

Law No. (11) of 2012
adopting some provisions
concerning the powers of command levels in the Libyan Army

The National Transitional Council:

- Upon review of the Victory Statement of the 17 February Revolution issued on 22 February 2011;
- The Constitutional Declaration issued on 3 August 2011;
- The internal regulation of the National Transitional Council (NTC);
- Law No. (37) of 1974 issuing the Military Penal Code;
- Law No. (40) of 1974 concerning military service, and its amendments;
- Law No. (43) of 1974 on military personnel retirement, and its amendments;
- Law No. (35) of 1977 reorganising the Libyan Army (formerly the Armed Forces);
- Law No. (5) of 1978 amending some provisions of military laws;
- Law No. (1) of 1999 issuing the Code of Criminal Procedure;
- Based on the proposal of the Minister of Defence and the approval of the Cabinet;
- The results of the NTC session convened on Monday, 13/02/2012;

issued the following law:

Article (1)

In the words and expressions in the military laws and legislation in force, usage shall follow the powers ascribed to the terms in this law.

Article (2)

The Libyan Army is a statutory military force composed of officers, non-commissioned officers and privates tasked to defend Libya, protect national unity, not infringe upon the civil constitutional regime, and uphold public order and security when needed.

Article (3)

The Head of State is the supreme commander of the Libyan Army and shall have the following responsibilities:

1. Determine the size, formation and training of the Libyan Army.
2. Approve plans for military operations.
3. Declare states of alarm and general mobilisation.
4. Accept and announce cease fires.
5. Summon the reserve in cases specified by law.
6. Appoint and dismiss the Chief of the General Staff and his aide.
7. Establish new branches of the armed forces, determine their responsibilities and affiliation based on the proposal of the Chief of the General Staff and the Minister of Defence.
8. Appoint officers, grant them ordinary and extraordinary promotions and seniority for excellent service, and terminate their service based on the proposal of the Chief of Staff and the approval of the Minister of Defence.

9. Approve the retirement list based on recommendations referred by the Chief of the General Staff and the approval of the Minister of Defence.
10. Approve final death sentences issued by military tribunals.
11. Pardon or commute sentences handed down by military tribunals.
12. Reinstate personnel to military service with conditions, based on a proposal from the Chief of the General Staff and the Minister of Defence.
13. Institute military decorations and medals.
14. Summon officers to military service after their departure, halt their referral to retirement, and extend their term of service after they reach the prescribed age for a period not exceeding three years, based on a proposal from the Chief of Staff referred by the Minister of Defence.
15. Approve the cases where nominal periods are added to active service, based on the proposal of the Chief of Staff referred by the Minister of Defence.
16. Delegate some of his powers relating to defence affairs under the law to the Minister of Defence.

Article (4)

The Minister of the Defence is a member of government representing the defence portfolio. He shall have the following responsibilities:

1. Set and develop military policy in accordance with the political ideology of the State, and oversee the execution thereof.
2. Set and propose the general defence budget, and discuss the same before the government and parliament.
3. Approve ordinary and extraordinary promotions and grant the seniority for excellent service to officers based on the recommendations of the Chief of the General Staff, and submit such to the Commander-in-Chief for approval.
4. Issue decisions related to appointing military attaches to Libyan embassies abroad based on the nomination of the Chief of the General Staff.
5. Issue decisions related to appointing and promoting the military advocate-general and judicial bodies and forming military tribunals, based on the nomination of the Chief of the General Staff.
6. Set the financial policy of the Libyan Army and determine primary and additional sources of funding in accordance with government directives.
7. Oversee the management of political and military conflicts during actual operations against the enemy.
8. Submit recommendations related to normal and extraordinary promotions of officers, granting the seniority for excellent service based on a proposal from the Chief of Staff to refer such to the Commander-in-Chief.
9. Approve the military doctrine of the Libyan Army adopted by the Chief of the General Staff in accordance with the political ideology of the State.
10. Approve measures, structures and prerogatives adopted by the Chief of the General Staff in execution of the general policy of the State.
11. Approve procurement contracts for weapons, ammunition, equipment and installations for the Libyan Army.

12. Assess rates of performance and work progress in the Libyan Army in accordance with reports prepared by military oversight bodies.
13. Conclude regional and international agreements related to security and military cooperation.
14. Approve the adoption the lists of officers retired and submit the same to the Commander-in-Chief to issue decisions in this regard.
15. Grant exceptional bonuses to anyone who performs distinguished services to the nation, based on a proposal from the Chief of the General Staff.
16. Request financial coverage for some urgent matters not listed in defence budget items.
17. Prepare draft laws related to the Libyan Army based on a proposal from the Chief of the General Staff and refer the same to the legislature according to the procedures in place.
18. Notify the Chief of Staff of the political leadership's vision concerning how to use the Libyan Army to defend Libya and protect its security to take the necessary measures in this regard.
19. Represent the Libyan Army and respond to the questions of competent bodies, including what is published or broadcast in different media outlets.
20. Accept non-Libyan students in military educational institutions based on a proposal from the Chief of the General Staff.
21. Grant military decorations and medals and allow foreigners to wear such based on a submission from the Chief of the General Staff.
22. Approve the continued service of officers who have been passed over for promotion if they so desire, based on a proposal from the Chief of Staff.
23. Determine the powers of area commanders and military forces based on a proposal of the Chief of the General Staff.
24. Approve the secondment of military personnel to countries and local, regional and international civilian bodies, based on the proposal of the Chief of the General Staff.
25. Appoint employees, terminate their service and contract with technicians and foreign civilian technicians in the army on special contracts that set the conditions of their employment and their other rights, based on the proposal of the Chief of Staff.
26. Approve the cases where nominal periods are added to active service, based on the proposal of the Chief of Staff and refer the same to the Minister of Defence.
27. The Minister of Defence may delegate some powers to the Chief of the General Staff, in accordance with the law.

Article (5)

The Chief of the General Staff of the Libyan Army is the highest military rank for an army officer. His direct superior is considered the Minister of Defence. He is directly responsible for the military from the technical side, in terms of organisation, equipment, training, leadership, management and maintaining the combat readiness of the Libyan Army. All staff, branches, bodies, departments and independent units are under his command, and he shall be responsible for the following:

1. Follow up on execution of plans related to all military business and army operations both within Libya and abroad.

2. Require civilians to perform compulsory service for anyone older than 35 years old, in the event of war, emergency and actual hostilities, upon the approval of the Minister of Defence.
3. Appoint and dismiss chiefs of staff for all branches of the armed forces, and submit the same to the Minister of Defence.
4. Appoint and dismiss the heads of bodies, and directors of departments, apparatuses and independent units, and commanders of military educational institutions.
5. Propose the appointment of and promote the military advocate-general and members of judicial bodies, and form military tribunals and refer the same to the Minister of Defence.
6. Prepare the combined operational budget of the army and refer the same to the Minister of Defence.
7. Recommendations related to ordinary and extraordinary promotions of officers, granting the seniority for excellent service, and submitting the same to the Minister of Defence for referral to the Commander-in-Chief.
8. Nominate military attaches to Libyan embassies abroad and refer the same to the Minister of Defence.
9. Approve the cases where nominal periods are added to active service, based on the proposal of the Chief of Staff and the Minister of Defence.
10. Announce the death of missing soldiers and army personnel, establish the status of personnel killed in action, taken prisoner, missing, wounded or disabled from such.
11. Grant a bonus equal to the annual bonus fixed for the soldier's rank or an incentive award for excellent performance.
12. Reinstate non-commissioned officers and privates to the service.
13. Determine the military bonuses granted to soldiers (technical and professional).
14. Establish the partial and plenary military prosecutions and clarify their administrative boundaries. The swearing of the legal oath by permanent military tribunal presidents and members shall be before the Chief of the General Staff.
15. Determine the powers of periodic courts and organise their procedures and the crimes decided therein.
16. Approve legal memoranda issued by the public body of the judiciary concerning martyrs, martyrs killed in the line of duty and wounded, and settling retirement dues.
17. Determine rank insignia and military uniform.
18. Draft recommendation reports for command and leadership posts and recommendations to grant military decorations, medals, etc.
19. Determine the necessary qualification to promote military personnel.
20. Approve the enrolment of military personnel in institutes, university faculties and academies and participation in delegations to study and training courses abroad.
21. Form medical committees, determine the powers and duties thereof and meeting location. Approve the treatment of military personnel outside Libya if it is established that they cannot be treated locally.
22. Recommend the reinstatement to military service of officers placed on half pay.
23. Promote up to the rank of unit staff sergeant, and terminate the service of non-commissioned officers and privates in accordance with the cases stipulated by law.

24. Halt the referral of non-commissioned officers and privates to retirement and extend their service for a specified period or for one time in accordance with the Military Personnel Retirement Law after they reach the statutory age for retirement.
 25. Help form the Crisis and Natural Disasters Department, form committees and name delegates.
 26. Form committees to travel abroad on official duties and joint military committees, whether to follow up on aspects of cooperation with countries with whom agreements, memoranda of understanding or military cooperation protocols have been signed, discuss some military matters or take part in international military exhibitions, seminars or conferences.
 27. Approve the spending of vacations outside Libya.
 28. Award the training bonus granted to members of the training corps at military educational institutions.
 29. Determine the financial scholarships for students of military educational institutions.
- The Chief of the General Staff may delegate some of his powers to his aide with respect to the heads of the main service branches and the Organisation and Administration Unit.

Article (6)

The Minister of Defence, based on the proposal of the Chief of the General Staff, is responsible for determining the powers of the heads of the service branches (army – navy – air force – air defence) and the heads of other units, branches and forces.

Article (7)

This law shall enter into force from its date of issuance, and it shall be published in the Official Gazette and the various media. Law No. (5) of 1989 concerning the establishment of the General Defence Committee and its organisation shall be repealed, in addition to any provision that contravenes the provision of this law. Each person, within his mandate, shall implement the provisions of this law and notify the transitional government and local councils thereof.

Interim National Transitional Council – Libya

Issued in Tripoli

On Monday 13/02/2012