

**Law No. (63) of 2012
on establishing the Anti-Corruption Committee**

Establishment of the Committee

Article (1)

A general commission called “the Anti-Corruption Committee” shall be established in accordance with this law. It shall possess independent legal personality and financial liability and shall enjoy administrative and financial independence. It shall have its own budget within the county’s general budget.

Article (2)

The Committee shall be headquartered in the city of Tripoli. It shall have branches inside Libya by virtue of a decree from the Committee’s Board of Directors.

Article (3)

The Committee shall have internal regulations to organise its work that shall be issued by the Committee’s Boards of Directors.

Committee Objectives

Article (4)

The Committee’s objectives shall be as follows:

1. Uncover incidences of all types and forms of corruption, including financial and administrative corruption.
2. Draft effective policies to prevent and combat corruption in coordination with the relevant agencies inside the country and abroad.
3. Take the necessary measures to prevent corruption and recover money and returns resulting therefrom.
4. Contribute to selecting the names added to the guardianship lists in accordance with the provisions of Law No. (36) of 2012, amended by Law No. (47) of 2012 on the administration of the money and properties of certain persons.
5. Cooperate with other countries and international and regional organisations to make use of the international programs and projects that seek to combat corruption.
6. Establish a doctrine for integrity and transparency in the transactions of all governmental and civil sectors in economic, financial and administrative affairs to ensure the achievement of sound governance of the country’s money and the best use of its resources, and work on activating all supporting laws and decrees therefor.
7. Activate the role of civil society organisations and institutions for effective and active participation in fighting and combatting corruption, making the public aware of the dangers and means of corruption, and for guiding them in methods of preventing the same.
8. Strengthen the principles of equality, equal opportunity and justice.

Article (5)

The provisions of this law shall apply in the following matters:

1. Crimes against public administration and crimes in violation of public trust set forth in the Penal Code.
2. Money Laundering crimes set forth in Law No. (2) of 2005 on money laundering.

3. Crimes punishable by virtue of Law No. (2) of 1979 on economic crimes.
4. Crimes against public money.
5. Crimes set forth in Law No. (22) of 1985 against the abuse of position or profession.
6. Crimes set forth in Law No. (6) of 1985 on criminalising favouritism and mediation.
7. Crimes set forth in Law No. (3) of 1986 on illicit gains.
8. Crimes set forth in Law No. (10) of 1994 on purification.
9. Violation of administrative contract rules, tenders and auctions.
10. Administrative and financial violations committed by civil servants.
11. Oversight over implementation of the United Nations Anti-Corruption Convention.

Article (6)

In order to accomplish its objectives, the Committee shall carry out the following duties:

1. Prepare and implement public policies aiming to combat corruption.
2. Draft a comprehensive national strategy to combat corruption, and prepare the implementing plans and programs therefor.
3. Take measures to participate in anti-corruption civil society organisations to identify the risks and effects of corruption on economic, social and political development.
4. Review the legislation related to combatting corruption to understand the extent of their effectiveness, and propose amendments thereto upon necessity.
5. Receive and archive financial disclosures, and request any information or clarifications related thereto.
6. Interrogate perpetrators of crimes of corruption and refer them to the judiciary.
7. Represent Libya in international conferences and events related to combatting corruption.
8. Cooperate with other countries and international, regional and Arab organisations related to combatting corruption, and participate in international programs to prevent corruption.
9. Coordinate with all of the country's agencies to strengthen and develop the necessary measures to prevent corruption, and to improve the machinery and means of combatting the same.
10. Work with media networks to raise society's awareness and educate them on the risks of corruption, its effects, and the method to prevent and combat the same.
11. Gather information related to all forms and types of corruption, and work on establishing a database and information systems.
12. Exchange information with authorities and organisations responsible for corruption cases within the country and abroad.
13. Take the necessary procedures and measures to recover money resulting from corruption crimes in coordination with the relevant authorities.
14. Review and evaluate reports issued by local, regional and international organisations related to combatting corruption, review the state of the Libyan government therein and take the appropriate measures in this regard.
15. Publish periodic reports to highlight corruption, including mediation and favouritism in state institutions and its public administration.
16. Prepare a draft budget therefor, to be managed within the country's public budget.
17. Prepare the final account thereof to be included within the state's final account.

Committee Administration

Article (7)

The Committee shall be managed by a Board of Directors that shall be composed of a president, vice president and fourteen members. They shall be characterised by justice, integrity, impartiality and expertise in the field of transparency and combatting corruption. The Board of Directors shall be formed by virtue of a decree issued by the National Transitional Council.

The duration of membership in the Board shall be four years that may be renewed once. The President and Vice President shall work on a full-time basis.

Article (8)

Before exercising their functions, the President and members of the Committee's Board of Directors shall swear the following oath before the National Transitional Council,:

"I swear by Almighty God to remain faithful to Libya, to respect the Constitution and the laws and regulations, to perform my duties with loyalty and honesty, and to preserve the secrets of my job."

Article (9)

The President and members of the Committee's Board of Directors shall meet the following conditions:

1. They shall have only Libyan citizenship and no other citizenship.
2. They shall have specialised expertise in transparency and anti-corruption cases.
3. They shall be known for their integrity and good reputation.
4. No judicial ruling shall have been issued against them in a felony or misdemeanour of moral turpitude or in violation of trust.

Article (10)

The salaries and benefits of the Committee's Board of Directors President shall be determined by virtue of a decree issued by the National Transitional Council. The salaries of the other Committee employees shall be issued by virtue of a decree issued by the Committee's Board of Directors.

None of the persons stipulated in the preceding paragraph may obtain benefits other than those mentioned in this article.

Article (11)

The Committee President shall be responsible for the following:

1. Represent the Committee in its relations with third parties and before the judiciary.
2. Provide administrative and financial supervision over the Committee and the employees and workers therein.
3. Issue the necessary decrees to implement the Committee's tasks and achieve its objectives.
4. Adopt the Committee's yearly draft budget and submit it to the National Transitional Council or its replacement for ratification.
5. Form the necessary committees for the Committee's work and specify the tasks thereof.
6. Prepare reports on the Committee's activity and submit them to the President of the National Transitional Council or his replacement.
7. Sign contracts entered into by the Committee.
8. Any other tasks related to the Committee's work.

The President of the Committee may delegate some of the competencies stipulated in this Law to his deputy or any other Committee members. The delegation shall be made in writing and shall be for a specified period of time.

Article (12)

The Committee President may appoint, delegate or second a sufficient number of employees to enable the Committee to carry out its duties in accordance with the legislation in force. The rankings, salaries, remunerations and raises thereof, as well as all of the employee and financial rights thereof, shall be determined pursuant to a special regulation issued therefor.

Article (13)

Members of the Public Prosecution may be delegated to carry out investigations in the crimes set forth in this law in accordance with the Justice System Law.

Any of the officers or members of security or military agencies, as well as any of the State ministry or public institution employees, may also be delegated or seconded to work in the Committee by virtue of a decree issued by the President of the Committee's Board of Directors upon the approval of their original employers.

Article (14)

No evidentiary or investigatory procedures may be taken with a Committee member, nor may a criminal suit be brought against the same without written permission from the President of the National Transitional Council.

Article (15)

If an employee of the Committee commits any of the crimes set forth in this Law, the penalties prescribed for the crime shall be doubled, and he shall be permanently deprived of civil rights.

Article (16)

Committee members specified by virtue of a decree issued by the Committee President shall have the title of judicial officer in relation to the implementation of the provisions of this Law.

Article (17)

The Committee shall have an independent budget that shall be included within the State's public budget. The organising rules and procedures for the State's public budget shall be followed in the preparation thereof.

Article (18)

Any person who possesses serious information or documents regarding a crime of corruption stipulated in this Law shall report the same to the Committee.

Request for Dstraint, Examination and the Use of Experts

Article (19)

Request for dstraint, examination and the use of experts

The President of the Committee shall order the precautionary dstraint of any money suspected to have been obtained from a crime of corruption, regardless of in whose possession it is.

Article (20)

The Committee employees mentioned in Article (16) may examine the ledgers of suspected persons. They may also obtain information from official and unofficial circles, as well as make use of any experts and specialists deemed necessary for the exercise of their duties.

Article (21)

Banks and financial institutions shall provide the Committee with information on any transactions suspected to contain a crime of corruption. They shall also, at the request thereof, provide the Committee with reports on the movement of cash and instruments, while taking care not to obstruct the movement of capital. They shall enable the Committee to examine the banking records related to the information stipulated in Paragraph (1) of this Article, even if confidential.

Committee employees may not breach the confidentiality of the items they examine within the capacity of their work. If they do so, they shall be subject to legal accountability.

Article (22)

The Committee may request that any person produce a statement of the legitimate source of their funds, especially those suspected of having been obtained from a crime.

Article (23)

The issuance of a final conviction in crimes subject to the provisions of this Law shall result in the following:

1. Deprivation of civil rights in accordance with the Penal Code.
2. Lack of eligibility to undertake, remain in or be nominated for any position.
3. Shall not bear decorations, medals, and honorary rankings.
4. Unacceptability of the testimony thereof before the judiciary.
5. Shall not be granted a certificate of good conduct and behaviour.
6. Lack of eligibility to undertake guardianship and trusteeship affairs.

Corruption Cases Not Subject to Prescription

Article (24)

Corruption cases not subject to prescription

Crimes of corruption and civil and criminal suits related thereto shall not be subject to prescription.

Article (25)

The Committee shall take the necessary measures to protect witnesses, experts and informers in crimes from any assault that may befall them due to testimony, expertise or service of process.

Article (26)

The People's Inspection and Oversight Agency as well as the Financial Auditing Agency shall be abolished. The competencies of each of them shall be transferred to the Committee established pursuant to the provisions of this Law, subject to the competencies of the Court of Accounts in auditing the State's accounts, as well as other entities subject to the auditing thereof. The purification committees stipulated in Law No. (10) of 1997 shall be abolished, and the Committee shall bear responsibility for the duties assigned thereto by said law.

Any provision in violation of the provisions of this Law shall also be repealed.

Article (27)

This Law shall enter into force from its date of publication in the Official Gazette.

The National Transitional Council – Libya

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