

**Law No. (29) of 2013
on transitional justice**

The General National Congress

Upon review of:

- The interim Constitutional Declaration issued on 3 August 2011, and the amendments thereof;
- The Penal Code and the Code of Criminal Procedure, and the amendments and supplementary laws thereof;
- The Military Penal and Procedure Codes, and the amendments thereof;
- The Civil Code;
- The Code of Civil and Commercial Procedure, and the amendments thereof;
- Law No. (2) of 2005 on combating money laundering;
- Law No. (6) of 2006 on the justice system, and the amendments thereof;
- Law No. (24) of 2010 on the provisions for nationality, and the executive regulation thereof;
- Law No. (17) of 2012 on establishing the rules of national reconciliation and transitional justice, and the amendments thereof;
- Law No. (38) of 2012 on procedures for the transitional phase;
- The international treaties concluded between Libya and other states and within the context of regional and international organisations;
- The conclusions reached by the General National Congress in its one hundred twenty-eighth regular session, held on 22/09/2013;

issued the following law:

**Chapter (1)
General Provisions**

Article (1)

The Concept of Transitional Justice

For the application of the provisions of this law, transitional justice means addressing the grave and systematic violations of fundamental rights and freedoms to which Libyans were subjected by the state apparatuses under the former regime. This shall be done through legislative, judicial, social, and administrative measures, in order to reveal the truth, hold perpetrators to account, reform institutions, preserve the national memory, and provide reparations and compensation for the misdeeds for which the state is responsible for providing compensation.

The concept of transitional justice in this law shall include some of the effects of the 17 February Revolution, specifically:

1. Positions and actions which led to ruptures in the social fabric;

2. Acts which were necessary to protect the revolution and which were marred by some behaviours that did not adhere to its principles.

The objective of this shall be to reach national reconciliation, to overcome enmities, to secure social peace, and to establish a state that upholds rights and is governed by rule of law.

Article (2)

Definition of Grave and Systematic Violations

A grave and systematic violation is a violation of human rights through killing, abduction, physical torture, or the confiscation or destruction of funds, if committed as the result of an order issued by a person acting with a political motive, as well as breaches of fundamental rights that result in severe physical or moral repercussions.

Article (3)

Events to Which the Law Applies

The provisions of this law shall apply to events that occurred between 1 September 1969 and the end of the transitional period as of the election of the legislature based on the permanent constitution.

Article (4)

Objectives of the Law

This law aims to achieve the following:

1. Legal recognition of the just nature of the 17 February Revolution and that this Revolution is the right of the Libyan people, and to attest to the corruption, tyranny, and criminality of the previous era.
2. The preservation and securement of civil peace.
3. Accountability for human rights violations that were committed under the auspices of the state or one of its institutions, or by individuals acting on its behalf.
4. Reassuring the people and convincing them that justice exists and that it is effective.
5. Determination of the responsibility of the state apparatuses or of any other parties for human rights violations.
6. Investigation, documentation, and preservation of the events subject to transitional justice, and submitting them to the competent national entities.
7. The repeal of unjust laws that violated human rights and allowed for tyranny in the country.
8. The provision of reparations for victims of and those harmed by the events included under the concept of transitional justice in accordance with this law, and their compensation for damages for which the state is responsible for providing compensation.
9. Societal reconciliation.
10. Exposing and documenting the suffering of Libyan citizens under the former regime.
11. The reformation of state institutions.

Article (5)

Components of Transitional Justice

The achievement of transitional justice in Libya shall be based on the following aspects:

1. The issuance of laws and constitutional provisions that reveal the just nature of the 17 February Revolution, the injustice of the former regime, and the illegitimacy of unjust laws.
2. The disclosure of facts of a public and collective nature.
3. The disclosure of individual facts.
4. Criminal accountability.
5. Consensual reconciliation.
6. Legislative amnesty and general amnesty.
7. Reparations.
8. Issues of displaced persons.

Article (6)

Invalidity and Illegitimacy of Unjust Legislation

The obstruction of constitutional life in Libya is an injustice and an aggression. The legislation issued by the former regime as an expression of its desires and without any legal or constitutional basis is unjust and shall be considered invalid and unconstitutional as of its drafting. Such legislation may not be used against established rights. The negative effects of such legislation on individuals and on society must be addressed.

Chapter (2)

The Fact-Finding Commission

Article (7)

Establishment of the Commission and Its Powers

An independent commission shall be established under the General National Congress (GNC). The commission shall enjoy legal personality and financial independence, and it shall be called the Fact-Finding and Reconciliation Commission (FFRC). It shall be based in the city of Tripoli and undertake the following tasks:

- Conduct fact-finding regarding the events related to grave and systematic violations of human rights, and determine the identities of those involved in these violations.
- Provide a full picture of the nature, causes, and extent of the grave human rights violations committed during the previous era.
- Collect and publish the perspectives of the victims.
- Document the verbal accounts of the victims.
- Study the circumstances of internally and externally displaced persons and make decisions about the measures necessary to provide them with a life of dignity, to enable them to enjoy their rights as do other Libyans, and to prevent any discrimination against them.
- Work to return externally displaced Libyan citizens and to solve the problem of internally displaced persons.
- Examine the issue of missing persons and detainees, and issue adequate decisions in order to take the necessary measures to address this issue as well as the necessary procedures to ensure a dignified life for their families.
- Cooperate with civil society organisations that work in parallel with the justice and reconciliation law.

- Issue decisions regarding adequate compensation for victims in its various forms, such as material compensation, memorialisation, treatment, rehabilitation, or the provision of social services; such decisions shall be binding.

Article (8)

Departments of the FFRC

The FFRC shall establish specialised departments according to the components of transitional justice designated in this law, as follows:

1. A department to review legislation related to the issue of transitional justice.
This department shall work to repeal unjust laws and restore proper legal life, in accordance with the constitution and with Sharia law.
2. A department to conduct fact-finding into human rights violations of a public and collective nature committed in the era of the former regime, and to present the results of these investigations in a comprehensive report that includes evidence, applications, affected persons, and recommendations; this report shall be widely published in the media.
3. A department to conduct fact-finding into individual violations, and to disclose violations committed against individuals.
4. A department to conduct fact-finding into human rights violations committed following the fall of the Gaddafi regime; the FFRC shall dedicate a specific bureau to fact-finding concerning the events that accompanied the 17 February Revolution and work to record information in a manner that preserves the rights of all.
5. A department for issues of displaced persons.
6. A department of arbitration and reconciliation based on the call for consensual reconciliation and for legislative amnesty and general amnesty. This department shall have permanent contact with the reconciliation committees and with wise individuals in the regions to restore the national fabric and to achieve the conditions for reconciliation between these regions.

Article (9)

Duration of the FFRC

The duration of the FFRC shall be four years from the date on which it begins its work. This duration may be extended for one year by a request presented by the FFRC to the legislature three months prior to the expiry of its term.

Article (10)

The Administrative Board of the FFRC

The FFRC shall have an Administrative Board comprised of a president and eight additional members known for their independence, impartiality, and competence. These members shall be appointed by the GNC. The Administrative Board shall be the highest authority of the FFRC, and it shall administer the FFRC's affairs and represent the FFRC in its relations with others and before the judiciary.

Article (11)

The Powers of the Administrative Board

The Administrative Board shall undertake the following tasks:

1. Form the departments according to the issues necessary for achieving transitional justice: fact-finding, reconciliation, and addressing issues of refugees and displaced or missing persons; and forming committees as necessitated by the circumstances.
2. Adopt internal regulations for the work of the FFRC and its affiliated committees.
3. Establish an administrative unit to assume responsibility for administrative, financial, and technical matters; and seek the assistance of local and international expertise, particularly in the areas of training and resource management.
4. Review reports of the departments and draft a final report upon completion of its work; and take the necessary measures or decisions within the limits of the mandate of the FFRC as stipulated in this law.

Article (12)

Membership Conditions for the Administrative Board

All those who are selected to serve as a member of the Administrative Board of the FFRC, as the director of one of its affiliated departments, or as a member of one of its affiliated committees must meet the following conditions:

1. They must be of Libyan nationality.
2. They must not be affiliated with any political party.
3. They must not have been involved in the Revolutionary Committees Movement; served as a member of the Revolutionary Guard, the Internal or External Security Agencies, military intelligence, cleansing committees, or the so-called League of the Leader's Comrades; served as a judge with the People's Court or the State Security Court; or assumed the function of the prosecutor general or the military advocate-general.
4. They must not have been convicted of a crime related to a public or professional position, or of any crime of moral turpitude or breach of trust.
5. They must not have been dismissed from a position or profession based on a disciplinary decision.
6. They must not be less than thirty years of age.
7. The criteria for assuming the posts stipulated in Law No. (13) of 2013 on political and administrative isolation must not apply to them.
8. They must submit a financial disclosure.

Article (13)

The Budget of the FFRC

The FFRC shall have its own independent budget, which it shall present to the Cabinet. The budget shall be approved by the GNC in the name of the FFRC.

Article (14)

Remunerations

The president and members of the Administrative Board of the FFRC shall be awarded a monthly remuneration as determined by a GNC resolution.

The FFRC shall set a table for salaries and remunerations for the individuals who are appointed to the FFRC or who assist the FFRC in carrying out certain functions, as well as the conditions and procedure for appointments. This table shall be approved by the Cabinet.

Article (15) **Taking the Oath**

The president and the members of the Administrative Board of the FFRC, as well as the members of the departments and committees affiliated with the FFRC, shall take the following oath before assuming their duties:

“I swear by Almighty God that I shall perform my duties with honesty, faithfulness, and integrity, and that I shall respect legal rights and the Constitutional Declaration.”

Members of the FFRC shall take the oath before the President of the GNC. Members of the departments and committees shall take the oath before the president of the Administrative Board of the FFRC.

Article (16) **The Fact-Finding Powers of the FFRC**

- The FFRC shall have the power to order individuals, inspect locations, seize and seal documents and evidence, and visit locations relevant to the subjects under investigation. The individuals designated in a decision issued by the president of the FFRC’s Administrative Board shall have judicial police powers in this regard.
- The FFRC may seek the assistance of members of the police and other local administration officials.
- The FFRC and its affiliated committees may ask any person to reveal information, documents, or materials related to a matter being examined by the FFRC, and they may interrogate any witness and administer the prescribed legal oath to him.
- The FFRC may seek to receive information in another country. The Ministry of Foreign Affairs shall work to obtain the approval of the country in question.
- The FFRC may adopt amicable approaches and conduct goodwill efforts to resolve conflicts, including mediation and arbitration. The FFRC may seek the assistance of elders and wise individuals known for their effective role in resolving civil conflicts through traditional methods.

Article (17) **FFRC Reports**

Upon the completion of each file, the FFRC shall submit:

1. An overall report, including general recommendations.
2. A detailed report for each individual file, which should be attached to the comprehensive report and include the following:
 - a. A full statement of the facts, supported by evidence.
 - b. The results that were reached through study and investigation, including a precise determination of the extent of damages, responsibility, and the individuals concerned.
 - c. The attempts made by the FFRC to bring about reconciliation between the parties.

- d. Recommendations for ways to address the violations or resolve the conflicts, such as taking measures or procedures or referring individuals or incidents to the competent body.

Article (18)

Referral of Cases to the FFRC

The FFRC shall look into all cases that are referred to it by:

1. The GNC.
2. The government.
3. Civil society organisations concerned with human rights and victims of violations.
4. The parties to a dispute, or one of them. The case may be submitted by their representatives or lawyers under special powers of attorney.
5. The Minister of Justice.

The FFRC may take the initiative to look into any case as it deems appropriate.

Article (19)

Reinvestigation

If it becomes evident to the FFRC that investigations include shortcomings, deficiencies, or contradictions, it may send the report back to the committee assigned to the matter for further examination, investigation, and collection of evidence. The FFRC may also refer the report to another department or committee.

Article (20)

Referrals Issued by the FFRC

Decisions about eligibility for compensation shall be issued by the relevant departments or committees. The FFRC shall refer decisions regarding compensation, once they are approved, to committees that shall be formed to estimate the value of the compensation and to determine its type and the method by which it shall be disbursed.

The FFRC may also make referrals to civil or criminal courts or to arbitration, reconciliation, or amnesty committees.

Article (21)

Disclosure of Secrets

Individuals who work in the entities mentioned in this law shall be prohibited from disclosing secrets, information, or data as well as from leaking any documents obtained through the performance of their functions.

Article (22)

Witness Protection

The FFRC shall work to take the necessary measures and procedures to protect witnesses and to encourage them to present their statements before the competent committees.

Chapter (4) [sic]

Reparations

Article (23)

Eligibility for and Types of Reparations

Anyone who is subjected to grave and systematic human rights violations may obtain adequate reparation from the state. Reparations shall be provided in one or more of the following forms:

1. The payment of monetary compensation for material damages, according to the loss incurred by the affected person, except the loss of earnings. This shall be for cases in which the misdeed which caused the damage was committed for a political motive.
2. Memorialisation, as determined by the FFRC.
3. Treatment, rehabilitation, and provision of social services.
4. Any other form determined by the Cabinet, based on a proposal submitted by the FFRC.

Article (24)

Compensation Assessment Committee

Compensation shall be determined by a decision of a committee appointed by the FFRC's Administrative Board to assess compensation. The committee shall be composed of five members and headed by a judge. Its decisions shall be approved by the FFRC.

Article (25)

Compensation Fund

A fund shall be established by a GNC resolution under the name of the "Victims' Compensation Fund." It shall have legal personality and independent financial liability. It shall effect payment of due compensation in accordance with this law, following completion of the FFRC's work.

The resolution establishing the fund shall determine the resources of the fund and how it shall be financed. Regulations shall be issued by the Cabinet organising the fund, including the bases for estimating compensation and the methods, timing, and manner of payment, as well as its beneficiaries. The fund shall take the place of the claimant when claiming compensation from those obligated to pay it.

In an exception of the timing stipulated in the first paragraph of this article, the fund may begin disbursement of expedited compensations in cases that the FFRC decides to expedite. The regulations shall set the criteria for such expedition.

Article (26)

Ending Cases of Detention

The Ministers of Justice, Interior, and Defence, or those mandated by them, must each take the necessary measures, each within their mandate, to end the detention of accused persons associated with the former regime. Within a maximum of ninety days from the date on which this law is issued, such detainees must be referred to the relevant prosecution or released. Their detention shall not be considered illegal if there is sufficient evidence that they have committed acts considered to be crimes under the law.

Article (27)

No Statute of Limitations for Political Crimes

Criminal proceedings for crimes committed before Law No. (11) of 1997 came into effect and which were committed for political, security, or military motives shall not be subject to the statute of limitations.

Chapter (5)

Supporting Transitional Justice

Article (28)

Commission for Redressing Real Estate Grievances

An independent commission shall be established to provide redress for real estate grievances based on a law that shall be issued in this regard.

Article (29)

Revocation of Some Nationality Decisions

A legal committee shall be formed by a decision issued by the President of the GNC to review decisions granting Libyan nationality. To this end, the committee may take all necessary measures, particularly by proposing the following:

1. To revoke the Libyan nationality of all who were granted this nationality based on decisions issued as of 15/02/2011.
2. To revoke and nullify the Libyan nationality of all to whom nationality was granted for military purposes or political orientations under the former regime.
3. To revoke and nullify the Libyan nationality of all to whom nationality was granted in violation of the provisions of the legislation in force at the time of the issuance of the decision to grant nationality.

Revocation and nullification shall take place according to reasoned decisions of the executive authorities in accordance with the general rules pertaining to loss of nationality. The competent authorities shall implement the decisions issued by this committee. The committee may exercise all necessary powers to achieve this, including challenging the constitutionality of laws and decisions according to which Libyan nationality has been granted.

Article (30)

Encouraging the Return of Illicitly Gained Funds

If illicitly gained funds are returned voluntarily, criminal proceedings regarding these funds shall be dropped. If it is proven at any time that the offender has funds that he did not return, the public prosecution shall initiate criminal proceedings.

Chapter (6)

Final Provisions

Article (31)

Criminalisation of Refraining from Assisting the FFRC

Anyone who refrains from allowing the authorities charged with implementing this law to examine any evidence or documents in his possession, or who refuses to appear before the FFRC or its committees without an acceptable justification, shall be punished by

imprisonment for a period of not more than six months or a fine of not more than one thousand LYD.

Article (32)

Repeal of Law No. (17)

Law No. (17) of 2012 on establishing the rules of national reconciliation and transitional justice, and the amendments thereof, shall be repealed. All assets and staff of the Commission established under that law shall be referred to the FFRC established by this law.

Article (33)

Executive Regulations

The executive regulations for this law shall be issued by a GNC resolution based on a proposal from the FFRC. It shall explain the procedures necessary for the implementation of the provisions of this law.

Article (34)

The provisions of this law shall enter into force from its date of issuance, and any provision contrary to this law shall be repealed. This law shall be published in the Official Gazette.

General National Congress – Libya

Issued in Tripoli

28/01/1434 AH

Corresponding to 02/12/2013 AD