

**Law No. (3) of 1978
on compulsory military service**

The General Secretariat of the General People's Congress,

- In implementation of the resolutions and recommendations of the People's Congresses issued in their ordinary session held in Rabi' al-Akher 1398 AH, corresponding to March 1978 AD, on compulsory military service;

formulated the following Law:

Article (1)

The provisions of the attached Compulsory Military Service Law shall enter into force until the Armed People is established and reaches its final goal of handling the mission of self-defence.

Article (2)

The Compulsory Military Service Law issued on 27 Muharram 1387 AH, corresponding to 3 May 1967 AD, shall be repealed.

Article (3)

This Law shall be published in the Official Gazette, and shall enter into force on the date of its publication.

The General Secretariat of the General People's Congress – Libya

**Issued on 29 Jumada al-Awwal 1398 AH
Corresponding to 6 May 1978 AD**

Compulsory Military Service Law

Part (1) Requirement of Compulsory Military Service

Article (1)

Compulsory military service shall be required of every citizen who has reached eighteen years of age and is not over thirty-five years of age.

Performance of this service may be requested of those over the age of thirty-five in cases of war, mobilization, emergency, or active movements, pursuant to a decree from the Commander-in-Chief.

Conscripted individuals shall be placed with branches of the main armed forces (army, air force, navy, air defence forces) or any other military forces or divisions established, in accordance with the rules issued pursuant to a decree from the Commander-in-Chief of the Armed Forces.

Article (2)

The period of compulsory military service shall be three years for the army and similar forces and divisions and four years for the navy, air force, air defence, and similar forces and divisions.

Article (3)

Conscripted graduates of universities and higher institutes may be selected as officers after completion of the basic training period. They shall be selected by a committee formed for this purpose pursuant to a decree from the Commander-in-Chief of the Armed Forces.

Those selected shall be given the rank of second lieutenant for the remaining period. This rank shall have no effect after completion of their conscription period unless they are summoned in accordance with the provisions of Articles (10) and (11) hereof.

Chapter (2) Exception and Exemption from Compulsory Military Service and Postponement thereof

Article (4)

1. The persons mentioned below shall be excepted from compulsory military service:
 - a. Graduates of colleges and institutes designed to graduate officers for service in the armed forces, as well as students of such colleges and institutes, on condition that they complete their studies and graduate. If they do not complete their studies, the period spent studying shall be counted toward the period of compulsory military service.
 - b. Anyone who spent a period not less than the compulsory military service period in military service in the armed forces. If less, they shall be conscripted for the remaining period.
 - c. Pursuant to a decree from the Commander-in-Chief of the Armed Forces, certain persons may be excepted from the performance of compulsory military service for reasons related to the public interest.

Article (5)

1. Final exemptions from compulsory military service shall be granted for anyone who:
 - a. Does not meet the physical fitness requirements for such service.
 - b. Only sons.
2. Temporary exemptions from compulsory military service shall be granted to anyone who supports family members who are unable to earn an income, other than their spouse and children.

Temporary exemptions shall expire when the reason for such ends. Anyone whose cause for exemption has ended must notify the competent entity for conscription by letter with return receipt within thirty days from the date the cause ends.

Article (6)

1. In times of peace, the conscription of students of universities, institutes, and regular schools shall be postponed until they graduate or until they reach the following ages:
 - a. Twenty-eight years of age for students of universities, higher institutes, and the like.
 - b. Twenty-four years of age for students of secondary religious institutes, intermediate technical schools and institutes, and the like.
 - c. Twenty-two years of age for students of public secondary schools and the like. If they complete their studies and enrol in a university or higher institute prior to passing this age they shall be treated in accordance with clause (a).
2. If a student reaches the maximum age for postponement during the school year, their conscription shall continue to be postponed until the end of the school year.
3. Students whose conscription has been postponed must notify the competent body for conscription if the grounds for the postponement has lapsed. They must do so by letter with return receipt within thirty days from the date of such lapse, in order to undertake their conscription procedures.
4. Chairmen of People's Committees at the colleges, institutes, and schools referred to in paragraph (1) and the competent individuals in political representation of state delegations abroad shall inform the competent body for conscription as soon as a student who has delayed conscription due to study is dismissed from study, obtains the academic credential, or reaches the age referred to in Clauses (a), (b), (c) of Paragraph (1).

Article (7)

1. Without prejudice to Article (1), the following persons may postpone compulsory military service pursuant to a decree from the Commander-in-Chief of the Armed Forces for the period stated therein:
 - a. Those who have earned final certificates, if the public interest requires completion of a period of study or training after obtaining such certificates.
 - b. Anyone sent by the state on a delegation abroad, provided they return to the country at least three months prior to reaching the age of thirty-two and register with the competent body for conscription prior to travelling.
2. Individuals who postpone conscription in the preceding cases must, on their own initiative, present themselves to the competent entity for conscription when the reason for postponement lapses.

3. The bodies to which they are affiliated must notify the competent body for conscription within thirty days from the date the reason for the postponement lapses, the postponement period expires, or they reach the age set out in Clause (b) of Paragraph (1).

Article (8)

If one of two or more brothers is conscripted, the conscription of the other brother or the next eldest brother shall be postponed until the conscripted brother completes the compulsory military service period. If the conscripted brother deserts, the brother whose postponement has been delayed may be conscripted immediately.

In order for the preceding paragraph to apply, there may not be one brother entitled to exemption or unfit for service and capable of earning a living or a brother who fails to enlist or is over thirty-five years of age.

Part (2)

Regulation of Conscription Activities

Article (9)

The Commander-in-Chief of the Armed Forces shall issue the decrees implementing this Law, in particular decrees related to the following:

- a. Formation of the competent body for conscription, specifying the competencies thereof.
- b. Division of the Socialist People's Libyan Arab Jamahiriya into conscription regions and the formation and designation of a headquarters for each one, specifying the competencies thereof.
- c. Designation of the bodies related to conscription activities, stating the tasks assigned thereto and setting out the rules and procedures for requesting those subject to this Law to undergo examination.
- d. Formation of the competent committees for conscription of doctors and technicians, setting out their competencies and the rules regulating their activities.
- e. Physical fitness requirements for compulsory military service.
- f. Rules identifying conscription priorities for those determined to be physically fit.
- g. The rules and procedures for requesting those determined to be physically fit to serve and the regulations on their release.
- h. The regulations and rules for filing grievances against decisions related to compulsory military service, stating the procedures for submission, review, and settlement of grievances.
- i. Certificates and forms for exemption, exception, postponement, and performance of service given by the competent body for conscription to those who request them. The decree shall set out the format, information, and validity period of each, and they shall be given free of charge.

Part (3)

Holding Conscripted Individuals and Calling up Released Individuals

Article (10)

Compulsory military service shall end with the completion of the period thereof. However, in cases of war, mobilization, emergency, or active movements and pursuant to a decree from

the Commander-in-Chief of the Armed Forces, those who have completed their service may be held and those who have previously performed their service may be called up.

Article (11)

Those who have performed all or a portion of their compulsory military service may be called for military training each year, pursuant to a decree from the Commander-in-Chief of the Armed Forces.

To the extent possible, a time and place suitable for those called shall be chosen, so as to not hinder their ordinary activities.

Part (4) General Provisions

Article (12)

Without prejudice to this Law, citizens mentioned below shall be subject to military law:

- a. Those that the competent body for conscription has decided to conscript, until they are released.
- b. Anyone called up in accordance with Articles (10) and (11), commencing from the time set for them to be at the military body until completion of their call.
- c. Anyone summoned for a medical examination or conscription who fails to appear without an acceptable excuse.

Article (13)

No student of the colleges, institutes, or schools of the Socialist People's Libyan Arab Jamahiriya between the ages of nineteen and thirty-five years of age may be held unless they have one of the certificates or forms set out in Article (9)(i).

No student holding a public secondary certificate or the equivalent who is over twenty-two years of age or any student holding a religious secondary certificate over twenty-four years of age in the first stage of study at a college or higher institution, whether enrolled or affiliated, may be registered unless they submit one of the certificates or forms set out in Article (9)(i).

The provisions of the two preceding paragraphs shall not apply until two years have passed from the date this Law enters into force.

Article (14)

No citizen between nineteen and thirty-five years of age may be hired or remain in their position or job or be granted a licence to practice an independent profession or registered in the list of those practising such profession unless they present one of the certificates or forms set out in Article (9)(i).

Article (15)

With regard to occupying positions, conscripted individuals shall have the right to the following:

- a. To apply for employment at administrative units and public companies and establishments subject to the Labour Law. They shall be conscripted for the compulsory military service period after appointment to the position, as a secondment.

- b. Priority in hiring to hold positions shall be on condition of obtaining an ethics certificate of at least "very good" or a letter from the competent military body recommending the applicant enjoy such priority.
- c. For employees or employees or workers called up for compulsory military service, to have their original job or a job similar thereto held for them and to return to work if they request such within a month from the date of their release if they are fit to hold the job held for them.
- d. For employees or workers to have the promotions or bonuses owed thereto held for them while in compulsory military service, and the term of their service included in their period of work and count toward remuneration or retirement.

Article (16)

Salaries, remuneration, rank system, promotions, and treatment of conscripted persons shall be set out under a decree from the General Secretary of the General People's Congress, based on a submission from the Commander-in-Chief of the Armed Forces.

Article (17)

The Gregorian calendar shall be used with regard to the implementation of this Law.

Part (5) Crimes and Penalties

Article (18)

Anyone who violates this Law or the implementing decrees thereof shall be punishable by imprisonment for a period not less than one year and deprived of their civil rights for a period not less than five years and not to exceed ten years.

The crimes set out in the previous paragraph shall be deemed to be a military crime and the military courts shall hold competence to hear such crimes in accordance with the Military Procedure Code.

Article (19)

The period set for lapse of the right to file a case against those bound to compulsory military service shall not commence until the date the individual reaches the age of thirty-five, unless they had reached this age at the time the crime was committed.

Part (6) Temporary Provisions

Article (20)

The provisions of this law shall not violate those of the Law on General Military Training and the Decree of the People's Resistance Law, and shall not violate the provisions and rules regulating the Mujahideen Brigades.