

Bill No () of the year 2018

On cyber-crime prevention and control

House of representatives

Having considered:

The constitutional declaration and its amendments.
and the penal code, its amendments, and complementary laws.
and the criminal procedure code, its amendments, and complementary laws.
and law No. 5 of the year 1990 concerning the national system for information and documentation.
and law No. 22 of the year 2010 on telecommunication.
and law No. 2 of the year 2005 concerning money laundry prevention.
and law No. 9 of the year 1968 on copyrights.
and law No. 1 of the year 2005 on banks and its amendments.
and law No. of the year concerning Libyan electronic transactions.

The following law was promulgated:

Article (1)

Definitions

Taking into considerations the terms included in the Libyan electronic transactions law, the meaning of the following terms and phrases are as defined below unless the context of the text indicated otherwise.

- 1- **Cybercrime:** every act committed through the use of computer systems, or the world wide web, or any other technologies that violates the provisions of this law.
- 2- **Hacking:** the ability to illegitimately access any Information Technology device through loopholes in its security system.
- 3- **Cyber hacking:** illegitimate usage or copying of operating systems or computer software for personal and \ or commercial purposes.
- 4- **Computer viruses:** a type of computer software of a subversive offensive nature that damages the information or data system.
- 5- **Encryption:** the process of converting electronic data into unidentified unintelligible symbols that are impossible to read unless returned to their original form.
- 6- **Obstruction or distortion of access to service:** it is the act of confusing the service and disabling the control of work and its proper function.

- 7- **Digital forensic evidence:** the result of data analysis from computer systems or telecommunication networks or digital servers of all types.
- 8- **Digital identity:** it is a digital representation of an individual's information within the world wide web community, in a form that they approve, recognized by others. An individual or an entity could have several digital identities in different digital communities.
- 9- **Identification and identity tools:** any mechanism or digital system or digital tool used to represent the digital identity of individuals allowing them to operate in a safe manner with coherent user interfaces on different systems of the world wide web.
- 10- **Digital currency:** a monetary value stored in a pre-paid electronic device not linked to a bank account, widely accepted by non-issuers, and used as a payment method for various purposes.
- 11- **Electronic bank cards:** a tool issued by a bank of financial institutions that allows owners withdrawal and transfer of money.
- 12- **Capturing and interception:** viewing data or information or attaining them.

Article (2)

Aims of the law

This law aims to protect the electronic transactions and reduce cybercrime through identifying such crimes and establishing deterrent punishments. To establish the following aims:

1. Helping to achieve justice and information security.
2. Protecting the public order and public morals.
3. Protecting the national economy.
4. Reserving the rights of legitimate usage of modern technologies.
5. Reinforcing general trust in the safety and security of electronic transactions.

Article (3)

Force of the law

The provisions of this law shall apply to any of the offences set forth in this bill, if committed wholly or in part in Libya. Or committed wholly out of Libya whose repercussions and effects spread in Libya, even if the offence was not punishable in the state in which it was committed.

Article (4)

Lawful use of technology

Usage of the world wide web, and modern technologies is legitimate and lawful, unless it results in violation of public order or public morals or offense or harm to others.

Article (5)

Confidentiality of websites

Websites and digital information systems are considered to be a property of its owners. They shall not be accessed, deleted, destroyed, disabled, modified, moved, or copied with written or digital authorization from its owners.

Article (6)

Literary, artistic, or scientific digital works

Every literary, artistic, or scientific work published through the world wide web, or any other digital system is considered to be a property of its owner. It shall not be replicated, copied, or republished without written or digital authorization from its owner. Possession of software, or information systems and/or copying them in any manner not permitted by the law is considered replication and therefore considered an offense.

Article (7)

Monitoring of modern technology

The National Information Security and Safety Authority may monitor the dissemination and display of information through the world wide web or any other technologies and withhold any acts of racial, regional, or religious intolerance or extremist ideas that undermine the security and stability of society or affect social peace.

Without security requirement and urgency, electronic messages or conversations may only be monitored by a judicial order issued by the competent specialized penal judge.

Article (8)

Blocking of Pornographic or indecent websites

The National Information Security and Safety Authority must block websites or pages that display pornographic or indecent material or that advocate or promote prostitution or debauchery and deny and prevent access or entry to it.

Article (9)

Acquisition of encryption means

No person, or entity may possess, supply, distribute, market, manufacture, import or export the means of encryption without a The National Information Security and Safety Authority's permit or authorization.

Article (10)

Manipulation of digital systems

It is prohibited to influence any self-contained digital system, electronic information system, information network, document, electronic record, information technical device, system, computer device, electronic signature, or electronic information: By programming, obtaining, disclosing, transferring, or publishing a number, word, secret code, confidential data, or other property, with the intention of obtaining an undue benefit or harming others.

Article (11)

illegal access

Access to computer's hardware and systems, an information digital system, an information network, is considered illegal if its firewalls and security systems were deliberately hacked whether in whole or in part without a permit or contrary to the permit.

Article (12)

A penalty of up to one year's imprisonment or a fine of not less than a hundred Libyan Dinars, and not over five hundred Libyan Dinars, or both, shall be imposed on anyone who contravenes the provisions of article 11 of this bill.

A penalty shall be imprisonment for a term of not less than one year and a fine of not less than five hundred Libyan dinars and not more than five thousand Libyan Dinars, if the accessing was for the purpose of cancelling, deleting, adding, disclosing, damaging, withholding, altering, moving, copying data, or disabling the process of an information system, or changing a website, cancelling, destroying, or altering its content, or impersonating its owners.

If the accessing results in obstruction of the operation of the information system, disruption of the information network, operation of the website or spoilage of its contents, the penalty shall be imprisonment and a fine of at least ten thousand Libyan Dinars.

Article (13)

Capturing and interception

A penalty of imprisonment of not less than six months and a fine of not less than one thousand Libyan Dinars and not more than five thousand Libyan Dinars to any who intercepts an information system for the purpose of obtaining digital data or linking it with other electronic systems.

Article (14)

Acquisition and use of decoding software

Any person who has provided, produced, distributed, imported, exported, promoted, or acquired, for the purpose of unlawful use, an information device, program or any information data designed to display passwords or access codes shall be liable to a term of imprisonment of not less than one year and a fine of not less than one thousand Libyan Dinars and not more than ten thousand Libyan Dinars.

Article (15)

Infringement of the operation of an information system for material benefit

Any person who illegally causes material damage to another by entering, replacing, removing, or destroying information data in any form that violates the operation of an information system in order to obtain an undue material benefit for himself or herself or others, shall be punished by a term of imprisonment of not less than one thousand Libyan Dinars and not more than ten thousand Libyan Dinars.

Article (16)

infringement of the operation of an information system and the use of its output

Any person who illegally enters, replaces, erases, or destroys information data resulting in false data to use for legal purposes as if such data are valid, whether the data was read and understood directly or indirectly, shall be liable to a term of imprisonment of not less than one year and a fine of not less than one thousand Libyan Dinars and not more than ten thousand Libyan Dinars.

A penalty of imprisonment and a fine of not less than one thousand Libyan Dinars and not more than ten thousand Libyan Dinars to anyone who uses the information data provided for in the preceding paragraph, knowing that it is invalid.

Article (17)

Promotion of unwanted goods

A penalty of imprisonment or a fine of not less than one thousand Libyan Dinars and not more than ten thousand Libyan Dinars to anyone who sends messages to promote or market an undesirable product to another person without enabling the consignee to stop receiving these messages if he or she so wishes without incurring any expense.

Article (18)

Seizure and use of identity and identification tools

Any person who takes possession of other person's identity and identification tools used in an information system shall be liable to imprisonment and a fine of not less than one thousand Libya Dinars and not more than three thousand Libyan Dinars.

And a penalty of imprisonment for not less than a year, and a fine of not less than a thousand Libyan Dinar and not more than ten thousand Libyan Dinars to anyone who, with knowledge of the matter illegally uses identity and identification tools of another on an information system.

Article (19)

Production and promotion of Pornographic material

A penalty of imprisonment and a fine of not less than a thousand Libyan Dinars, and not more than ten thousand Libyan Dinars any person who:

- 1- Produces pornographic material for others with the purpose of distribution or transmission through an information system.
- 2- Displays or provides pornographic material to others by means of an information system.
- 3- Distributes or transmits pornographic material to others by means of an information system.
- 4- Obtains pornographic material of others by means of an information system for his\her benefit or for others.
- 5- Possess pornographic material of others on an electronic medium of by means of an information system.

Article (20)
Incitement to prostitution

Anyone who encourages or incites other persons to engage in sexual activities or contributes to the preparation of such activities through the world wide web or any other electronic means shall be punished by imprisonment and a fine of not less than a thousand Libyan Dinars, and not more than ten thousand Libyan Dinars.

Article (21)
Change or fabrication of image or audio

Anyone who, without a written or digital authorization, mixes or fabricates a voice or image of a person using the world wide web or any other electronic means with the intention of harming others shall be punished by a term of imprisonment of not less than one year.

If the change or fabrication mixed the images with pornographic images or sounds through the world wide web or by any other electronic means, the penalty shall be imprisonment for a term of not less than five years.

Article (22)
Harassment

A penalty of imprisonment and a fine of not less than not less than a thousand Libyan Dinars, and not more than three thousand Libyan Dinars shall be imposed on anyone who harassed others on the world wide web or any other electronic means for the purpose of satisfying his\her sexual desire.

Article (23)
Exploitation of minors or the psychologically or mentally disabled in pornography

Anyone who uses the world wide web or any other electronic means for the purpose of exploiting minors or persons with psychological or mental disabilities in pornographic acts shall be liable to imprisonment for a period of not less than five years and to a fine not less than a thousand Libyan Dinars, and not more than ten thousand Libyan Dinars.

Article (24)

Infringement of copyrights

Any person who, by electronic means, commits or mandates others to violate any copyrights shall be liable to a term of imprisonment of not less than one year and a fine of not less than a thousand Libyan Dinars, and not more than ten thousand Libyan Dinars.

The same penalty shall be imposed on anyone who imitates or forges the electronic signature, seal, or reference of an author.

Article (25)

Imitation of Digital works and software

A penalty of imprisonment of not less than one year and a fine of not less than a thousand Libyan Dinars, and not more than ten thousand Libyan Dinars to anyone who imitates literary, artistic, or scientific digital works or hacks software, copying software is considered an act of imitation.

Article (26)

Sale of digital replicas

Any person who sells or offers to sell or place a trade on or presented a literary, artistic, or scientific replica of a digital work, with knowledge thereof shall be liable to a penalty of not less than six months and a fine of not less than a thousand Libyan Dinars, and not more than ten thousand Libyan Dinars.

Article (27)

Trade in historical antiquities and artifacts

Anyone who creates or manages a website or uses the world wide web or any other electronic means of trading in or dealing in historical antiquities or artefacts other than those legally authorized shall be punished by imprisonment.

Article (28)

Imitation and use of electronic bank cards

A penalty of imprisonment for a term of not less than six years and a fine of not less than not less than a thousand Libyan Dinars, and not more than ten thousand Libyan Dinars to anyone who:

1. Imitates an electronic bank card.
2. Seizes or uses a fake electronic bank card, even if they don't withdraw money.
3. Uses a stolen electronic bank card, even if they don't withdraw money.
4. Accepts a payment with a fake electronic bank card, with the knowledge of the matter.
5. Forges or uses electronic currency with the knowledge of the matter.

Article (29)

Stirring up racial or regional strife

Any person who publishes and disseminates information that could stir up racial, regional, or religious strife, aimed at discriminating against specific people through the world wide web, or other electronic means shall be liable to a term of imprisonment of not less than one year and a fine of not less than a thousand Libyan Dinars, and not more than ten thousand Libyan Dinars.

Article (30)

Assaulting people because of their affiliations

Any person who, through the world wide web or through any other electronic means, threatens, denigrates, or offends a person because of their ethnic, religious, faith, or racial affiliation shall be punished by imprisonment and a fine of not less than a thousand Libyan Dinars, and not more than ten thousand Libyan Dinars.

Article (31)

Gambling

Anyone who owns or runs a gambling project, offers, facilitates, encourages, or promotes the creation of a gambling project on the world wide web or by any other electronic means shall be liable to a term of imprisonment of not less than two years and a fine of not less than ten thousand Libya Dinars and not more than twenty thousand Libyan Dinars.

Anyone who gambles on the world wide web or by any other electronic means shall be punished by imprisonment.

Article (32)

Promotion of liquor or intoxicants

Anyone who promotes or propagates alcohol and liquor on the world wide web or using any other electronic means shall be liable to a term of imprisonment of not less than two years and a fine of not less than a thousand Libyan Dinars, and not more than ten thousand Libyan Dinars.

Article (33)

Promotion of drugs and psychotropic substances

Anyone who promotes, sells, or explains the production of narcotic drugs or psychotropic substances on the world wide web or using any other electronic means shall be punished by imprisonment and a fine of at least thirty thousand Libyan Dinars and not more than a hundred thousand Libyan Dinars.

Article (34)

Disruption of government work

Anyone who disrupts or obstructs government or public authority actions using any electronic means shall be punished by imprisonment and a fine of not less than ten thousand Libyans dinars and not more than a hundred thousand Libyan Dinars. The same penalty shall be imposed on anyone who produces, distributes, or possesses software designed for such use.

Article (35)

Refrain from reporting

Anyone who knows of the commission or attempt to commit any of the offences set forth in this bill, and who has been able to inform the authorities but refrained from reporting, shall be liable to imprisonment and a fine of not more than three thousand Libyan Dinars.

The penalty shall be imprisonment for a term of not less than six months and a fine of not less than three thousand Libyan Dinars and not more than five thousand Libyan

Dinars, if the offender is a public official or is responsible for a public service, and the offence has occurred as a result of a breach of his or her duties.
The court may waive the penalty if the person who fails to report is the spouse of the offender, an offspring, an affiliate, or a sibling.

Article (36)

Destruction of digital forensic evidence

Anyone who destroys, hides, alters, erases or in any way tempers with digital informational forensic evidence shall be punished with imprisonment for a term of not less than five years and a fine of not less than ten thousand Libyan Dinars and not more than a hundred thousand Libyans Dinars.

Article (37)

Threat to public security or safety

A term of imprisonment of not less than five years and a fine of not less than ten thousand Libyan Dinars and not more than a hundred thousand Libyans Dinars shall be imposed on anyone who, through the world wide web or the use of any other electronic means, propagates or publishes information or data threatening public security or peace in the State of Libya or any other State.

Article (38)

Incitement to murder or suicide

Anyone who incites another person to kill or commit suicide using the world wide web or any other electronic means shall be punished by imprisonment.

Article (39)

Acquisition and use of encryption

Anyone who produces, acquires, provides, distributes, markets, manufactures, exports or imports encryption tools or devices without the authorization or permit of the relevant authority of the State shall be punished by imprisonment and a fine of not less than twenty thousand Libyan Dinars and not more than a hundred thousand Libyans Dinars. The penalty shall be imprisonment for a term of not less than 10 years and a fine of not less than fifty thousand Libyan Dinars and not more than a hundred and fifty thousand Libyan Dinars if the above acts involved encryption means belonging to the Government, banks, military or security institutions.

Article (40)

Destruction of medical tests' results

Any person who destroys or alters medical examinations, diagnostics, medical treatment, or medical care records in a manner contrary to the truth of the examination or who unduly hides the results or makes it easier for others to do so by using the world wide web or by any other electronic means, shall be punished by imprisonment.

Article (41)

Undue access to e-card services

Anyone who illegally uses service sales cards or its numbers to obtain such services shall be punished by a term of imprisonment of not less than one year.

Article (42)

Offending sacraments or religious rites

Anyone who offends one of the sacraments or religious rites using the world wide web or any other means or electronic system shall be punished by imprisonment.

Article (43)

Human trafficking

Anyone who creates a website or publishes information on the world wide web or any electronic system for the purpose of human trafficking or facilitating its handling shall be punished by imprisonment.

Article (44)

Money-laundering

Subject to the provisions of the Money Laundering act, a penalty of up to seven years imprisonment and a fine of not less than thirty thousand Libyans Dinars and not more than sixty thousand Libyan Dinars shall be imposed to any person who, knowing that the funds are derived from an illicit source, transfers, maim, disguises, uses, acquires or

gains illicit funds through the use of the world wide web or any other electronic means with the intention of legitimizing such funds.

The same penalty shall be imposed on anyone who creates or publishes information or websites for the commission of any such act.

Article (45)

Assistance to terrorist groups

Anyone who creates a website or publishes information on the world wide web or any other electronic means for a terrorist group under aliases to facilitate contacts with its leaders or members, to promote their ideas or to finance them, or helping with the dissemination of how to manufacture incendiary, explosive or any instruments used in prohibited actions, shall be sentenced to life imprisonment.

Article (46)

Use of a State registered trademark

Anyone who uses or facilitates the use of a trademark registered in the State in the name of others or uses signs and emblems belonging to the State in the name of his or her website shall be liable to imprisonment and a fine of not less than one thousand Libyan Dinars and not more than five thousand Libyan Dinars and shall be obliged to change the address of the site.

The penalty shall be imprisonment for those who have cancelled, deleted, destroyed, leaked, damaged, seized, benefited, exploited, or used Useful industrial properties such as design or patent.

Article (47)

Illegal wiretapping

A term of imprisonment of not less than one year shall be imposed on anyone who, in the interest of himself or others, wiretapped communications made through the world wide web or any other electronic means.

The penalty is imprisonment if it is wiretapping in order to obtain government, security, military, or banking secrets.

If the secrets mentioned in the preceding paragraph are disseminated through the world wide web or any other electronic means, or if a person or other entity is able to obtain them, the penalty shall be life imprisonment.

Article (48)

Liability of legal persons

A term of up to one year's imprisonment shall be imposed on any person responsible for the effective management of a legal person if any of the offences provided for in this bill is committed by an employee of his or her own in his or her name and in his or her interest if the offence is committed for breach of his or her duties.

The court must rule on the dissolution of the legal person if it is established that the real purpose of their creation is the commission of an cybercrimes.

Article (49)

Application of the Penal Code and complementary laws

Anyone who commits an offence punishable under the Penal Code and the laws supplemented by the use of the world wide web or any information system or who participates in the commission of such offences under the Code shall be punished under the penalties provided for in this Act.

The application of the penalties provided for in this Act shall also be without prejudice to any severe penalty provided for in the Penal Code and the laws supplementing it.

Article (50)

Confiscation

Without prejudice to the rights of a third party in good faith, in any event the devices, software or means used in the commission of any of the offences provided for in this bill, or the funds derived from them shall be confiscated, and the place or location where any of these crimes is committed shall be closed down if the offence has been committed with the owner's knowledge of its owner, either completely closed or for the period estimated by the Court.

Article (51)

Expulsion of foreigners

In addition to the penalties provided for in this bill, the court shall order the expulsion of a foreigner sentenced in accordance with the provisions of this bill.

Article (52)

Judicial Control Officers

This is an unofficial translation

Officials designated by a decree of the President of the Council of Ministers at the suggestion of the Authority shall have the status of judicial control officers in the seizure of offences committed in violation of the provisions of this bill.

Article (53)

This Act shall be published in the Official Gazette and shall be in force from the date of its publication.

Libyan house of representatives
Law department

Unofficial Translation