

## **Law No. (4) of 1430 FBP on Popular Courts**

**The General People's Congress,**

In execution of the resolutions adopted by Basic People's Congresses in their annual ordinary session of 1429 FBP,

**Upon review of:**

- The Declaration of the Establishment of the Authority of the People;
- The Great Green Charter of Human Rights of the Jamahiriya Era;
- Law No. (20) of 1991 on the establishment of the People's Court and the amendments thereof;
- Law No. (3) of 1428 FBP on Popular Courts;
- Law No. (1) of 1430 FBP on the work system of People's Congresses and People's Committees;

**formulated the following law:**

### **Article (1)**

The provisions of this law shall apply to persons popularly selected for the Secretariats of People's Congresses, People's Committees, syndicates, trade unions and professional associations, as well as the members of Basic People's Congresses during the sessions of People's Congresses.

### **Article (2)**

Popular Courts shall be established in People's Congresses by virtue of the provisions of this law. Each of the courts' jurisdictions shall be determined within the administrative boundaries of the Basic People's Congresses and the districts, according to the case.

A Popular Court shall also be established in the General People's Congress.

### **Article (3)**

The Popular Court shall be composed of a president, two original members and two provisional members that shall be selected from the General People's Congress or People's Congresses, according to the case. The period of membership in the court shall be one year.

### **Article (4)**

Persons selected as president and members in the Popular Courts shall meet the following conditions:

1. Shall be at least thirty years old.
2. Shall have the necessary expertise and qualifications.
3. Shall not have been convicted in a felony or misdemeanour of moral turpitude, even if he has been rehabilitated.
4. Shall be of good conduct and behavior and committed to the revolution.

### **Article (5)**

The president and members of the Popular Court shall swear an oath before exercising their functions. The oath shall be worded as follows:

“I swear to the almighty God to respect the law, rule justly, and to perform my duty with honesty, responsibility and sincerity.”

The oath shall be sworn before the competent People’s Congress or the Secretariat thereof if delegated thereto by the Congress.

### **Article (6)**

Without prejudice to the competencies of judicial bodies, the People’s Court and the People’s Prosecution Bureau, the Popular Court shall have competency to adjudicate the following:

1. Failure to draft the conditions and regulations related to providing public and equal services to citizens, especially in relation to obtaining housing, land, job opportunities, loans, licenses, economic activity, etc.
2. Violation of the conditions and regulations related to providing public and equal services to citizens, especially in relation to obtaining housing, land, job opportunities, loans, licenses, economic activity, etc.
3. Violation of the organising regulations and procedures for People’s Congress session proceedings, as well as all prohibitions against public officials.
4. The disclosure of any incorrect information or data that would mislead the People’s Congress in adopting its resolutions.
5. Actions taken that would obstruct popular selection operations and the flow of such sessions.
6. Delay in executing Basic People’s Congress resolutions, plans and programs implemented thereby.
7. Absence without reasonable excuse from the meetings of People’s Congress, People’s Committee, and People’s Congress Secretariats in regards to the members thereof.

### **Article (7)**

Referrals shall only be made to the Popular Courts, in cases in which this is necessary, after the formation of a fact-finding committee by the competent referring entity. The entities with competency to refer to the Popular Courts shall be the following:

1. The General People’s Congress shall refer its Secretariat and any of its secretaries or members.
2. The Secretariat of the General People’s Congress shall be responsible for referring persons selected by the General People’s Congress and district People’s Congress Secretariats, as well as any of its secretaries and members.
3. The Secretariats of district People’s Congresses shall be responsible for referring any of the Basic People’s Congress Secretariats and any of its secretaries or members to the Popular Courts. They shall also be responsible for referring the district’s People’s Committee and its secretary and any of its members.
4. The Secretariat of the Basic People’s Congress shall refer the locality’s People’s Committee and its secretary and any of its members. It may also refer any of the Basic People’s Committee members.
5. The Secretariat of the General People’s Committee shall be responsible for referring any of the district People’s Committees and any of its secretaries and members to the Popular Courts.
6. District People’s Committees shall be responsible for referring any of the locality’s People’s Committees and any of the secretaries and members thereof to the Popular Courts after collecting the facts.

Fact-finding committees shall be at the level of who the action is taken by.

## Article (8)

In the event that the accused is found guilty, the People's Court shall inflict one of the following penalties:

- a. Reprimand and warning in the following cases:
  1. Delay in taking procedures to execute the resolutions of Basic People's Congresses, and the plans and programs implemented thereby for a period of no less than one month without reasonable excuse.
  2. Single absence, without reasonable excuse, from the meetings of the Secretariats of the People's Congresses and People's Committees. The penalty shall be repeated if the act is repeated.
- b. Suspension for a period of six months for the following two matters:
  1. Delay in taking procedures to execute the resolutions of Basic People's Congresses and the plans and programs implemented thereby for a period of no less than three months without reasonable excuse.
  2. Four absences without reasonable excuse from the meetings of the Secretariats of the People's Congresses and People's Committees. The penalty shall be repeated if the act is repeated.
- c. Suspension from people's work for a full term, with denial of the detailed benefits granted by virtue of the position, such as a political passport, for the following matters:
  1. Commission of one of the acts stipulated in Article (6), Paragraphs (1), (2), (3), (4), (5).
  2. Delay in taking measures to execute the resolutions of Basic People's Congresses and the plans and programs implemented thereby for a period of no less than three months without reasonable excuse.
  3. More than five absences without reasonable excuse from the meetings of the Secretariats of the People's Congresses and People's Committees.

The penalty shall be suspension from people's work, deprivation of his selection of the detailed benefits granted by virtue of the position, such as a political passport, with referral to the judiciary, if the perpetrator was selected from the General People's Congress.

If the commission of the acts stipulated in Article (6), (Paragraph (5) of this law results in damages, the penalty of a monetary fine shall be added. The value of the fine shall be no less than the value of the damages and no more than the double thereof.

- d. Denial of access to services provided by public entities within the scope of the Basic People's Congress, with the exception of health and educational services, for members of Basic People's Congresses that are absent from the meetings of the Basic People's Congresses without reasonable excuse in their various sessions until the convening of the next term after absence.

## Article (9)

Rulings issued by the People's Court shall be final and not subject to appeal.

## Article (10)

The People's Court shall hold its sessions in the headquarters of the competent People's Congress. The sessions thereof shall be public unless otherwise needed to preserve public morals, or due to the special nature of the subject matter of the case. The sessions thereof shall not be confidential.

### **Article (11)**

If the Court learns through investigations performed thereby of the case documents submitted thereto that the matter falls within the jurisdiction of the People's Court or any other judicial body, it must refer the same immediately to the People's Prosecution Bureau or the competent Public Prosecution, according to the case.

### **Article (12)**

The work system regulation for Popular Courts shall be issued by virtue of a decree issued by the Secretariat of the General People's Congress. It shall include the necessary regulations for the work of the Popular Courts.

### **Article (13)**

Law No. (3) of 1428 FBP on Popular Courts shall be repealed. Any provisions contrary to the provisions of this law shall be repealed.

### **Article (14)**

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

**The General People's Congress – Libya**

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