

## Law No. ( )

### on amending the Military Penal Code and Military Code of Procedure

#### Upon review of:

- The interim Constitutional Declaration;
- The Penal Code and supplementary laws;
- The Code of Procedure and its amendments;
- The Military Penal Code;
- The Military Code of Criminal Procedure;

#### The General National Congress has issued the following law:

##### Article (1)

The text of Article (2) of the Military Penal Code shall be amended to the following:

The provisions of this law apply to:

1. Regular military personnel, those holding one of the ranks specified in Articles (2) and (3) of Law No. (40) of 1974, students of military faculties and schools, and military trainees.
2. Families of regular military personnel.

##### Article (2)

The text of Article (45) of the Military Code of Criminal Procedure shall be amended to the following:

Military courts shall be competent to adjudicate the crimes specified in the Military Penal Code committed by those who are subject to it.

##### Article (3)

All incidents and cases affected by this amendment, whether in the investigation or trial phases, shall be referred to the Public Prosecution or to competent ordinary courts according to the description contained in the referral order.

##### Article (4)

Ordinary courts shall be competent to try military personnel involved in crimes with a civilian.

##### Article (5)

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

**General National Congress -- Libya**

**Issued on // 2012**