree in law or Sharia.

Article (6)

Before taking office, the Commission chairman and members shall take the legal oath before the GNC in the form determined by the latter.

Article (7)

The chairman and vice-chairman of the Commission shall be chosen from members thereof at the Commission's first session. The Commission shall issue decisions and regulations pertaining to administrative and financial organisation and shall prepare its own budget to be approved by the GNC based on the proposal of the chairman.

Article (8)

If the chairman's position becomes vacant, the vice-chairman shall take over and assume all the competences vested by law in the Commission chairman until a new chairman is appointed.

Article (9)

The Commission's chairman and members shall be subject to the same disciplinary, investigative and criminal action procedures as the members of judicial authorities in accordance with the provisions of Law No. (6) of 2006 on the judicial system and the amendments thereof. They shall enjoy the same judicial immunity granted to judicial officers where no criminal action or investigation may be carried out against them unless authorised by a GNC resolution. If the Commission member is convicted by a final judgment, or if the position thereof becomes vacant for any other reason, the Supreme Judicial Council shall nominate a substitute therefor to be approved by a GNC resolution.

Article (10)

The Commission shall have the right to investigate the office holder or candidate. It may request all the data and information it deems necessary and shall summon the concerned person to take his statement and hear his defence, be it written or verbal. The Commission

may also resort to all necessary means to verify the validity of the data and information referred to in Article (1), and may use whomever it deems necessary for the exercise of its duties.

Article (11)

The Commission referred to in Article (3) shall be responsible for applying the criteria stipulated by Article (1) to office holders and candidates in accordance with the provisions of this law. The Commission shall issue a substantiated decision, and decisions of compliance or non-compliance with such criteria shall be taken by half its members plus one within a maximum period of twenty-one days from the date of receiving the financial disclosure and personal resume along with all the data and documents required therein.

Article (12)

Concerned persons may appeal the Commission's decisions within ten days from the date they are notified thereof by the respective entities before the administrative judiciary of the court of appeal under the jurisdiction of which the office or position subject of the decision falls. The administrative judiciary shall rule on the appeal within twenty-one days from the date of appeal without undertaking preparatory procedures. The decision's particulars and supporting evidence shall be included before rendering the appeal judgment. Litigants may appeal the judgment of the administrative judiciary before the Supreme Court within ten days from their notification thereof. The Supreme Court shall rule on the appeal within one month from the date of submission thereof. Litigants shall submit their briefs by the deadline set above.

Article (13)

The Commission shall issue its decisions concerning the application of criteria for assuming public offices and positions in accordance with the rules and procedures prescribed in the regulation issued by the Commission for the regulation of its activities, and shall be approved by the GNC.

Article (14)

The Commission chairman, members and employees shall be prohibited from disclosing any secrets, data or information that come to their knowledge during the performance of their duties or to the Commission's knowledge for any reason whatsoever, provided that their decisions and reasons are public. Any person who violates this provision shall be dismissed.

Article (15)

The office or position holder or candidate shall fill and submit the questionnaire prepared by the Commission, including a detailed résumé, financial disclosure and a letter of assumption of legal responsibility for the accuracy of such information, and shall affix his signature and fingerprint to the same.

Article (16)

Notwithstanding the provisions of Article (11) of this law, the Supreme Judicial Council shall apply the criteria stipulated by Article (1) to the members of judicial bodies.

Article (17)

Without prejudice to any harsher penalty stipulated by law, any of the persons subject to the provisions of this law who withholds, fails, neglects, or provides false information in the questionnaire of the Commission shall be punished by imprisonment for a minimum period of one year. The same penalty shall be imposed on any employee or person who abstains from providing the Commission with or allowing the Commission to examine any evidence, documents or papers in his possession or at his disposal, or refuses to assist in this respect, or destroys or conceals the same. Any person who remains in his position or office despite meeting the criteria stipulated by this law shall incur the same penalty.

Article (18)

The provisions of this law shall be effective for a period of ten years from the date of entry into force thereof.

Article (19)

Law No. (26) of 2012 on the High Commission for the Application of Standards of Integrity and Patriotism and the amendments thereof shall be repealed from the date of entry into force of this law.

Article (20)

The provisions of this law shall enter into force after thirty days from their date of issuance. Any contrary provision shall be repealed. This law shall be published in the Official Gazette.

General National Congress – Libya

Tripoli

08/05/2013